



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 5th September, 2023

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Ruth Bush (Chair)
Nafsika Butler-Thalassis
Jason Williams

Paul Fisher
Robert Rigby
Jim Glen



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: gwills@westminster.gov.uk
Corporate Website: 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 the proceedings.

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.

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.

(Pages 5 - 8)

All committee meetings open to the public are being broadcast live using Microsoft Teams. To access the recording after the meeting please revisit the Media link. Please note that the link is only available 90 days after the meeting.

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|--|--------------------------|
| 1. DEAN BRADLEY HOUSE, 52 HORSEFERRY ROAD, LONDON | (Pages 11 - 100) |
| 2. TROCADERO, 13 COVENTRY STREET, LONDON, W1D 7DH | (Pages 101 - 138) |

Stuart Love
Chief Executive
25 August 2023

Order of Business

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

Order of Business
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.



CITY OF WESTMINSTER

MINUTES

Planning (Major Applications) Sub-Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 4th July, 2023**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Ruth Bush (Chair), Nafsika Butler-Thalassis, Paul Fisher, Robert Rigby and Elizabeth Hitchcock

1 MEMBERSHIP

1.1 It was noted that Councillor Cara Sanquest was substituting for Councillor Jason Williams and Councillor Hitchcock was substituting for Councillor Jim Glen.

2 DECLARATIONS OF INTEREST

2.1 Councillor Bush explained that a week before the meeting, all six Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Bush declared that she had met with Councillor Barraclough with an Officer present regarding this application and had been kept up to date with the application.

2.3 Councillor Bush also declared that she was a member of the Westminster Tree Trust.

3 MINUTES

3.1 **RESOLVED:**

That the minutes of the meetings held on 2nd of May be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 GILLINGHAM HOUSE, 38-44 GILLINGHAM STREET, LONDON, SW1V 1HU

Part demolition, remodelling and extension of existing part eight and part four storey building plus basement (Use Class E, with former caretaker unit) to create an eight-storey building plus basement and roof level plant (Use Class E) and new facade, relocation of main entrance to side facade, new landscaped garden space, roof terraces, waste storage, cycle parking, associated plant and other necessary works.

An additional representation was received from Landid, the development manager.

Mr James Silver addressed the Committee in support of the application.

After detailed discussion of all the issues, including two breaches of policy, it was

RESOLVED UNANIMOUSLY:

1) That conditional permission be granted, subject to completion of a S106 legal agreement to secure the following obligations:

a) Undertaking of all highways works immediately surrounding the site including removal of crossover, reinstatement of kerb and alteration to parking bays, to the City Council's specification and at the full cost to the developer (highway works to be agreed prior to commencement of the development);

b) A financial contribution of £83,295 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development);

c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;

d) A financial contribution of £129,753 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development);

e) A financial contribution of £513,297 (index linked) towards the Affordable Housing Fund (payable prior to the commencement of the development);

f) Provision of and adherence to a management plan relating to the public gardens, ensuring public access during daylight hours and appropriate

security arrangements (to be agreed prior to occupation of the development);
and

g) The costs of monitoring the S106 agreement.

2) That if the S106 legal agreement had not been completed within 3 months from the date of the Committee's resolution then:

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

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

3) That additional informatives be added to the decision notice requesting the applicant consider the use of cargo bikes for servicing and to inform the applicant that the provision of a disabled parking bay and loading bay on the highway will be required.

The Meeting ended at 20:26

CHAIR: _____

DATE _____

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Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 5th September 2023
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 22/05282/FULL St James's	Dean Bradley House 52 Horseferry Road London	Demolition of Dean Bradley House and redevelopment to provide double basement, ground, nine upper floors and plant at 9th and roof level with terraces at all levels and erection of a separate 3-storey gatehouse building facing Romney Street for dual/alternative use either to provide 134 care home units and associated facilities such as library, restaurant, communal lounges and quiet rooms, therapy rooms, art studio and hydrotherapy pool (use Class C2) or providing two (non-food) retail units at ground floor level (Class E(a)), clinical use at basement, part ground and first to fifth floor levels (Class E(e)) and 40 post operative care units at sixth to ninth floor levels (Class C2) with hydrotherapy pool and reception area. Creation of car and cycle parking at sub-basement level, landscaped communal area and vehicular access in Romney Street.	Savills
<p>Recommendation</p> <ol style="list-style-type: none"> 1. Subject to views of the Mayor of London, grant conditional permission subject to completion of a S106 legal agreement to secure the following: <ol style="list-style-type: none"> i. Payment of a carbon offset contribution of £310,210 (index linked) for option 1 or £282,433 (index linked) for option 2 on the commencement of development (payable prior to the commencement of the development). ii. Monitoring and reporting on the actual operational energy strategy performance of the building, including as-built and in-use stage data. iii. Payment of a financial contribution of £44,192.72 (index linked) towards the Westminster Employment Service prior to the commencement of development (payable prior to the commencement of the development). iv. Costs of any highway works associated with the development. v. Maintenance and management plan for the car lift. vi. Payment of a financial contribution of £150,000 towards the Lambeth Bridge North Health Streets improvement scheme. vii. A Travel Plan and its monitoring. viii. Securing access to the hydro pool for NHS patients in both options. ix. Notification of switching between uses for the payment of the CIL and contributions specific to each uses. x. The costs of monitoring the S106 agreement. 2. If the S106 legal agreement has not been completed within 3 months from the date of Sub-Committee's resolution, then: <ol style="list-style-type: none"> a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 5th September 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
2.	RN(s): 21/05795/FULL & 21/05796/LBC St James's	Trocadero 13 Coventry Street London W1D 7DH	Erection of roof extensions at 5th, 7th and 9th floors on the Shaftesbury Avenue frontage to accommodate up to 84 hotel rooms in conjunction with the existing hotel (partially retrospective application). Creation of new roof terraces at 7th floor facing Shaftesbury Avenue. Installation of screening to existing plant at 11th and 12th floor levels.	London Trocadero (2015) LLP
<p>Recommendation</p> <p style="padding-left: 40px;">Grant conditional permission subject to a legal agreement to secure the following:</p> <p>a) A financial contribution of £59,997 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);</p> <p>b) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;</p> <p>c) A financial contribution of £25,628 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development);</p> <p>d) The costs of monitoring the S106 agreement.</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 Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within 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 Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. Grant conditional listed building consent.</p> <p>4. Agree the reasons for granting conditional listed building consent as set out in informative on the draft listed building consent decision letter.</p>				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 05.09.2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	Dean Bradley House, 52 Horseferry Road, London,		
Proposal	Demolition of Dean Bradley House and redevelopment to provide double basement, ground, nine upper floors and plant at 9th and roof level with terraces at all levels and erection of a separate 3-storey gatehouse building facing Romney Street for dual/alternative use either to provide 134 care home units and associated facilities such as library, restaurant, communal lounges and quiet rooms, therapy rooms, art studio and hydrotherapy pool (use Class C2) [option 1] or providing two (non-food) retail units at ground floor level (Class E(a)), clinical use at basement, part ground and first to fifth floor levels (Class E(e)) and 40 post operative care units at sixth to ninth floor levels (Class C2) with hydrotherapy pool and reception area [option 2]. Creation of car and cycle parking at sub-basement level, landscaped communal area and vehicular access in Romney Street.		
Agent	Mrs Charlotte Jordan		
On behalf of	C/O Agent		
Registered Number	22/05282/FULL	Date amended/ completed	1 August 2022
Date Application Received	1 August 2022		
Historic Building Grade	Unlisted		
Conservation Area	Smith Square		
Neighbourhood Plan	None		

1. RECOMMENDATION

<p>1. Subject to the views of the London Mayor, grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) Payment of a carbon offset contribution of £310,210 (index linked) for option 1 and £282,433 (index linked) for option 2 (payable prior to the commencement of development). ii) Monitoring and reporting on the actual operational energy strategy performance of the building, including as built and in-use stage data.
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- iii) Payment of a financial contribution of £44,192.72 (index linked) towards the Westminster Employment Service (payable prior to the commencement of development)
- iv) Cost of any highway works associated with the development.
- v) Maintenance and management plan for the car lift prior to occupation and followed/maintained for the life of development.
- vi) Payment of a financial contribution of £150,000 towards the Lambeth Bridge North Health Streets improvement scheme.
- vii) A Travel Plan and costs of monitoring
- viii) Securing access to the hydrotherapy pool facilities for NHS patients on both options for a minimum number of hours to be agreed.
- ix) Notification of switching between uses for the payment of the CIL and contributions specific to each use.
- x) The costs of monitoring the S106 agreement monitoring costs.

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

- a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not
- b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

Dean Bradley House is an 8-storey building located at the junction between Horseferry Road and Dean Bradley Street. The building is located within the Smith Square Conservation Area and the Core Central Activities Zone. It is currently in use as offices and commercial premises at ground floor.

In 2017, planning permission was granted for the demolition of the site and its redevelopment to provide a 10 storey building with double basement to accommodate retail, office and residential floorspace and a an infill 3 storey building facing Romney Street to provide 3 affordable housing units. In April 2023 a certificate of lawfulness was issued to confirm the implementation of the 2017 permission.

The application proposes demolition of 46-60 Horseferry Road and its replacement with a new 10 storey building (with two levels of basement) including balconies, terraces and mechanical plant, and a three storey infill building facing Romney Street, in connection with the use of the buildings as either 134 care home units and associated facilities such as library, restaurant, communal lounges and quiet rooms, therapy rooms, art studio and hydrotherapy pool (use Class C2) or providing part 40 post operative care units with hydrotherapy pool (Class C2) and part clinical use (Class E (e)),

with reception area and two (non-food) retail units at ground floor (Class E(a)).

The key considerations in this case are:

- The acceptability of the demolition of the existing building.
- The acceptability of the energy performance of the proposed building.
- Whether the development has delivered sufficient biodiversity net gain.
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the Smith Square Conservation Area.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the quantum of car parking proposed and the servicing arrangements.

In land use terms, the loss of office and retail floorspace to provide a care home use (option 1) is not resisted given the benefits of the use will bring to the local area and local employment and there are no objections to the principle of redevelopment to provide a mix of retail, medical and post-operative care uses (option 2) which will be in line with London Plan and City Plan policies

In terms of whole life carbon and sustainability. The London Plan Policy SI7 Circular Economy Guidance requires applicants to confirm if it is technically feasible for the existing building to be retained as a part or as a whole. The applicant has explored options in retaining the existing structure to demonstrate it is not possible to retain/refurbish/extend the existing building and provide either the care home use or the clinic and post-operative care uses and their associated public benefits. A detailed pre-demolition audit was submitted and a circular economy strategy was outlined for the existing materials on site, with clearly defined waste streams for re-use and recycle.

The applicant has demonstrated how sustainable and circular design principles and measures have been incorporated into designs to minimise the environmental implications of the proposal as far as reasonably practicable. The proposed new buildings will have BREEAM Excellent rating and use of Air Source Heat Pumps, PV panels, natural ventilation, blue/green roofs, increases in biodiversity, SUD's and cycle parking.

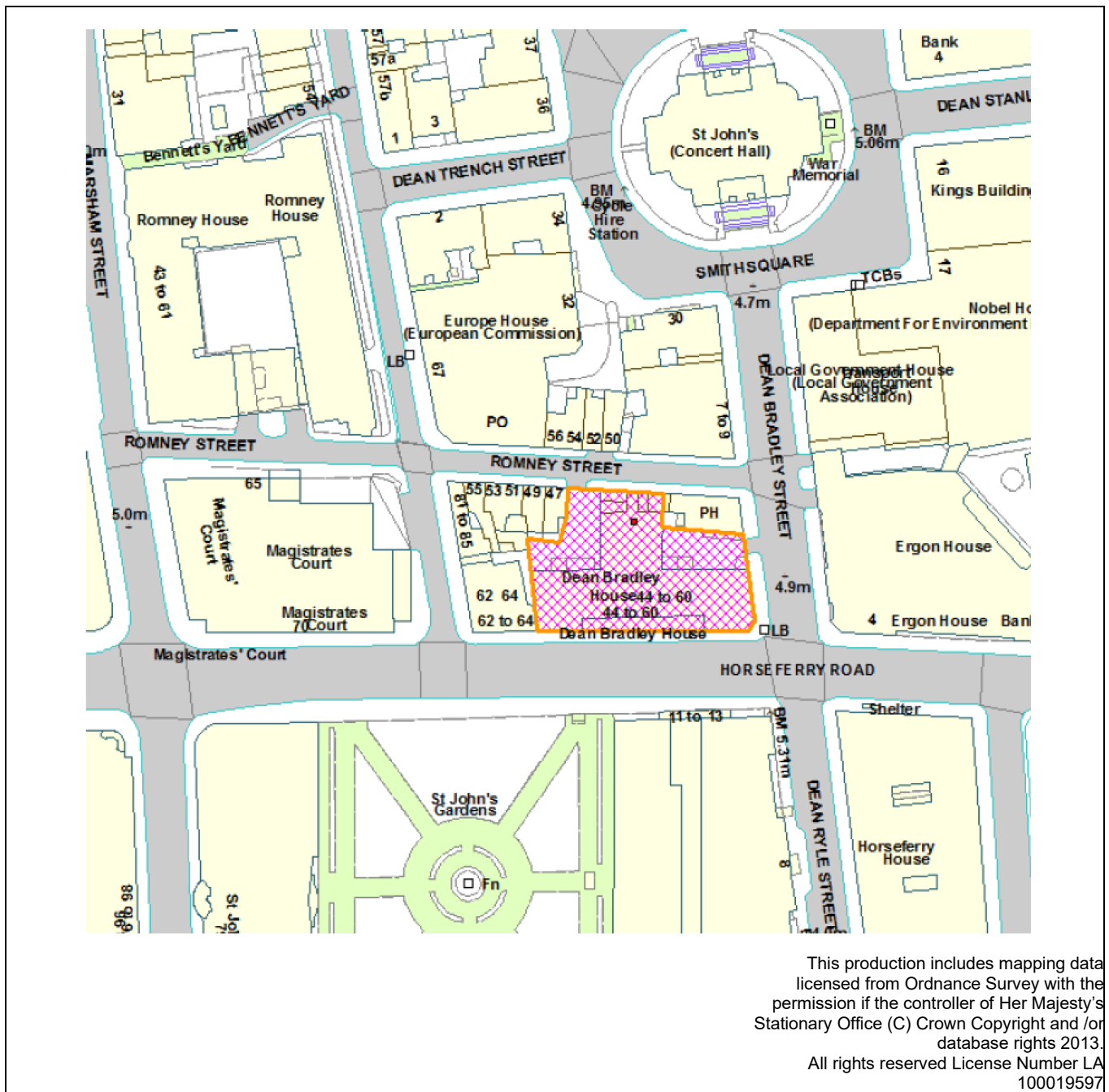
In design terms, the proposed buildings are considered acceptable in terms of its height, massing and detailed design.

It is accepted that the losses of daylight and sunlight to properties in Romney Street, 81-85 Tufton Street, Ergon House and Westminster Green are in excess of the BRE guidelines. In the light of the existing arrangement of the windows, the most affected being under overhanging balconies, it is considered that these daylight and sunlight losses are acceptable in this dense build context.

The height, bulk and location of the proposed development will not result in significant sense of enclosure or loss of privacy for the neighbouring residential properties.

The proposed building is considered acceptable in terms of land use, design, highways and amenity policies and the application is accordingly recommended for approval subject to appropriate conditions, to Stage 2 referral back to the Mayor of London and the completion of a Section 106 agreement.

3. LOCATION PLAN



4. PHOTOGRAPHS



Horseferry Road elevation



Dean Bradley Street elevation



5. CONSULTATIONS

5.1 Application Consultations

GREATER LONDON AUTHORITY:

Land use: the loss of office floorspace is not expected to diminish the role of the CAZ in this instance, however the City should ensure that it is satisfied that there is demonstrated demand for aged care facilities within this part of London.

Urban design and heritage: The proposal is similar to the extant consent and does not raise further strategic concern. The less than substantial harm raised by the demolition of a non-designated heritage asset will need to be outweighed by the public benefits of the current proposals.

Transport: the trip generation assessment should be revised to meet Policy T1 of the London Plan. A £250,000 contribution should be secured towards the Lambeth Bridge North Healthy Streets improvement scheme. A Delivery and Servicing Plan, Travel Plan and Construction Logistics Plan should be secured.

Environment and sustainability: the applicant is required to further refine the energy strategy and submit further information in order to fully comply with London Plan requirements. An Excel version to the GLA WLC template must also be submitted to allow a full review to be completed against the guidance.

HISTORIC ENGLAND

Not offering advice

HISTORIC ENGLAND ARCHAEOLOGY:

Recommends archaeological condition.

TRANSPORT FOR LONDON:

In order to ensure the development fully complies with the London Plan and Mayor's Transport Strategy further information should be provided on the cycle parking layout and bus stop proposals on Horseferry Road and the trip generation assessment should be revised to meet London Plan Policy T1. Recommends the securing of a Delivery and Servicing Plan, Travel Plan and Construction Logistics Plan by conditions and a £250,000 contribution towards the Lambeth Bridge North Healthy Streets improvement scheme by legal agreement.

LONDON BOROUGH OF LAMBETH:

No objection.

THAMES WATER:

No response to date.

ENVIRONMENT AGENCY

19.08.22 – Objection as the application does not adequately demonstrate that there will be no sleeping accommodation below the 2100 breach level.

02.11.22 – Objection maintained following reception of revised information as areas in which patients stay overnight or for a prolonged period of time as sleeping accommodation.

21.11.22 – Objection removed following reception of revised information.

THORNEY ISLAND SOCIETY:

The proposed building is not very different in outward appearance to the consented residential scheme. The use would bring much more activity into the area, whichever option is chosen in a suitable location.

Lack of clarity about demand and if failure the neighbourhood may be subjected to more building work or conversion into a hotel.

WESTMINSTER SOCIETY:

No objection.

FIRE HEALTH AND SAFETY EXECUTIVE

Does not appear to fall under the remit of planning gateway one.

LONDON FIRE SERVICES:

No response to date.

DESIGNING OUT OF CRIME

No response to date.

NATIONAL HEALTH SERVICE:

Clinic, post-operative care and retail uses option - there is doubt as to whether this will reduce the pressure on the NHS as the market for private health care tends to be distinctive from the demand from NHS.

Care home option – Based on the Healthy Urban Development Unit Planning Contributions Model calculate the capital cost of mitigation to allow for increasing healthcare capacity is £408,308. Therefore, a contribution of £204,000 to be secured through the S106 agreement is requested.

POLICY:

While the proposed use is considered likely to provide public benefits through the introduction of care home/clinical uses and local employment, there are a number of key issues that need to be considered: lack of compliance with Policy 13 of the City Plan and Policy E1 of the London Plan due to lack evidence to demonstrate the office use has reached the end of its economic life; lack of clarity if the proposed new care home (C2 use) will effectively target the population in need; and if demolition is justified as the preferred option, in light of the evidence provided by the applicant.

ECONOMY TEAM:

Based on the total net uplift floorspace and on the Inclusive Local Economy Policy (2021), this scheme needs to provide a Financial Contribution of £44,192.72.

ENVIRONMENTAL HEALTH

No objection subject to recommended conditions.

BUILDING CONTROL:

The Construction Method Statement (CMS) is considered to be acceptable. An investigation of existing structure and geology has been undertaken and found to be of sufficient detail. The existence of ground water, including underground rivers, has been

researched. Basement Impact assessment concluded that the proposed basement is not considered likely to have any significant impact on ground water level.

A comprehensive assessment of predicted lateral and vertical movement of soil during construction and final stages was carried out to safeguard adjacent properties during construction are considered to be acceptable.

A previous planning permission Ref: 15/07690/FULL has been approved and implemented on the project and the proposals for the substructure work in the revised application are similar to the implemented permission.

WASTE PROJECT OFFICER

18.08.22 - Objection further details required.

31.03.23 – Following reception of revised details – no objection subject to recommended condition to secure provision.

HIGHWAYS PLANNING:

Refuse - because the lack of full off-street servicing for all the proposed uses within the development will have a significantly detrimental impact on highway users (including pedestrians) and it has not been demonstrated that there is an operational need for the level of car parking proposed.

ARBORICULTURAL OFFICER:

13.09.22 – an Arboricultural Impact Assessment and Tree Protection details are required.

12.12.22 – No objection subject to recommended conditions to secure protection tree protection during works and details of landscape and green roofs.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 811

Total No. of replies: 5

No. of objections: 0

No. in support: 4

No. neutral: 1

5 letters have been received raising the following points:

*the existing building is of limited architectural interest, demolition and removal of ground floor colonnade is supported

*the scheme appears well design and in keeping with the local architecture and as such would have a positive impact on the surrounding area, proposed front in Romney Street is an improvement to the current façade

*local oversupply of offices

*need for social care, clinical use, care beds, postoperative care beds

* proposed uses would benefit the local community and assist the NHS

*forecast employment and career progression for 200+ local people, boost to local economy

*on the basis that WCC are able to agree with the contractors that the demolition and construction programme follows the statement that loading and unloading will be prioritised on Dean Bradley Street, Romney Street will be approached from Marsham Street, limit to size of vehicle using Romney Street and control vehicle access, concerns are addressed.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance
Digital consultation website	Live since 06 June 2022	448 people viewed the website
Meeting with ward Councillors	25 April 2022	
Briefings with amenity societies and Victoria BID	April and May 2022	
1,133 consultation letters distributed	June 2022	
In-person exhibition	13 June 2022	
Consultation webinar	20 June 2022	

In summary, across the range of engagement undertaken by the applicant the principal issues raised were the need for care in the area and affordable offer for local residents, the demolition of the existing building, the sustainability credentials of the proposals, job opportunities, servicing, impact on daylight and sunlight and the dual application.

The applicant's Statement of Community Involvement states that broad support for the proposals both from those who attended the public exhibition and users of the website but pointed out mixed responses to the proposed design around materiality and use of arches at ground floor level. The statement states that the consultation was useful in thinking about the evolution of the proposals in establishing relationship with the local community, however no amendment to the proposals as a result of the scheme has been presented.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific

parts of the city (see further details in Section 6.2).

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

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

Dean Bradley House, 44-60 Horseferry Road is a corner property at the junction between Horseferry Road and Dean Bradley Street. The rear of the application site faces Romney Street. The property is located within the Smith Square Conservation Area and the Central Activities Zone. Built in the 1930's, the building is designated as an 'unlisted building of merit' within the Smith Square Conservation Area Audit. It comprises 8 storeys in a T-shape plan and one level of basement. The building is currently in office use with commercial units at ground floor level.

The main entrance to the site is from Horseferry Road; there are two secondary access points with servicing access (one in Dean Bradley Street and the other in Romney Street).

The building adjoins a Grade II Listed building on Horseferry Road. To the rear of the site is a three storey public house and four storey townhouses facing Romney Street. The surrounding area is characterised by a mixture of offices and residential uses above with few commercial uses at ground floor level.

As shown in the following section of this report, in 2017 planning permission was granted for the demolition of the building and redevelopment to provide a 10 storey building with double basement to accommodate retail, office and residential floorspace and a an infill 3 storey building facing Romney Street to provide 3 affordable housing units. In April 2023 a certificate of lawfulness was issued to confirm the implementation of the 2017 permission.

7.2 Recent Relevant History

In 1985 an established use certificate for office was issued.

In 2005, 2006, 2007, and 2010 applications were granted for the installation of air conditioning units at roof level.

Permission was granted for the renewal of all windows in 2005.

In 2007 planning permission was granted at No 46 Horseferry Road for the change of use of the ground floor from office (Class B1) to estate agent (Class A2) with the installation of new shopfront and relocation of main entrance.

Certificate of lawfulness was issued for the use as a café/restaurant (class A3) at No 48 Horseferry Road in 2011.

In February 2017 planning permission was granted for the demolition of Dean Bradley House and redevelopment to provide a building of double basement, ground, and nine upper floors accommodating 263 sqm of retail floorspace (Class A1/A3) at ground floor level, 975 sqm of office floorspace (Use Class B1) at first floor level and 45 residential units (Class C3) at second to ninth floor levels (14 x 1 bed units; 18 x 2 bed units; 12 x 3 bed units; and 1 x 4 bed unit) with balconies, with car and cycle parking at basement level. Creation of a separate gatehouse building comprising 3 residential units (Class C3) at first and second floors (2 x 1 bed units and 1 x 2 bed duplex unit) accessed from Romney Street. Installation of plant at ninth floor level. Landscaped communal areas and servicing area.

Certificate of lawfulness was issued for the installation of a pile in the basement in June 2020 and in April 2023, a certificate of lawfulness to confirm the implementation of the 02 February 2017 permission was issued.

8. THE PROPOSAL

Planning permission is sought for the demolition of the existing building and erection of a ten storey building with double basement and the erection of a separate 3-storey infill building facing Romney Street to provide a flexible permission that will enable the floorspace to be used as either care home (use class C2) or part post-operative care (use class C2), part clinical use (use class E (e)) and retail (use class E (a)).

This application is therefore made under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the building can change between the care home and the mix of post-operative care, clinical and retail uses for 10 years without further planning permission. The actual use 10 years after the date of the permission will become the authorised use.

The first use identified as option 1 in this report, comprises 134 care home units and associated facilities such as library, restaurant, communal lounges and quiet rooms, therapy rooms, art studio and hydrotherapy pool (use Class C2).

The alternative use, option 2, involves providing part 40 post operative care units (Class C2) and part clinical use (Class E (e)), hydrotherapy pool, with reception area and two (non-food) retail units (Class E(a)) at ground floor

The works also include:

- excavation works to increase the existing basement level and to create a second level of basement for car and cycle parking, refuse storage, plant, storage rooms;
- installation of one car lift facing Dean Bradley Street;
- creation of vehicular access in Romney Street;
- creation of landscaped external spaces;
- creation of balconies to the rear elevation, on balcony to front elevation at second floor level and terraces at eighth and ninth floor levels to main building;
- provision of plant at ninth floor level;
- installation of a green roof and green walls.

Table 1: Existing and proposed land uses for option 1 – care home use

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail /restaurant (Class E)	1,040.34	0	-1,040.34
Office (Class E g)	6,006.46	0	-6,006.46
Care Home (Class C2)	0	8,973	+8,973
Plant/storage/cycles	0	1,099	+1,099
Parking	0	297	+297
Total	7,046.8	10,369	+3,322.2

With regards to option 1, the distribution within the main building will be as follows:

- Basement level 2 – plant, tank rooms, cycle parking, 7 car parking spaces, refuse store, laundry and storage rooms.
- Basement level 1 – staff facilities, pools, sauna and steam rooms, physiotherapy and therapy rooms, hair and beauty, cinema, playroom/creche, studios, wine cellar and private dining room, kitchen with storage.
- Ground floor – reception, offices, art studio, café lounge, restaurant and temporary holding area.
- First to fifth floor levels – communal spaces, nurse stations, office/medical stores and 85 care studios.
- Sixth and seventh floor levels – offices, nurse stations, 38 care studios and 2 one-bedroom care suites.
- Eighth floor – 3 one-bedroom care suites and a lounge
- Ninth floor – 2 one-bedroom care suites.

The building facing Romney Street will provide a refuse store for the adjoining Public House, lift and staircase access at ground floor level and 3 care studios and 1 one-bedroom care suite at first and second floor level.

Table 2: Existing and proposed land uses for option 2 –post operative care units, clinical and retail uses

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail /restaurant (Class E)	1,040.34	328	-712.34
Office (Class E g)	6,006.46	0	-6,006.46
Post operative care (Class C2)	0	2,531	+2,531
Clinical use (Class E (e))	0	6,152	+6,152
Plant/storage/cycles	0	1,051	+1,051
Parking	0	296	+296
Total	7,046.8	10,358	+3,311.2

In option 2 it is proposed to use the floorspace as follows:

- Basement level 2: plant, tank rooms, cycle parking, 5 car parking spaces, refuse store and storage rooms.
- Basement level 1: staff facilities, diagnostic rooms, operation theatre with associated facilities.
- Ground floor level: reception, offices, 2 retail units and temporary holding area.
- First to fifth floor levels: consultation rooms, waiting areas, office and storage in connection with clinic use only.
- Sixth and seventh floor levels – offices, nurse stations, 38 care studios and 2 one-bedroom care suites in connection with post-operative care use.
- Eighth floor level: staff facilities, lounge with kitchen and pool supporting equipment.
- Ninth floor level: pool, reception and physiotherapy room.

The building facing Romney Street will provide office and staff facilities space at first and second floor levels.

Referral to the Mayor of London

Pursuant to the Town and Country Planning (Mayor of London) Order 2008 (as amended) (“the Order”) this application is referable to the Mayor of London as it is a development which comprises or includes the erection of a building in Central London (other than the City of London) which is more than 30m high. Accordingly, this application must be referred to the Mayor of London, following the committee’s resolution, for a final decision. The Mayor’s Stage 1 comments are set out in further detail in this report and included in the background papers.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The balance of competing interests within the CAZ is underlined by City Plan Policy 1(A)(4) that states that Westminster will continue to grow, thrive and inspire at the heart

of London as a World City by, 'Balancing the competing functions of the Central Activities Zone (CAZ) as a retail and leisure destination, visitor attraction, global office centre, and home to residential neighbourhoods'.

Given the dual nature of the application each option will be assessed in turn as the policy context differs between the two proposed use options.

Option 1 – care home use

Loss of office floorspace

City Plan Policy 13 and London Plan Policy E1 seek to protect the Central London office function by resisting loss of office floorspace in the CAZ to residential and hotel uses as these are the main uses office floorspace has been lost to in recent years.

The proposal for option 1 is for the redevelopment of the site to provide specialist housing use, therefore the loss of office floorspace needs to be assessed against Policy 13D(1). The policy sets out a specific instance where it may be acceptable to allow change of use to residential development, for those parts of the CAZ that are predominantly residential in character and where the proposal would reinstate an original residential use.

Whilst the amount of residential is substantial within the area, the application site is not located within a predominantly residential area and Dean Bradley House was built as an office block and would not reinstate an original residential use. Therefore, the proposal does not meet the exception test set out in policy 13D(1).

London Plan Policy SD5(G) sets out that residential or mixed-use development proposals should not lead to a net loss of office floorspace in any part of the CAZ unless there is no reasonable and demonstrable prospect of the site being used for offices. London Policy E1(I) is also relevant and supports change of use of surplus office space, without setting out specific restrictions in relation to the proposed use. Nevertheless, the supporting text to this policy sets out the requirement for evidence to show that there is no reasonable prospect for continued business purposes. This 'should include strategic and local assessments of demand and supply, and evidence of vacancy and marketing (at market rates suitable for the type, use and size for at least 12 months) This is also subject to the provisions at E1(G) and (H) relating to the requirement to take into account the need for a range of suitable workspace including lower cost and affordable workspace, and the need to explore the scope for the re-use of otherwise surplus large office spaces for smaller office units.

The applicant submitted an office market review document in support of their proposal setting out that there has been a decreased demand for office floorspace since the start of the Covid 19 pandemic and likely lower demand for second-hand office space in the coming years. In addition the building is described as a 'poorer quality building' due to its design constraints and its energy performance. The document stated a 31% vacancy rate in the application property in July 2022.

Whilst the office market review document mentions that rent levels in the building are lower in comparison to average rent, there is no evidence that appropriate marketing for a minimum of 12 months was provided. Whilst the level of occupancy is indicative of decreased demand, more evidence was requested by officers to clearly demonstrate that the building has reached the end of its viable use for office purposes rather than relying on generic points about the office market. The Energy Performance Certificate (EPC) rating for the property is C which is not unusual for such building and the information provided by the applicant shows that a refurbishment of the external envelope and an all-electric energy strategy have not been assessed.

Additional information was submitted stating that the vacancy rate within the building increased to 42% in January 2023 and an estate agent confirmed that they have advertised the property on their website for 36 months and there has been no interest in the site. However little weight can be given to this as no information on the terms and conditions or how the building was marketed have been provided.

Whilst not fully in compliance with Policy 13(D) of the City Plan, on balance given that the extant permission permitted a reduction of 84.4% in office floorspace and given the overall benefits of the care home use (set out below), the proposed loss of office floorspace is acceptable.

Loss of retail floorspace

City Plan Policy 14 part G supports town centre uses throughout the parts of the CAZ with a commercial or mixed-used character, the loss of town centre uses from the ground floor will be resisted in those parts of the CAZ.

The property is located within the CAZ but does not form part of Westminster's town centre hierarchy, it is however located within a mixed-use area.

The extant permission allowed the loss of 75.8% of existing retail floorspace, the number of units were reduced to 3 on site.

The proposed care home will predominantly provide bedrooms, however at ground floor level communal uses are proposed with café and restaurant spaces for the care home users facing Horseferry Road and Dean Bradley Street. Whilst the retention of retail units at ground floor level would have been preferable, in the proposed scheme the ground floor treatment does not appear to be residential and the frontage will still appear active. The protection of the shopfront will be secured by condition.

On this basis the total loss of retail floorspace from the application site is not resisted.

Introduction of care home use

City Plan Policy 10 provides general support for specialist housing to meet an identified need (clause D), including high-quality accommodation for older people across a range of tenures and use classes to meet identified need (clause E).

London Plan Policy H13 supporting text states that by 2029 over 65 will increase by 37% and to meet the increased needs of older Londoners specialist accommodation for older persons need to be provided. An average of 867 care home beds a year is estimated to meet the predicted increase in demand for care home beds to 2029.

The scheme proposes 134 care home units (126 studios and 8 one-bedroom units) with ancillary facilities at first basement level, ground floor level and eighth floor level in the form of pools, sauna, steam room, cinema room, hair salon, art studio, playroom/creche, wine cellar with private dining area, lounge, café and restaurant, therapy and rehabilitation areas. Communal balconies are proposed at all levels with nurse stations and office/medical rooms. The applicant advises that the facility would be operated by Medici Lifecare.

Article 2 of the Use Class Order defines care as *“personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder and in class C2 also includes the personal care of children and medical care and treatment”*.

The definition of ‘Care Home Accommodation’ is set out in paragraph 4.13.4 of the London Plan (March 2021):

- *personal care and accommodation are provided together as a package with no clear separation between the two*
- *the person using the service cannot choose to receive personal care from another provider*
- *people using the service do not hold occupancy agreements such as tenancy agreements, licensing agreements, licences to occupy premises, or leasehold agreements or a freehold*
- *likely CQC-regulated activity will be ‘accommodation for persons who require nursing or personal care’.*

The care units are not self-contained and the applicant confirmed that people occupying the premises will not hold an occupancy agreement, the activity would be Care Quality Commission regulated, the access to nursing and other care could not be externally sourced and accommodation will only be provided with a personal care package.

There would be 4 care packages and residents would need to sign up to a minimum of 2h of assisted living per day (50% of care and 50% of housekeeping). It is understood that the different care packages are adaptable to resident’s changing needs allowing them to age and remain in occupation until the end of their life. The applicant summarises the minimum care package as:

- administering medication
- wound care
- monitoring of blood pressure
- help with feeding
- assistance for toileting/washing
- housekeeping
- hostessing: drinks trolley

The 3 other packages comprise additional nursing care (4h/day), enhanced nursing care (6h/day) and chronic complex care (more than 6h/day).

Out of the minimum 14 hours of assistance per week, at least 7 hours will be for personal care which includes physical assistance in connection with eating and drinking, washing/bathing, dressing, oral care and the care of skin. It is therefore considered that sufficient level of care is provided to conclude that the proposal meets the definition of care home accommodation as sets out in the London Plan.

The proposed nursing care home is considered to fall within the use Class C2 (Residential Institution) and is an appropriate land use at this location.

The proposal addresses a recognised need in London and Westminster for care accommodation and specialist dementia care accommodation.

The 2017 London Strategic Housing Market Assessment estimates that the number of people over the age of 65 is projected to increase by 72% between 2016 and 2041 and the people over the age of 75 by 94%. The assessment indicates a London-wide need for 870 new bed per year as the number.

The Westminster Housing Needs Analysis (June 2019) estimates that the numbers of people over 60 will increase by 42% and people over 75 by 52% by 2030. The document refers to the Dementia joint strategic needs assessment for Hammersmith and Fulham, Kensington and Chelsea, Westminster (2015) mentions that the numbers of people locally who have dementia will increase over the next few decades (around 55% in the next 15 years), primarily due to a greater number of older people (aged 80+).

The report details that based on the Care Quality Commission (CQC) assessment scales provision to population and using this approach for Westminster, it indicates an under supply of residential care beds and nursing care beds in Westminster.

The document states that “new schemes need to be able to support older and vulnerable people with a continuum of need, from those whose primary need is for housing and support, to those who have dementia and end of life care needs”.

The Applicant provided an analysis of supply of beds within a 3-mile radius of the site showing an under supply.

In addition to meeting the need of an ageing population, the applicant estimates that the proposal will provide 203 job opportunities, of these jobs it is estimated that 130 net additional on and off site jobs for London residents will be delivered. Other benefits are the possibility for the units to be used as step-down beds for post-operation recovery and the hydrotherapy pool will be accessible one day a week to NHS patients. A minimum number of hours to access the hydrotherapy facilities will be secured by legal agreement.

The NHS London Healthy Urban Development Unit requested a contribution to be secured by the S106 agreement to mitigate the pressure on the NHS due to the increased population. The Applicant do not consider the contribution meet the test for planning obligations. They are however no policies in the City Plan requiring such contribution, the CIL is the mechanism for the funding of health infrastructure.

For the reasons set out above, whilst proposal is not fully compliant with Policy 13, on balance the office floorspace loss allowed by the extant permission and the benefits of the proposed use are considered to outweigh the total loss of office floorspace in this instance.

Option 2 – retail, medical and post-operative care uses

Loss of office and retail floorspace

The building has currently 8 separate units at ground floor level occupied by restaurant, retail, café and estate agent activities. All the upper floors are in office use. Those uses all fall within the E use class. Changes to the Uses Classes Order which came into effect in September 2020 combined a number of town centre uses into a single use class, Class E Commercial Business Service.

Within the proposed scheme, 71% of the floorspace (excluding plant/storage/cycle and car parking floorspace) will be used for retail and clinic uses which also fall within the E use class. There are no conditions, attached to the site, preventing the change of uses within the E use class. There will be actually an increase of 474 sqm of E use class floorspace.

The retention of some retail units is welcome, and the medical use is considered to contribute to local employment and commercial activity. The applicant estimates that the proposal will deliver 250 job opportunities, of these jobs, it is estimated that the development will deliver 175 net additional on and off-site jobs for London residents. The re

The loss of office floorspace and reduction of retail floorspace use are in this instance acceptable. In the absence of information on operational details of other Class E uses it is recommended that the use of the ground floor units are restricted to retail only in order to ensure that the scheme complies with policies within the City Plan 2019-2040.

New medical and post-operative care uses

City Plan Policy 17(A) states, 'New community infrastructure and facilities will be supported where there is an identified present or future need... New facilities will be of a nature and scale to meet identified need and be sufficiently flexible to meet the requirements of providers as they may change over time'. The supporting text in paragraphs 17.1 and 17.2 states that such facilities can be either publicly or privately owned and/or operated and that they are integral to supporting people's everyday lives, being used by residents, workers and visitors, and are a vital resource to support successful places and communities.

The proposed scheme would provide 6,152 sqm of private clinic floorspace including 10 diagnostic rooms, pharmacy and operation theatre with associated facilities at basement level, 3 examination rooms at ground floor level and 115 consultation rooms from first to fifth floor levels and 40 post-operative care beds at sixth and seventh floor levels with supporting facilities at 8th and 9th floor levels including a hydro-pool. The post-operative care beds will provide limited stay accommodation (6 to 8 weeks) for patients that are

medically fit for discharge after surgery but need a reablement period prior to returning home.

The private operator would be Medici Lifecare. For the clinic use, the maximum number of staff working at any given time is 215, it is estimated 960 day patients (for an average 30 min appointment 8 hours a day) will use the clinic facility. For the post-operative care use, the maximum number of staff forecast on any day will be 35, there will be a total of 40 beds, which on average will be occupied 88% of the time which equates a total of 35 patients, it is assumed that each patient has 1.5 visitors a day, therefore 52 visitors per day are expected.

The applicant has submitted an operational statement and a planning statement, which seek to minimise disruption to surrounding residents, setting out the following:

- Opening hours will be 06:30 – 21:00 from Monday to Sunday. Visiting hours are not restricted for the post-operative care uses but will be only be allowed from 11:00 for the clinic use.
- Visitors and staff will enter and exit the Clinic from the Horseferry Road.
- The Clinic will be monitored by a 24 hour security team.
- Smoking will be limited to the smoking area which is a screened outdoor area between the existing pub and the new building.
- A Travel Plan will be implemented, encouraging staff to travel to and from work by public and sustainable means of transport.
- The in and out vehicle access will primarily for the use of private ambulances. No blue light emergency services will be provided.

At ninth floor level hydrotherapy and physiotherapy facilities will be provided. The Applicant states that there is chronic shortage of hydrotherapy facilities in Central London, the only existing facility being located at University College Hospital in Euston. It is proposed that the hydrotherapy facility will be open to NHS patients once a week. A minimum number of hours of access to the hydrotherapy pool will be secured by a legal agreement.

The Applicant provided an analysis of needs to justify the clinic and post-operative care uses. They state that between 2011 and 2021 the number of hospital beds fell by 8,7% in the UK, there are currently 6,1 million patients waiting for a referral. The medial wait times have risen nationally. The Applicant details that the NHS data shows that the organisations serving Westminster had almost 21,2% of the London total waiting list. In London, those waiting for more than 18 weeks to start treatment were over 400,000 people and of the NHS organisations serving patients in Westminster, this number was nearly 81,000 patients. In London there is 58.99 on the waiting list per bed and for NHS organisations serving Westminster the figure increases further to 60.00.

Both the NHS and private healthcare facilities have identified the need for specialist post-operative care facilities to be provided off-site to improve the capacity for elective procedure within primary healthcare facilities. The Applicant had initial discussions with the discharge team at St Thomas hospital identifying a requirement for circa 20 post-operative beds, primarily for post cardio-vascular rehabilitation. The operator will work in partnership with local Clinical and Commissioning Groups' (CCG) and NHS Trusts. This will contribute to reduce bed block within hospital setting by supporting the discharge process.

According to the applicant's research, the NHS Trusts most prevalent in the delivery of hospital services that include overnight beds and day care beds for Westminster residents are located outside Westminster via facilities including: Guys and St Thomas', Imperial and The Royal Marsden. The applicant provided a list of NHS organisations serving Westminster and shows a focus on specialist medicine including private patient facilities for cardiac care and cancer care in the Harley Street Medical Area. The facilities are all located towards the north and west of the borough, with no provision towards the south of the borough.

The applicant points out that private hospital facilities have been developed in Westminster but there is no facility providing a comprehensive facility across multi-disciplinary specialisms with a day-care and rehabilitation focus.

It is proposed that an updated operational management plan of the medical clinic and post-operative care use is submitted and secured by condition. This will ensure that the highway network, amenity of neighbouring residents and the quality of the surrounding environment is adequately safeguarded. The servicing and highways implications of the development are detailed later in this report.

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

9.2 Environment & Sustainability

Sustainable design and circular economy policy context

NPPF Para. 152 states, *"The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure"* [emphasis added].

London Plan Policy GG5 states, *"To conserve and enhance London's global economic competitiveness and ensure that economic success is shared amongst all Londoners, those involved in planning and development must... [under Part H]: recognise and promote the benefits of a transition to a low carbon circular economy to strengthen London's economic success"*. The supporting text states, *"Creating a low carbon circular economy, in which the greatest possible value is extracted from resources before they become waste, is not only socially and environmentally responsible, but will save money and limit the likelihood of environmental threats affecting London's future"* (Para. 1.6.2).

'Circular economy' is defined within the London Plan's glossary as, *"An economic model in which resources are kept in use at the highest level possible for as long as possible in*

order to maximise value and reduce waste, moving away from the traditional linear economic model of 'make, use, dispose'".

The promotion of transitioning to a low carbon circular economy is also supported by London Plan Policy GG6 that states, *"To help London become a more efficient and resilient city, those involved in planning and development must... [under Part A]: seek to improve energy efficiency and support the move towards a low carbon circular economy, contributing towards London becoming a zero-carbon city by 2050"*.

London Plan Policy D3, *"All development must make the best use of land by following a design-led approach that optimises the capacity of sites ... Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development... that responds to a site's context and capacity for growth... and that best delivers the requirements set out in Part D'*. Part D refers to a number of requirements, including under Part 13 that development proposals should, *"aim for high sustainability standards (with reference to the policies within London Plan Chapters 8 and 9) and take into account the principles of the circular economy"*. Figure 3.2 and the supporting text set out a hierarchy of building approaches which maximises use of existing material, with 'retain' at its heart, stating, *"Diminishing returns are gained by moving through the hierarchy outwards, working through refurbishment and re-use through to the least preferable option of recycling materials produced by the building or demolition process"* (Para. 3.3.12).

This prioritisation of retaining existing building fabric is also supported by London Plan Policy SI 7(A)(1) that sets out the objective to, *"promote a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible"* and City Plan Policy 37(A) that states, *"The Council will promote the Circular Economy..."*. The supporting text for London Plan Policy SI7 states, *"London should move to a more circular economy as this will save resources, increase the resource efficiency of London's businesses, and help to reduce carbon emissions. The successful implementation of circular economy principles will help to reduce the volume of waste that London produces and has to manage. A key way of achieving this will be through incorporating circular economy principles into the design of developments..."*. (Para. 9.7.1). The large proportion of London's total waste that is made up of construction, demolition and excavation waste is highlighted in London Plan Para. 9.7.4 that states that in 2015, this waste stream constituted 54 per cent of the total waste generate in London (9.7 million tonnes).

Section 2.4 of the Mayor of London's Circular Economy Statements guidance (March 2022) sets out Circular Economy design approaches for existing buildings, with Para. 2.4.1 stating that the 'decision tree' should be followed to inform the design process for the development from the outset (informed by a pre-redevelopment and pre-demolition audits, where possible, and a whole life carbon assessment). In cases where there are existing buildings on site, the decision tree asks it is technically possible to retain these buildings in whole or part. If so, the decision tree asks whether the existing building, or parts of these building, are suitable to the requirements of the site. If the answer is 'yes in whole', the guidance indicate that the building should be retained and retrofitted. If the answer is 'yes in part', the guidance indicates that the building should be partially retained and refurbished. This approach, the guidance states, is to follow the approach

set out in Figure 3.2 of the London Plan, stating, “...*retaining existing built structures totally or partially should be prioritised before considering substantial demolition, as this is typically the lowest-carbon option*” (Para. 2.4.2). Such an approach is required to adhere to City Plan Policy D3 that states that development proposal should take into account the principles of the circular economy. In terms of what optioneering is expected Para. 2.4.5 adds, “*When assessing whether existing buildings are suited to the requirements for the site, applicants should robustly explore the options for retaining existing buildings (either wholly or in part). Where disassembly or demolition is proposed, applicants should set out how the options for retaining and reconstructing existing buildings have been explored and discounted; and show that the proposed scheme would be a more environmentally sustainable development*”.

City Plan Policy 38(A) states, “*New development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster’s world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods*”. City Plan Policy 38(D) (Design Principles) added, “*Development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating **principles of sustainable design**...*” [emphasis added]. The supporting text for City Plan Policy 38 states, “*As new developments are large consumers of resources and materials, the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition...*” (Para. 38.11).

City Plan Policy 38(E) details “Applicants will demonstrate how sustainable design principles and measures have been incorporated into designs, utilising environmental performance standards as follows:

1. Non-domestic developments of 500 sq m of floorspace (GIA) or above will achieve at least BREEAM “Excellent” or equivalent standard.
2. Residential conversions and extensions of 500 sq m (GIA) of residential floorspace or above, or five or more dwellings will aim to achieve “Excellent” in BREEAM domestic refurbishment or equivalent standard”.

Guidance on the meaning of ‘sustainable design principles’ is found within the ‘Retrofitting and Sustainable Design’ chapter of the Westminster’s Environmental SPD (February 2022). The guidance states, “*The upgrade and reuse of existing buildings is a sustainable approach and can help by avoiding the higher carbon footprint associated with constructing new buildings*” (p. 104). Page 87 also states, “*Where all or part of the existing building can be retained and demolition can be avoided, this will help conserve resources, reduce embodied carbon, minimise waste and avoid dust and emissions from demolition. However, this needs to be carefully balanced against other sustainability objectives, the need to deliver new housing and economic growth, meaning demolition will still be appropriate in some circumstances. When balancing the merits and impacts of retention or demolition of the existing building, the council will consider environmental, economic and social sustainability issues in the round with reference to other City Plan policies*”.

This guidance adds that, “*Putting the circular economy into action in Westminster’s built environment means in the first instance exploring retention and refurbishment of*

buildings rather than demolition and re-build. If this is not possible, then incorporating reused materials into a new development” (p.96).

Whole life carbon

The proposal involves the entire demolition of the existing building.

A whole life carbon assessment has been provided for both options 1 and 2. In addition the applicant has submitted a Planning Benefits Matrix document that compares the existing building without alteration, the existing building being refurbished, the part-demolition of the building together with recladding and extensions and the proposed new build scheme. The matrix analysis compares the four different options based on 21 criteria including embodied carbon (but no figures provided), the provision of communal facilities, room quality, MEP provision, structural, fire safety, provision of terraces, contribution to the conservation area). The applicant takes the view that both the whole life carbon assessment and the Planning Benefits Matrix document that should be taken into account when assessing the proposal against sustainability policies.

Despite showing that the demolition and new build would be the most carbon intensive option in the embodied carbon assessment criteria of their matrix, the applicant sets out that this is the only viable option. The applicant argues that the existing 1930's building is of poor quality and whilst it would be possible to refurbish and extend the existing building, this would not overcome the fundamental constraints imposed by the low ceilings and the downstand beams. The other options considered in the matrix analysis would not generate the quantum and quality of space and amenities for the new care home use or clinic and post-operative care uses when compared to the new build option.

It is the applicant's view that the reuse of the existing building, even in part, cannot be pursued for the proposed uses because:

- only the new build option would provide efficient floorplates, best practice layout and support facilities and rooms that would meet the London Plan requirements for both options;
- the other options would fail to increase the floor to ceiling heights to meet headroom requirements;
on the new build, services can be easily distributed below a flat slab without the constraints of existing downstands and risers and new floors can meet vibration and loading requirements ;
- the new building will allow the provision of communal facilities at all levels and adequate car parking provision;
- the options involving retaining the building would not provide adequate fire safety and circulation;
- the new build allows for full optimisation of the building performance; and
- the other options would not allow a building viable for a care home or clinic uses.

As shown in the planning history section of this report, the application site benefits from an extant permission which permits the full demolition of the existing building. This is a material consideration when assessing the proposal against adopted policy. In addition the new building would be more energy efficient than both the existing building and the previously approved building and conditions can secure the reduction of waste from

demolition works and support re-use and recycling of materials as per circular economy objectives.

Moreover, the proposed development would deliver public benefits by providing care home units, and in particular specialist dementia care units where there is an under-supply in the borough or by providing a health facility and step-down hospital care working in partnership with local CCG's and NHS Trusts to reduce bed blocking within the hospital setting. Furthermore the proposed hydrotherapy facility in options 1 and 2 would be secured for use by NHS patients through a legal agreement and both options would provide job opportunities for local residents both in the construction and operation phases as detailed in the land use section of this report.

It is recognised that the demolition and construction of the proposed scheme will result in greater carbon emissions rather than retrofitting or part demolition and part extension options. However, for the reasons set out above, including giving significant weight to the extant permission, it is not considered reasonable to resist the demolition of the building in this instance.

Sustainable design

A Sustainable Design Statement has been prepared by Hoare Lea, which is submitted in support of this application. The Statement summarises the design approach including BREEAM assessment, , circular economy, health and wellbeing, climate resilience.

The building will be constructed from reinforced concrete frame. The scheme is targeting BREEAM Excellent for both options. The development will include blue roofs, green roofs and biodiversity improvements. It is 100% electric and will allow for natural ventilation through opening of the windows.

Circular Economy

The applicant has submitted a Circular Economy Statement. A full Pre-Demolition Audit has been undertaken to investigate recycling of the construction, demolition and excavation material can be maximised .This report identifies parts of the existing building and hard standing which can be re-used or recycled. The items identified for re-use are:

- Ceiling tiles to be sold or donated
- Brick and roof tiles to be sold
- Kitchen to be reuse on-site or sold/donated
- Fixed furniture and equipment left behind by the existing occupiers will be offered to organisations who enable reuse.

The applicant is committed to minimise embedded carbon as well as minimising construction waste and diverting at least 95% of the demolition waste from landfill. A condition has been imposed securing this.

The applicant has outlined the below possibilities to reduce emissions through re-use:

- Reuse of existing brickwork as aggregate within the new building

- Reuse of existing concrete within the new construction
- The recycling of the existing steel windows, including reuse in interiors
- There is existing Portland stone on the base of the building and facade – to be incorporated in existing demolition programme to ensure stone is removed carefully reducing risk of damage.
- At least 20% recycled aggregates to be specified for the concrete mix
- Re-use the existing substation.

Those strategies will be secured through a condition securing post-completion Circular Economy statement to explain how each measure has been incorporated, and show alternative measures for all of the occasions when they have failed to follow the below strategies.

Energy Performance

Policy SI 2 of the London Plan requires major developments to be net zero-carbon. The policy also requires that a minimum on-site reduction of at least 35 per cent beyond Building Regulations is met with residential development achieving 10 per cent carbon reductions, and non-residential development achieving 15 per cent carbon reductions through energy efficiency measures alone. 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 36 of the City Plan states that all development proposals should follow the principles of the Mayor of London's energy hierarchy. Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved. 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.

The Westminster's Environmental SPD (February 2022) details that major development proposals, including shell and core schemes, should include a detailed energy assessment to demonstrate how energy use and carbon emissions have been reduced for the development in accordance with policy requirements, and that energy use has been a central consideration in the development's design and evolution. The energy assessment should adhere to the format and guidance set out in the GLA's Energy Assessment Guidance 2020. As a minimum, energy assessments should:

- Calculate baseline energy demand and CO2 emissions, showing the contribution of emissions from both regulated and unregulated uses;
- Demonstrate how onsite energy demand and emissions have been addressed in accordance with the energy hierarchy approach;
- Indicate the design considerations and rationale behind the preferred approach; and
- Calculate the final energy and carbon performance of the development, and any carbon offset contributions to address residual shortfall, as necessary

Both options have been assessed against Part L 2013 of the Building Regulations, which sets out the energy efficiency standards for new buildings. The Council's

sustainability officer has reviewed the proposal and considers that both options have been designed to be highly energy efficient.

With regards to 'Be Lean' (energy efficiency / demand reduction), the high-performance building fabric, airtightness and thermal bridging is specified to reduce heat loss. Low-energy lighting and efficient heating and cooling systems are proposed. These measures will contribute to reduce the energy consumption of the building and limit the amount of carbon emitted during its operation.

In respect of 'Be Clean' (building heating), there are no available existing or proposed district heat networks in close proximity to the proposed development. However, the applicant has committed to allocate enough space in the proposed plantroom to allow for future connections. It is recommended that this is secured by condition.

Furthermore for 'Be Green' (renewable generation), both options make provision for on-site renewable energy generation. Roof top photovoltaics panels (19 sqm) are proposed to provide renewable energy for the building and to help offset carbon emissions. Air Source Heat Pumps also form part of the proposals. This will help to reduce the carbon footprint of the project and contribute towards London's wider carbon reduction goals.

Overall, the proposed development achieves a 58% improvement for option 1 and 49% for option 2 over the Building Regulations Part L 2013. For option 1 a 16%, and for option 2 a 27%, carbon reduction is achieved through energy efficiency measures ('Be Lean'). The inclusion of renewable energy would achieve an additional carbon reduction of 42% for the development in option 1 and 22% in option 2.

The development achieves an embodied carbon value of 627 kgCO₂e/m² which surpasses the GLAs WLC benchmark of 950 kgCO₂e/m² and is close to the GLAs WLC aspirational benchmark for offices of 600 kgCO₂e/m².

The supporting documents received during the course of consideration of the application confirm that in accordance with City Plan Policy 36 (C) and based on the London Plan's carbon off-set price of £95 per tonne, the required total contribution to off-set carbon is £310,210 of option 1 and £282,433 for option 2 over a 30-year period. The required carbon offset payment will be secured as part of a legal agreement.

Given the above, the proposed development is considered consistent with policies S12 of the London Plan and policy 36 of the City Plan.

Table: Regulated carbon dioxide savings from each stage of the energy hierarchy for option 1

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	41.1	16
Be Clean: Savings from heat network	0	0
Be Green: Savings from renewable energy	110.7	42
Cumulative on-site savings	151.9	58
Carbon shortfall	108.8	-
	Tonnes CO ₂	
Cumulative savings for offset payment	3,265	
Cash-in-lieu contribution	£310,210	

Table: Regulated carbon dioxide savings from each stage of the energy hierarchy for option 2

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	52.4	27
Be Clean: Savings from heat network	0	0
Be Green: Savings from renewable energy	43.9	22
Cumulative on-site savings	96.2	49
Carbon shortfall	99.1	-
	Tonnes CO ₂	
Cumulative savings for offset payment	2,973	
Cash-in-lieu contribution	£282,433	

Air Quality

The NPPF states that development should not contribute to or be put at unacceptable risk of, or be adversely affected by unacceptable levels of pollution, including air pollution.

In relation to Air Quality, London Plan Policy SI1 states that development proposals should not lead to further deterioration of existing poor air quality or create new areas that exceed air quality limits. City Plan policy 32 set's out the Council's commitment to improving air quality in the City stating that major developments should be at least Air Quality Neutral.

The applicant has provided an Air Quality Assessment which details the potential air quality impacts associated with the demolition and redevelopment of the application site and has sasses the long-term and short-term Air Quality objectives for both options.

The findings of the assessment are as follows:

- With regards to construction phase, identification of a high risk of dust soiling impacts and a medium risk of increases in particulate matter concentrations due to demolition and construction activities so mitigation measures have been set out to reduce the risks to the point where they will be not significant. Moreover, development of this size will have to comply with the Code of Construction Practice.
- The modelling assessment of concentrations at proposed receptors at the façade of the development on multiple floors and at ground level air intakes shows no predicted exceedances of the NO₂ annual mean AQO. There are no predicted onsite exceedances of the 1-hour mean NO₂, 24-hour mean PM₁₀ or the annual mean PM₁₀ and PM_{2.5} AQOs.
- Trip generation for both proposed options is anticipated to be below the EPUK and IAQM planning guidance criteria.
- The energy provision for the building in both options will be all-electric via ASHP and as such will not involve any combustion processes or release of combustion emissions.
- In line with the WCC City Plan and the Westminster Guidelines for Kitchen Extract Ventilation Systems, the kitchen extract will be discharged at roof level.
- The development will be Air Quality Neutral.

This assessment has been reviewed by the Environmental Health Office who confirmed that no further detailed assessment or on-site mitigation measures are required and conclude that the development is considered Air Quality Neutral for building and transport emissions for both proposed option 1 and option 2.

Flood Risk & Sustainable Drainage

Policy SI13 of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improve water quality, and enhance biodiversity, urban greening, amenity and recreation.

Policy 35 of the City Plan states, amongst other things, that new development must incorporate Sustainable Drainage Systems (SuDS) to alleviate and manage surface water flood risk. Development should aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken.

The application site is in Flood Zone 3. The application is supported by a flood risk assessment, which assessed all sources of flood risk, including surface water flooding.

The assessment concludes that there is a low risk of flooding from all sources.

The Environment Agency originally objected to the proposal due to concerns that some rooms at basement level could be used for overnight stay or prolonged period following medical procedure (option 2). Following receipt of revised drawings clarifying that the rooms at basement level will not be used for convalescence purposes, the Environment Agency removed their objection.

In terms of the drainage strategy, blue/green roofs to the Gatehouse building and to the first, 8th, 9th and main roofs of the new building and permeable paving are proposed. Those measures will be secured by condition.

Land Contamination

Given the extent of excavation and sensitive end use proposed, the Environmental Health officer recommended the Council's standard contaminated land condition to ensure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future.

Environment & Sustainability Summary

It is considered that there is a convincing case for the demolition of the existing building and the applicant has demonstrated how sustainable and circular design principles and measures have been incorporated into designs to minimise the environmental implications of the proposal as far as reasonably practicable.

9.3 Biodiversity & Greening

Policy G5 of the London Plan states that major development should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments and tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential and 0.3 for predominantly commercial development.

Although no UGF is set within the City Plan, policy 34 requires 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. Policy 34 also states that developments should achieve biodiversity net gain, wherever feasible and appropriate. Opportunities to enhance existing habitats and create new habitats for priority species should be maximised. Developments within areas of nature deficiency should include features to enhance biodiversity, particularly for priority species and Policy 34 of the City Plan also seeks to protect trees of amenity, ecological and historic value and those which contribute to the character and appearance of the townscape will be protected. The planting of trees will also be encouraged.

Option 1 is a residential development and option 2 is considered to predominantly be a commercial development. The proposal will score an UGF of 0.36 which is just below the GLA target of 0.4 for residential schemes but above the target of 0.3 for commercial schemes.

The redevelopment scheme proposes to introduce soft landscaping to the proposed courtyard, green walls to Romney House gatehouse building (side walls of vehicular access and southern elevation), planting to terraces and green roofs to main roofs. They represent a great improvement in comparison to the existing situation.

An ecological appraisal has also been submitted in support of the application identifying nesting opportunities, therefore bird boxes are proposed.

These measures are welcome as they contribute to the greening and biodiversity enhancements of the City in line with the objectives of Policy 34. The proposed landscaping, green walls and green roofs and the inclusion of bird boxes will therefore be secured by a condition and a maintenance management plan will also be required to ensure that those elements provide long term benefits.

Two London Plane trees are located on street to the side elevation of the site on Dean Bradley Street and one of the London Plane trees on the opposite side of Horseferry Road has foliage almost touching the existing building. Upon officers' request an arboricultural report was submitted

Any tree works must be carried out by the council at the developer's expense. The Arboricultural Manager considers it should be possible, with care, to protect the London Plane trees during construction and thereafter, subject to a number of matters being reserved by conditions.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 72 of the LBCA Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Key considerations in assessing the proposals are the principle of demolition and the design and visual impact of the replacement buildings on the character and appearance of the Smith Square conservation Area.

As set out in the planning history of this report there is an extant permission allowing the demolition of the building and its redevelopment including a double basement, ground floor and nine upper storeys.

The proposal involves the demolition of the unlisted building of merit. The building has some attractive features, notably its ground floor stonework facade and arched entrances, but above ground level, the architectural interest is limited to a uniformity (regularly positioned windows opening and matching window types set with horizontal openings). The brown brickwork, lack of modulation and scale establish a somewhat austere commercial, monolithic character, which is emphasised by the wide double height mansard roof. Given its design, the building lacks the finesse of many of the traditional buildings in the conservation area. The Smith Square Conservation Area is characterised by early Georgian domestic architecture focused on the square and its pièce de resistance, the grade I St John's Church. While there are later institutional and commercial buildings, a 'modestly appointed' 1930s building is a less significant element of the townscape, than other buildings in the area, to the Smith Square Conservation Area's character and appearance. Consequently, its loss is at the lower end of the scale in terms of harm.

Therefore the loss of the unlisted building of merit, whilst it is considered to make a positive contribution to the conservation area, is considered acceptable, as the harm (deemed less than substantial under paragraph 202 of the NPPF) caused by its loss is considered to be outweighed by the benefits of the scheme as a whole and the quality of the replacement building as detailed below.

Bulk, Height & Scale

The new main building will comprise 10 storey with plant on top. The last two storeys are set back, separating them from the main body of the building and therefore reducing its visible mass. The overall height of the proposal is similar to that of the surrounding buildings, excluding the adjoining listed building. The proposed height and scale are

considered suitable within the context of Horseferry Road, which is dotted with other modern buildings of substantial size. Whilst the height of the building is greater than that of the adjoining listed building, the listed building's setting is not considered to be diminished as it is already substantially enclosed, plus the juxtaposition of modern taller buildings against those of more traditional scale is a common feature of predominantly commercial areas. The proposed building is therefore considered to preserve the character and appearance of the conservation area.

In comparison with the previously approved scheme, the design changes sought relate predominately to the buildings intended change of use and include the omission of balconies and the introduction of Juliet balconies and minor fenestration changes. Additional roof level plant is also proposed; however, this has been suitably positioned to limit its visual impact.

A complimentary pallet of materials is being proposed, including Portland Stone, red/brown brick panels and bronze clad roof, which are comparable to the approved scheme. The decorative elements, such as stone dressing and decorative metal work will provide a depth and richness to the facade.

The proposal includes a three storey infill building on Romney Street as per the extant permission. This is welcome in design terms as the infill closes an existing gap within the street scene. The details are considered to contribute positively to the streetscape.

The overall design intention and quality of the proposal is comparable to the extant scheme.

In summary, it is considered that the loss of the existing building is justified by the quality of its replacement and as such the proposals are considered to preserve the character and appearance of the Smith Square conservation area. The demolition of the existing building as an unlisted building of merit would cause less than substantial harm to the Smith Square but for the reasons set out above this would be at the lower end of the scale in terms of its

The overall scale, height and detailed design are considered to be appropriate to this site, subject to the recommended conditions and are in line with 38, 39 and 40 of the City Plan 2019-2040.

Fire Safety

Policy D12 of the London Plan states that all developments must achieve the highest standards of fire safety and ensure that they are constructed in an appropriate way to minimise the risk of fire spread. The application is accompanied by a Fire Safety document.

Further to the above, Policy D5 of the London Plan seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users, with fire evacuation lifts suitable to be used to evacuate people who require level access from the buildings.

The applicant has provided an independent fire statement by Hydrock. This statement demonstrates that the matters raised in policy D12 have been addressed. In particular:

- The building will be constructed using a concrete frame and on-combustible materials will be specified for the external envelope in line with Building Regulations.
- Details of the means of escape have been provided. A “Progressive Horizontal” evacuation strategy will be utilised, paying attention to the needs of disabled occupants and high dependency patients.
- The buildings will have active and passive fire and smoke control systems.
- The fire-fighting shafts via Dean Bradley Street and Romney Street are accessible to Fire Services and all sides of the application site are accessible to Fire Tenders.

Given the above, the GLA confirmed that the fire strategy was prepared in accordance with fire safety design codes and practices. As recommended by the GLA, a condition is recommended to secure all proposed measures.

Archaeology

The site lies within the Westminster and Whitehall Archaeological Priority Area. The application is supported by an Archaeological Desk Based Assessment. The Greater London Archaeological Advisory Service has been consulted and advised that due to the extent of basement excavation a condition is recommended to safeguard the heritage of the City.

9.5 Residential Amenity

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

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

Policy 33 (A) of the City Plan details that “*the council will make sure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment*”.

Part C of Policy 38 also requires to “*place people at the heart of design*”. The policy requires to take into consideration amenity of new and existing occupiers.

As shown in the planning history section of this report, the site benefits from an extant permission for redevelopment of the site. The building approved in 2017 is of similar

footprint, bulk and height to the proposed building. So a scheme could already be built out on site which will have similar amenity impacts on the neighbouring residential properties.

Daylight & Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2022), and the applicant has carried out an assessment on the neighbouring properties based on the various numerical tests laid down.

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

The applicant's consultant, Joel Michael Reynolds Chartered Building Surveyors, has carried out a daylight and sunlight assessment using the methodology set out in the BRE guidelines. The study assesses the impact on the following properties: 67 Tufton Street, 81-85 Tufton Street, 50 Romney Street, 52 Romney Street, 54-56 Romney Street, 47 Romney Street, 55 Romney Street, Marquis of Granby Public House Romney Street, Westminster School 7-9 Dean Bradley Street, Ergon House Horseferry Road, Westminster Green 11-13 Horseferry Road, 70 Horseferry Road and St John's Apartments 79 Marsham Street.

The assessment includes a comparative daylight and sunlight analysis between the consented scheme and the new scheme to demonstrate that impacts to the neighbouring properties are similar.

The study shows that the impact on 67 Tufton Street, Marquis of Gransby Public House Romney Street, 7-9 Dean Bradley Street, 70 Horseferry Road and 79 Marsham Street. Farm Street would be fully compliant with BRE guidelines.

Daylight

The BRE methodologies for the assessment of daylight values is the 'vertical sky component' (VSC) and 'no sky line' (NSL).

VSC measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is well lit. If, because of the development, light received to an affected window is below 27%, and would be reduced

by 20% or more, the loss could be noticeable.

NSL measures the proportion of a room that will receive light. If, because of the development, the proportion of the room that receives light reduces by 20% or more, the loss could be noticeable.

The breaches of the above daylight criteria are summarised in the tables below:

Table 1: Vertical Sky Component breaches

Neighbouring building	No. of windows assessed	No. BRE compliant	No. BRE breaches			
			20% to 29.9% loss	30% to 39.9% loss	40% + loss	Total
50 Romney Street	11	10 (90.9%)	1	0	0	1
Ergon House	158	129 (81.6%)	13	6	10	29
Westminster Green	148	109 (73.6%)	13	9	17	39
81-85 Tufton Street	27	25 (92.6%)	1	1	0	2
47 Romney Street	10	4 (40%)	0	3	3	6
55 Romney Street	20	18 (90%)	0	2	0	2
Totals*	374	295(78.8%)	28	21	30	79

*Excludes properties assessed and found to be BRE compliant

Table 2: No Sky Line breaches

Neighbouring building	No. of rooms assessed	No. BRE compliant	No. BRE breaches			
			20% to 29.9% loss	30% to 39.9% loss	40% + loss	Total
50 Romney Street	5	3 (60%)	0	1	1	2
52 Romney Street	4	1 (25%)	2	0	1	3
54-56 Romney Street	8	5 (62.5%)	3	0	0	3
47 Romney Street	6	2 (33.3%)	2	0	2	4
55 Romney Street	8	7 (87.5%)	1	0	0	1
Ergon House	74	54 (72.9%)	7	6	7	20
Westminster Green	90	70 (77.8%)	8	6	6	20
81-85 Tufton Street	15	12 (80%)	1	2	0	3
Totals*	210	154(73.3%)	24	15	17	56

*Excludes properties assessed and found to be BRE compliant

Sunlight

The BRE methodology for the assessment of sunlight is Annual Probable Sunlight Hours (APSH). It is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room. Sunlight is influenced by orientation (north facing windows will rarely receive

sunlight) and so only windows with an orientation within 90 degrees of south are assessed. BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be reduced by 20% or more of their previous value in each period.

The breaches of the above sunlight criteria are summarised in the tables below.

Table 3: Annual Probable Sunlight Hours breaches

Neighbouring building	No. of windows assessed	No. BRE compliant	Total Breaches
50 Romney Street	11	2	9
52 Romney Street	7	4	3
54-56 Romney Street	14	9	5
47 Romney Street	8	2	6
55 Romney Street	13	8	5
Ergon House	143	106	37
Totals*	196	131	65

*Excludes properties assessed and found to be BRE compliant.

The impact on the properties listed are discussed in further detail below.

Romney Street properties

n Romney Street there are several buildings with rear windows obliquely facing the application site (Nos 47 to 55 Romney Street), along with the buildings opposite with their front elevation facing the site. 47, 55, 50, 52, 54 and 55 Romney Street are single-dwelling houses which all benefit from dual aspects.

The submitted report shows that there are some very minor material impacts to properties on the northern side of Romney Street, the most affected windows serve rooms that benefit from windows to the rear elevation that are not affected by the proposal – as such, it is unlikely that these dual aspect rooms will be detrimentally affected by the development. The high percentage reductions for the VSC (from 37 to 87 %) and NSL (from 37 to 55%) criteria to 47 Romney Street and 55 Romney Street can be explained by the existing low absolute values of those windows meaning that small absolute losses (which in actuality are not likely to be detrimental to the existing lighting conditions of the rooms) appear large in percentage terms. With regards to sunlight, at 50, 52 and 54-56 Romney Street the windows fail the winter sunlight criteria only and most of the rooms are served by another window that meets the BRE criteria. At 47 and 55 Romney Street the most affected windows can be explained by the existing low values of those windows.

Ergon House, Horseferry Road

The property comprises commercial space on the ground floor with residential flats above. The windows to the Dean Bradley Street elevation face the application site. The existing building at the application site has a T-shape leaving a gap with the Marquis Granby Public House, therefore any form of infilling of that gap will increase obstruction in front of Ergon House on the opposing side of the street, which will have an impact on the residential windows there.

Out of 158 windows assessed, 29 windows would experience VSC transgression and out of 74 rooms assessed, 20 would experience NSL transgression. The most affected rooms/windows are located at first, second, third and fourth floors on Dean Bradley Street and are all located below projecting balconies.

At first, second, third and fourth floor levels there are transgressions from the BRE Guidance with regard to annual and winter sunlight. At fifth floor level there are some transgressions with regard to APSH and winter sun to four windows. At sixth floor level and above there is full compliance with the BRE Guidance criteria.

The daylight and sunlight report highlights that the redevelopment at Ergon House was consented after the 2017 permission to allow the redevelopment of Dean Bradley House. The flats within Ergon House that are opposite the site have recessed balconies, which mean the windows/ rooms off the balconies have more limited light than would otherwise be the case.

The BRE guidelines states that care must be taken in applying the guidelines in these circumstances; if for example a building has a balcony or overhang above the window, then greater reduction in sunlight or daylight may be unavoidable. In these circumstances even a modest obstruction opposite may result in a large relative impact on daylight and sunlight received. The applicant provided an additional assessment omitting the balconies reducing the number of failing windows for the VSC criteria to 13 with losses between 22 and 29% only. This is also reflected in the sunlight assessment.

That additional assessment clearly demonstrates that the balconies serving Ergon House are causing a large proportionate obstruction to daylight and sunlight to those flats.

In addition, most of the flats on that side elevation, rely only on windows in that elevation to provide internal light so any changes in height at 52 Horseferry Road would inevitably have a great impact on Ergon House flats facing Dean Bradley Street.

Westminster Green, Horseferry Road

39 windows will have VSC transgressions at Westminster Green. All the windows having losses between 30% and 81% are located under a balcony and some high percentage reductions can be explained by the existing low absolute values. The applicant has submitted an analysis omitting the balconies which show compliance of all windows for the VSC method of assessment except three windows with 21% losses.

With regards to the NSL assessment, at sixth, seventh, eighth, ninth and tenth floors there is compliance with the BRE Guidance. From first to fifth floor levels the rooms with the highest NSL losses (between 41 and 82 %) are all bedrooms. Five living rooms will experience noticeable impact with NSL losses between 27 and 32%, those five rooms are located under a balcony which explains why those losses fall short of the BRE guidelines.

The windows assessed all comply with the sunlight criteria.

81-85 Tufon Street

81-85 Tufon Street comprises 7 flats. There are VSC transgressions to two windows at ground floor and first floor level (21% and 30%) and NSL transgressions to three windows (between 26 and 30%), but those rooms have existing absolute low values, so it is not considered that the changes are likely to be detrimental to the existing lighting conditions of the rooms. The windows eligible for the sunlight assessment all comply with the BRE guidance criteria.

Conclusion

In conclusion, it is unfortunate that some rooms will experience noticeable losses of daylight and sunlight as a result of the proposed development. However, the site is located within densely developed urban location and therefore any form of development on the application site would impact on windows in the adjoining residential buildings. It is however noted that the proposed scheme is of similar bulk and height to the approved scheme in February 2017, and the applicant has demonstrated that the impacts are similar in terms of daylight and sunlight.

In summary most reductions in VSC and NSL to neighbouring habitable rooms would meet the tests set down in the BRE guidelines and the surrounding residential occupiers will continue to receive reasonable levels of natural light for this dense urban environment. Overall, whilst the proposed scheme will harm some rooms for the reasons set out above the impact is not considered so severe as to justify a refusal.

Sense of Enclosure

The proposed building will be higher than the existing building, though it is comparable in height to other buildings along this part of Horseferry Road. As a point of reference, the overall increase in height is approximately 10m above existing. Nearby residential units on the opposite side of Horseferry Road and the north side of Romney Street are well set back from the application site and it is not considered a sense of enclosure would result.

The proposal will infill the gap on Dean Bradley Street, however given the distance of 18.5m with the properties on the opposite site of Dean Bradley Street, namely some flats within Ergon House, it is not considered the proposal would significantly enclose those flats.

One of the more sensitive sides of the site is to the rear in its relationship with the rear of

the houses on the south side of Romney Street. The footprint of the building changes significantly, but it is well set back from the boundary with the Romney Street houses – it is considered the main impact from this location is the proximity of the south west elevation rather than the overall height of the building. It is considered that some degree of enclosure will result, but given the surrounding context, the relationship will not unduly enclose the residents on Romney Street.

Privacy

The existing office building does not give much opportunity for overlooking due to the limited hours of occupation during the working day and its distance from the adjoining residential properties. Whilst the new building will be closer to the Romney Street properties the orientation of the rear elevation and the position of the windows and the balconies are considered to mitigate any potential for overlooking. The distance between the new building and the existing residential properties in Dean Bradley Street and Horseferry Road will remain as existing.

A terrace is proposed at eighth floor which will extend to the edge of the building. However, it will be surrounded by railings which limit the possibility to look down and the terrace is at high level which reduces the possibility of overlooking towards the existing outdoor amenity space in Romney Street. Given the level of separation with Ergon House and Westminster Green, the level of overlooking will be no more than one would reasonably expect in such a dense urban environment and similar relationships are found throughout the City.

The terrace at ninth floor level is set back and it is not considered to result in loss of privacy to neighbouring residential occupiers.

Noise

Policy 33 of the City Plan deals with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant. The policies require the potential for any disturbance to be mitigated through operational controls and/or attenuation measures. The application is supported by an acoustic report.

The proposed scheme includes the installation of plant within the roof plant area and two air source heat pumps on ninth floor level.

Environmental Health has reviewed the report and has no objection from an environmental nuisance perspective, agreeing the plant is capable of complying with within Policy 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), subject to the imposition of suitable conditions.

The Environmental Health officer also confirmed that the acoustic report demonstrates that the internal noise levels for option 1 will comply with the Council's requirements through standard solid façade construction and acoustically laminated glazing systems the rooms worst affected by road traffic noise (facing Horseferry Road). For the

remaining rooms, primarily on the Romney Street facade the window system performance can be met with standard double-glazed units. This will be secured by condition.

The proposal includes balconies and terraces, it is considered that their use should be limited to 0800 to 1900 if they are used in connection with the clinic and post-operative care uses (option 2) in order to protect the environment of the local residents.

Odour

A kitchen extract ductwork is proposed, it will be located within the risers up to the roof level. The Environmental Health officer raises no objection subject to a condition requiring details and locations of the kitchen extract system.

9.6 Transportation, Accessibility & Servicing

Cycling

The provision of support facilities for cyclists for both options (e.g lockers, showers) is welcome.

Following officers' comments, a separate cycle store for the retail units in option 2 is now incorporated into the ground floor level. However, the provision is based a non-food use which requires a lower level of cycle parking provision in comparison to food based use (including café/restaurant). Accordingly, the use of those units will be controlled by condition.

The provision for both options is therefore considered to meet the requirements of the London Plan Policy T5 and will be secured by condition.

Car parking

It is acknowledged that the existing site has 7 existing on-site car parking spaces (with 3 different vehicles crossover – one in Dean Bradley and two in Romney Street).

Policy 27 supports development without car parking provision and a reduction in off-street car parking. The Policy states "*where sites are redeveloped, existing car parking provision must be reduced to meet the car parking standards in the London Plan unless there is specific justification to re-provide an element of the existing car parking*".

According to London Plan paragraph 10.6.5, "*where no standard is provided, the level of parking should be determined on a case-by-case basis taking account of Policy T6 Car Parking, current and future PTAL and wider measures of public transport walking and cycling connectivity*".

It is accepted that in this location, any reduction in car parking would be consistent with Policy 27 and welcomed.

However, both options include car parking spaces; 7 car parking spaces are proposed in option 1 and 5 car parking spaces for option 2. In both options the car parking provision is located at basement level and accessed via a single car lift from Dean Bradley Street.

The Applicant justifies this parking space provision based on operational need. In option 1, two spaces will be for minibus and patient transfer (wheelchair compatible), three blue badges for staff and visitors and two spaces for medical consultants, NHS practitioners and visiting nurses and doctors. Within option 2, 2 blue badge spaces for staff, 1 blue medical/patient transport (wheelchair compatible) and 2 spaces for medical consultant, NHS practitioners and visiting nurses and doctors.

The Highways Planning Manager states that whilst there should be an allowance for car parking to support essential needs for the clinic use this should not apply for a care home use because the proposed provision is not considered essential for the operational needs of the proposed use. Furthermore the site is well served by public transport so it is not clear why existing on-street provision would not be suitable for travel between sites. The Highways Planning Manager considers that the car parking provision is not in line with Policy 27.

However, on balance it is recognised that there is existing car parking provision on site, the extant permission allowed for 45 car parking spaces and the proposed car parking spaces are for operational needs and blue badge users only in line with paragraph 10.6.5 of the London Plan T6. Moreover, in line with the GLA's Stage 1 comments provision for electric vehicles will be secured. Therefore, it is not considered reasonable to withhold permission on car parking provision.

Servicing

Policy 29 requires off-street servicing and freight consolidation. The site has existing off-street servicing provision.

Whilst initially the applicant did not propose off-street servicing, during the course of the application the applicant agreed that the proposed in an out access road will be used for off street servicing. However larger vehicles cannot be accommodated which would limit its function and use, so larger vehicles would still be required to service the site from on-street.

In option 2, the servicing of the retail units will entirely rely on on-street servicing.

A Servicing Management Plan has been submitted in support of the application but it lacks detail on how the commitments will be delivered or the processes to be followed to ensure that the servicing associated with the permitted uses has not significant impact on other highway users.

Whilst it is disappointing that not all servicing can be accommodated on site, the applicant states that only refuse (3 times a week) and food deliveries (2 to 3 times a week) will be carried out on Dean Bradley Street utilising the existing single yellowline, all other deliveries will be done through the off-street access. It is considered that subject to the securing of the ground floor internal vehicular access for servicing activities and an updated Servicing Management Plan to ensure that the servicing activity is closely

managed and the impact on the local highway network is minimised. it is not reasonable to withhold permission due to lack of full off-street servicing. An informative will detail the expected content of a Service Management Plan.

Electric Vehicle Charging Points

Policy 27 requires active provision of Electric Vehicle Charging Points. Given the intended use, the Highways Planning Manager recommends rapid chargers (50KW) at basement level and within the ground floor vehicle drop off area to support top up charging for those vehicles marking drop-offs and servicing activity. This will be secured by condition.

Trip Generation

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes. It is not considered that the trip generation will have a significant detrimental impact on the safety or operation of the highway network.

An updated trip rate calculation section for the existing site and implemented scheme has been provided as requested by Greater London Authority to be in line with London Plan Policy T1.

The Greater London Authority recommendeds the securing of a Travel Plan and its monitoring this will be done by legal agreement

London Plan Policy T2 relates to the Healthy Streets Approach and aims for proposals to support active travel and public transport. The Greater London Authority points out that the site is within 200m of Lambeth Bridge Roundabout, at which Transport for London have a committed Healthy Streets improvement scheme planned. They requested a £250,000 financial contribution. The Applicant agreed a contribution but queried the amount requested and offered a £150,000 contribution. There is no formula to calculate the contribution towards the Lambeth Bridge North Health Streets improvement scheme, given the site of the proposal it is considered that the amount offered is reasonable. This will be secured via a legal agreement.

Highway changes/vehicle access

The proposed scheme involves a number of changes for the highway on both Dean Bradley Street and Romney Street frontages, they include reinstatement of redundant crossovers as footway and creation of new vehicle crossovers. All highways works will be secured by a legal agreement.

The basement car parking is accessed via a single car lift which has been amended to achieve the required 5 metres set back required. No objection is raised to the single car lift given the number of car parking spaces to be provided. The Highways Planning Manager requires the securing of a maintenance and management plan for the Car Lift to be secured by legal agreement.

Waste & Recycling Storage

Upon officers' comments the waste and recycling storage provision has been amended. The provision is now considered to be in line with the Council's requirements and will be secured by condition.

9.7 Economy including Employment & Skills

The proposed development accords with Policy 1 in the City Plan 2019-2040. The Applicant advises that option 1 will provide 203 job opportunities and for option 2 250 job opportunities and estimates the addition of £7.6m (option 1) or £7.9m (option2) per annum in Gross Value Added to the local economy.

The additional jobs created by the development and local spend from residents, visitors and staff are welcomed. Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending. In addition, the payment of a financial contribution of £44,192.72 (index linked) towards the Westminster Employment Service will be secured by a legal agreement in line with Policy 18.

In line with Policies 19 of the City Plan and S16 of the London Plan, a condition will secure the submission of detailed plans demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development in order to support future economic growth.

9.8 Other Considerations

Basement

The application involves extension of the existing basement level and further excavation to create an additional sub-basement level. The proposed basement is of same extent as the one approved in 2017.

City Plan Policy 45 relates to basement developments.

Part A. 1-4

These parts of the policy relate to structural stability; surface water and sewerage flooding; minimising the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the existing building, garden setting and the surrounding area.

Part B 1-5

These parts of the policy relate to the extent and depth of basements.

The applicant has provided a Structural Methodology Statement prepared by an appropriately qualified structural engineer. This document has been reviewed by Building Control who advise that the investigation of the existing structure and geology is of sufficient detail. The site benefits from being in an area with flood defence. The

basement is to be constructed using secant piles with RC walls and drained cavity or use waterproofing membrane in between piled secant wall and 350mm thick liner wall across the entire basement. This is considered to be appropriate for this site. The proposed basement is not considered likely to have any significant impact on ground water level. The assessment carried out to safeguard adjacent properties during construction are considered to be acceptable.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the 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. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours. An informative is also recommended to encourage the applicant to join the considerate constructors scheme.

With regards to part B of the Policy 45, the existing building has one level of basement which occupies almost entirely the site.

The new sub-basement level would not comprise more than one storey beneath the lowest original floor level. The existing basement level would be extended to the north-east corner of the site, a proposed margin is left to the eastern boundary of the site. The increase in the exiting basement level is modest in comparison to the existing one and both levels are of the same extent as the approved scheme.

The height of the new sub-basement level extends beyond the recommended 2.7m as it is 3.5m in height. It is not resisted in this instance because it is of similar height to the

approved basement, that level will accommodate plant and machinery and the site is large site so appropriate access to minimise disruption to neighbouring properties can be accommodated.

Construction matters

It is considered that through appropriate controls and careful management the impact from construction works can be lessened. The City Council's adopted Code of Construction Practice (CoCP) sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects, including site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison. This will assist with managing the environmental impacts and will identify the main responsibilities and requirements of developers and contractors in constructing their projects.

This will ensure that the site:

- will be inspected and monitored by the City Council's Code of Construction Practice Team.
- will undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel.
- pay the charges arising from site inspections and monitoring; and
- ensure that contractors and sub-contractors also comply with the code requirements.

In accordance with the Greater London Authority requirements a condition securing a Construction Logistics Plan is recommended.

Those conditions are considered to sufficient to address the concerns associated with construction and demolition works.

Accessibility

Policy D5 of the London Plan requires that all new development achieves the highest standard of accessible and inclusive design and can be used safely, easily and with dignity by all.

Policy 38 of the City Plan states that all development will place people at the heart of design, creating inclusive and accessible spaces and places.

Both schemes have been designed to benefit from level access from the street and through the entire building. In option 1, 77% of the care home units are wheelchair accessible and 80% of the units with option 2.

Overall, the scheme is considered to comply with policy D5 of the London Plan and policy 38 of the City Plan in terms of accessibility.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an

Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

- payment of a carbon offset contribution of £310,210 (index linked) for option 1 and £282,433 (index linked) for option 2 (payable prior to the commencement of development);
- Monitoring and reporting on the actual operational energy strategy performance of the building, including as-built and in-use stage data;
- payment of a financial contribution of £44,192.72 (index linked) towards the Westminster Employment Service (payable prior to the commencement of development);
- costs of any highway works associated with the development, including reinstatement of the redundant crossovers as footway and creation of a new vehicle crossovers in Dean Bradley Street and Romney Street;
- maintenance and management plan for the car lift required prior to occupation and followed/maintained for the life of development;
- payment of a financial contribution of £150,000 towards the Lambeth Bridge North Healthy Streets improvement scheme;
- submission of a Travel Plan and costs of monitoring;
- securing access to the hydrotherapy pool facilities for NHS patients on both options for a minimum of hours to be agreed;
- notification of switching between use options for the purposes of CIL and other contributions; and
- costs of monitoring the S106 agreement.

The estimated CIL payment is:

- Option 1 : £ 2,024,118.53 (£283,334.77 for the mayor of London CIL and £31,740,783.76 for the Council CIL).
- Option 2 : £ 626,520.89 (£99,716.71 for the mayor of London CIL and £526,804.18 for the Council CIL).

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development, land contamination investigation prior to any demolition/excavation works and remediation works, a written scheme of investigation and archaeological works, details of protection of the trees during the works, approval of

a construction contract for the demolition and an updated whole life carbon assessment. The applicant has agreed to the imposition of the condition.

GLA referral

As noted above, this application is referable to the Greater London Authority (GLA). The GLA have advised in their Stage 1 response that whilst the proposal is supported in principle, the application does not currently comply with the London Plan. The applicant has been requested to reconsider the areas of concern to the Mayor and the amendments made in response are set out in the relevant sections of this report.

If Committee resolve to grant permission, this application needs to be reported back to the Mayor, and the Mayor has 14 days to direct approval or refusal.

10. Conclusion

As set out within Section 9.4 of this report, the proposal is considered to cause less than substantial harm to the character and appearance of the Smith Square Conservation Area due to the loss of the existing building which is an unlisted of merit. This is at the lower end of the scale in terms of harm.

Paragraph 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

As such, whilst being mindful of policies 38 and 39 of the City Plan 2019-2040, given the substantial public benefits that would be delivered, which comprise providing care home units, and in particular specialist dementia care units where there is an under-supply in the borough or by providing a health facility and step-down hospital care working in partnership with local CCG's and NHS Trusts to reduce bed blocking within the hospital setting, the access to hydrotherapy facility use by NHS patients and job opportunities for local residents both in the construction and operation phases, the proposal is considered acceptable in terms of its impact on the designated heritage asset. Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Item No.

1

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



Existing view from Horsferry Road



Proposed view from Horsferry Road



Proposed view from Horseferry Road



Proposed view from Dean Bradley Street



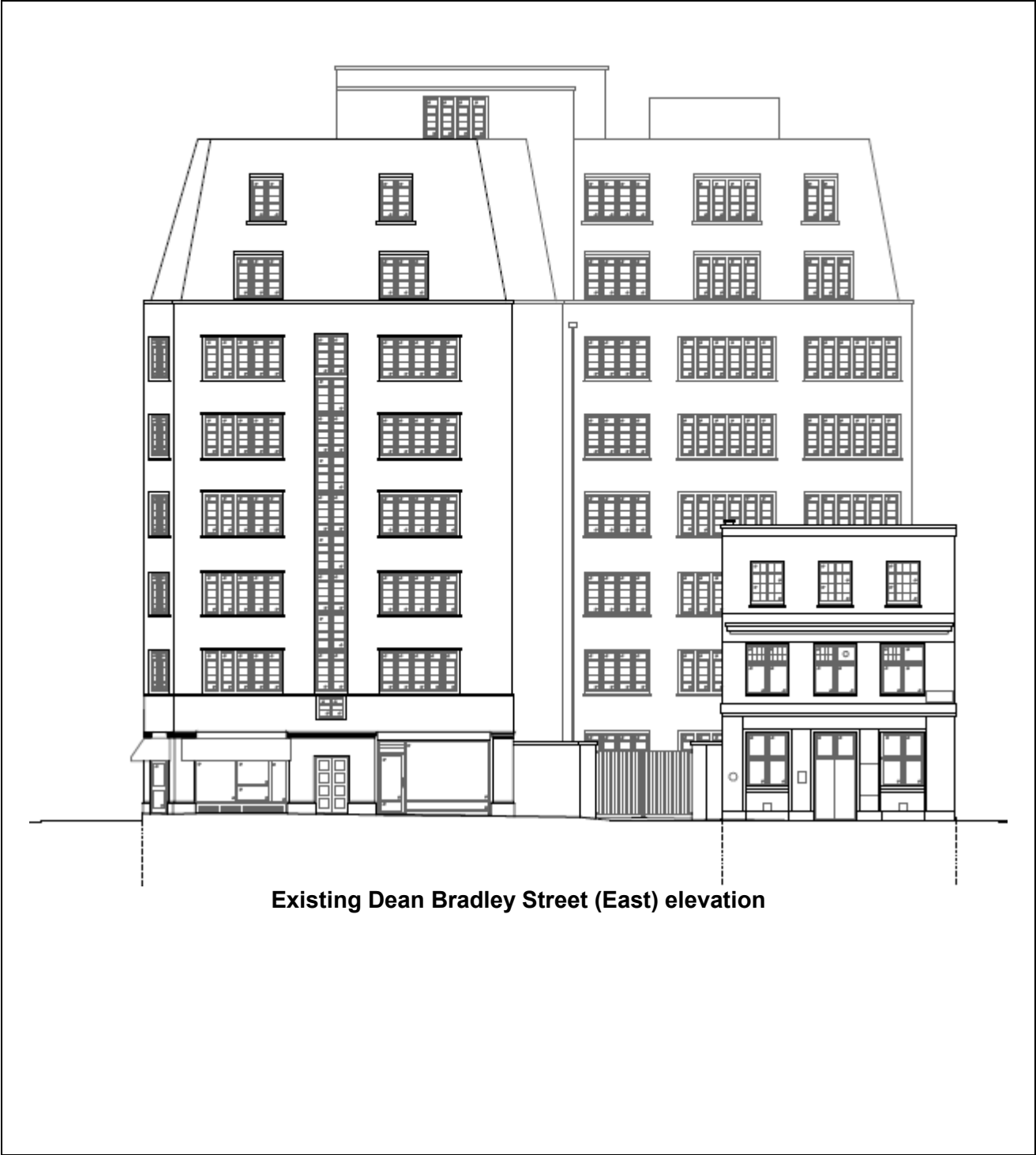
Proposed Romney Street view



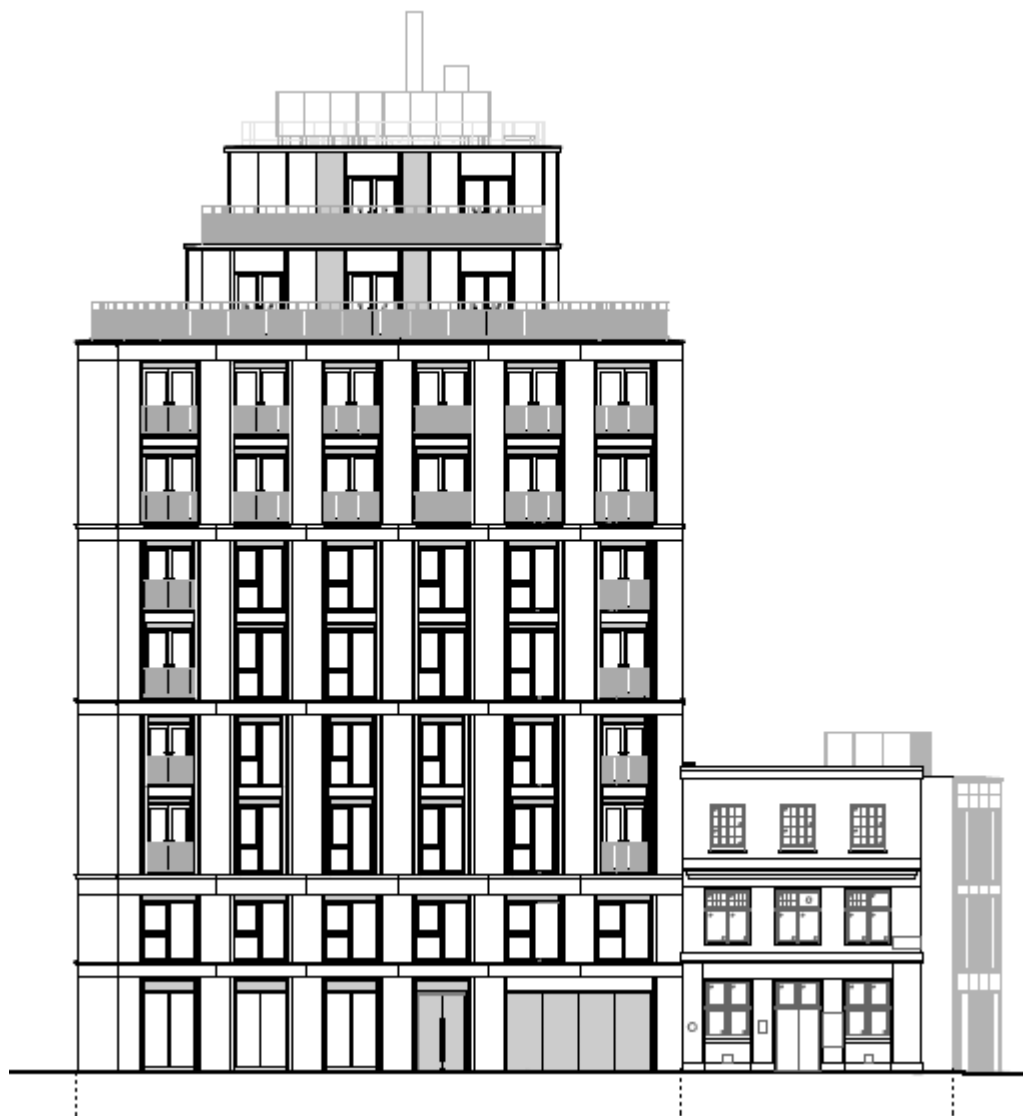
Existing Front elevation



Proposed Front elevation



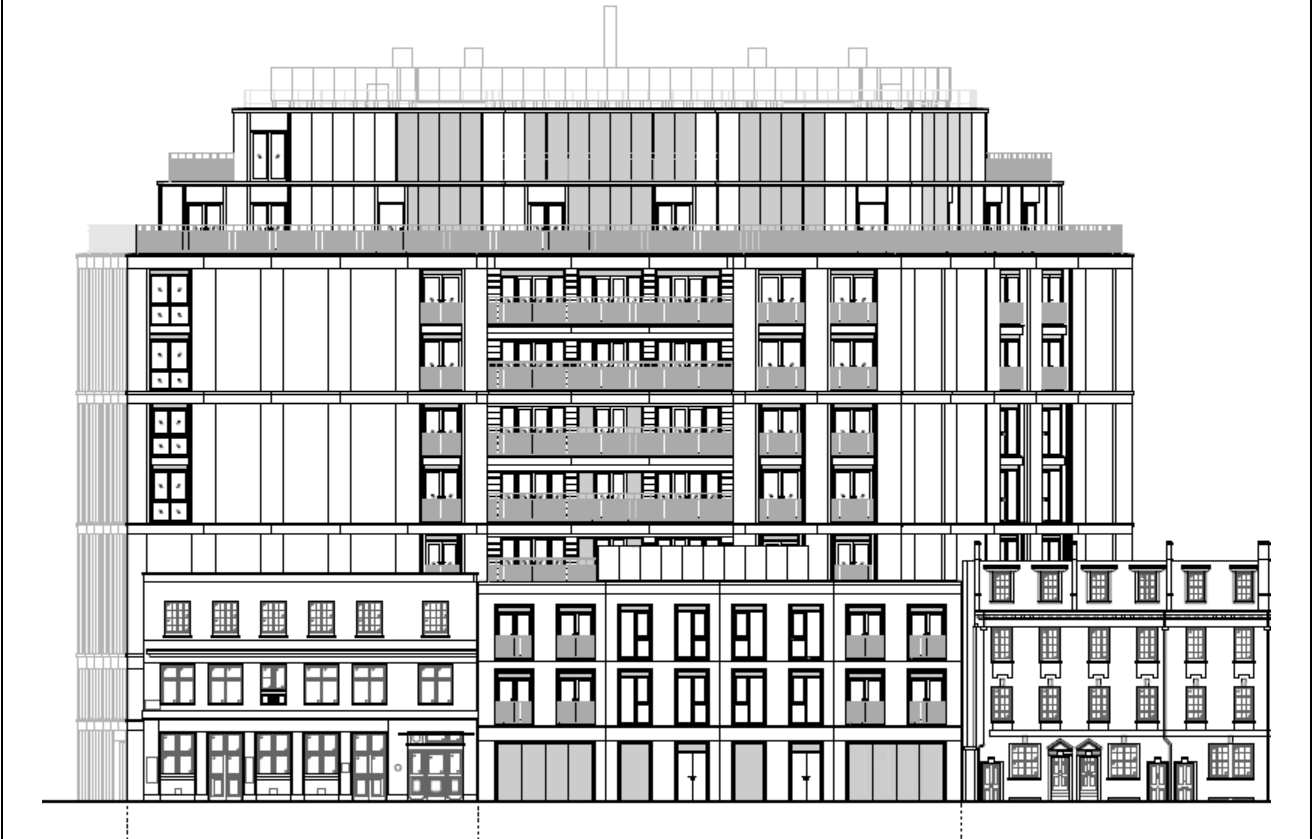
Existing Dean Bradley Street (East) elevation



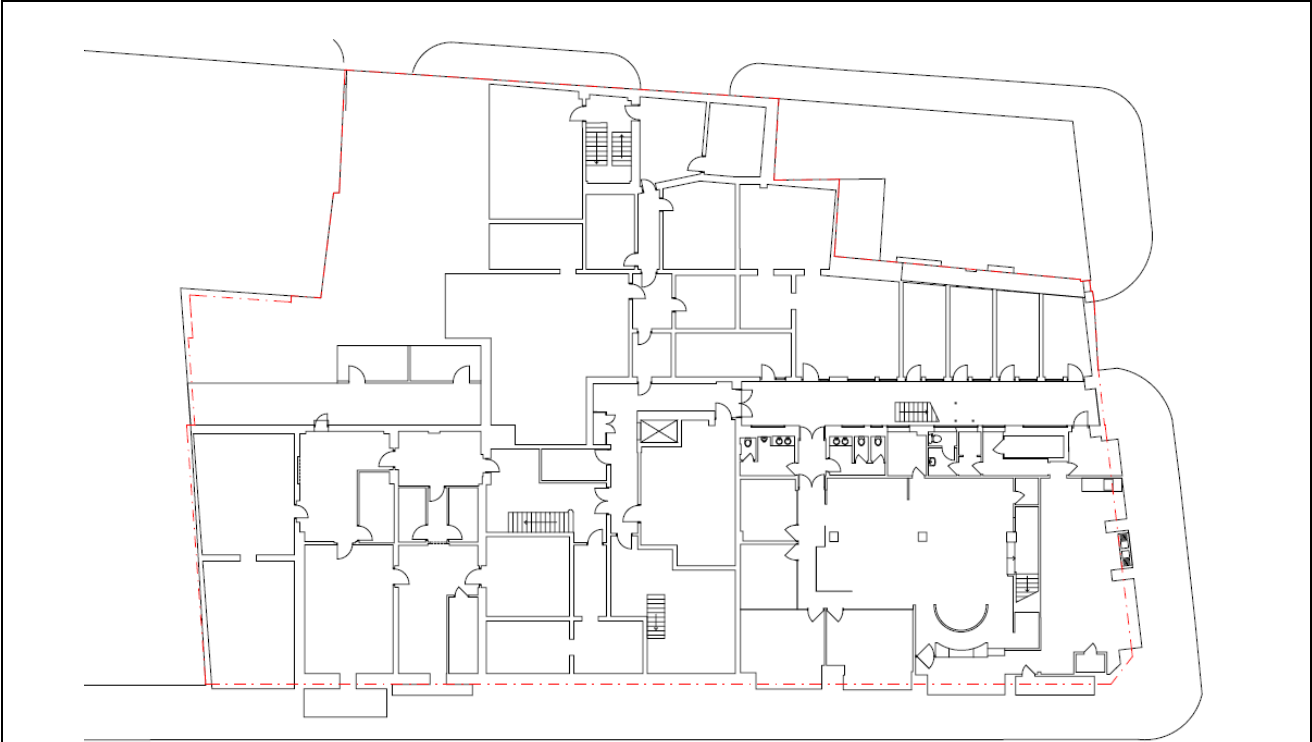
Proposed Dean Bradley Street (East) elevation



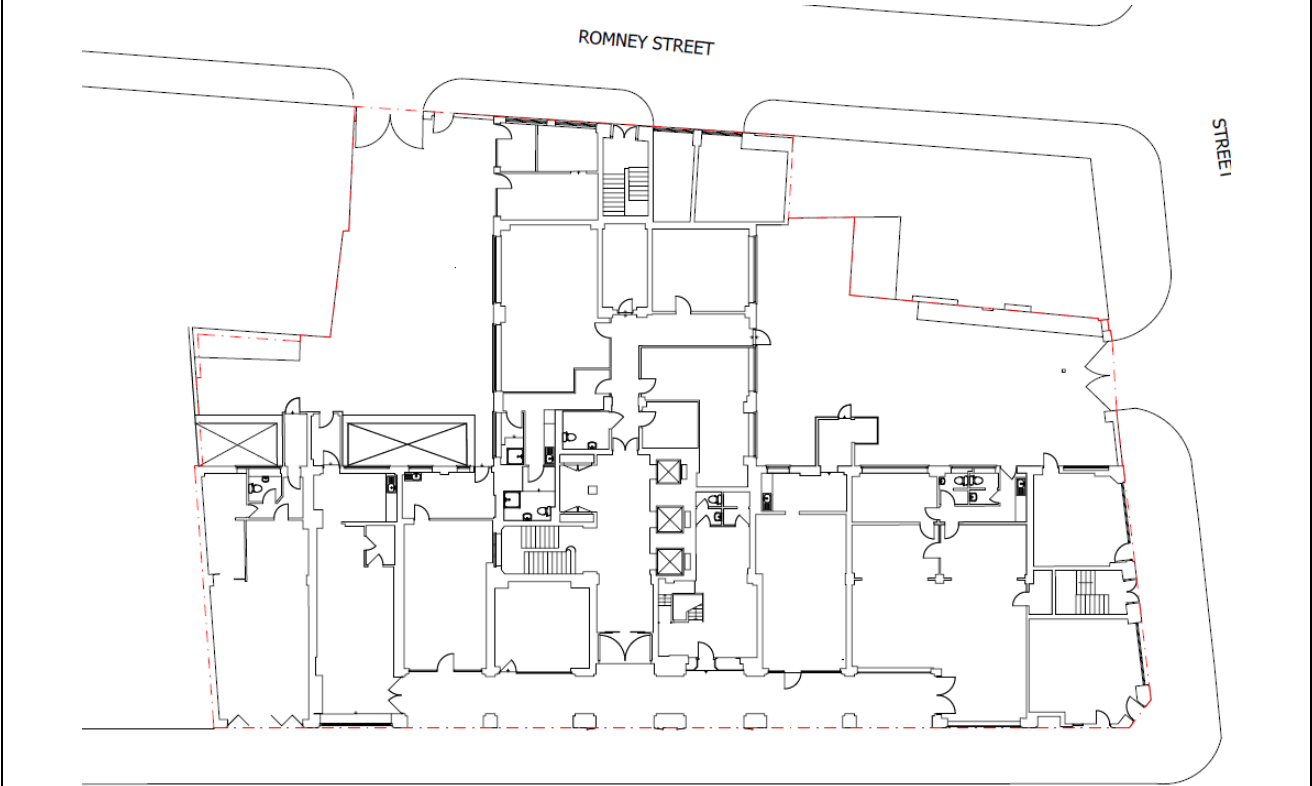
Existing Romney Street elevation



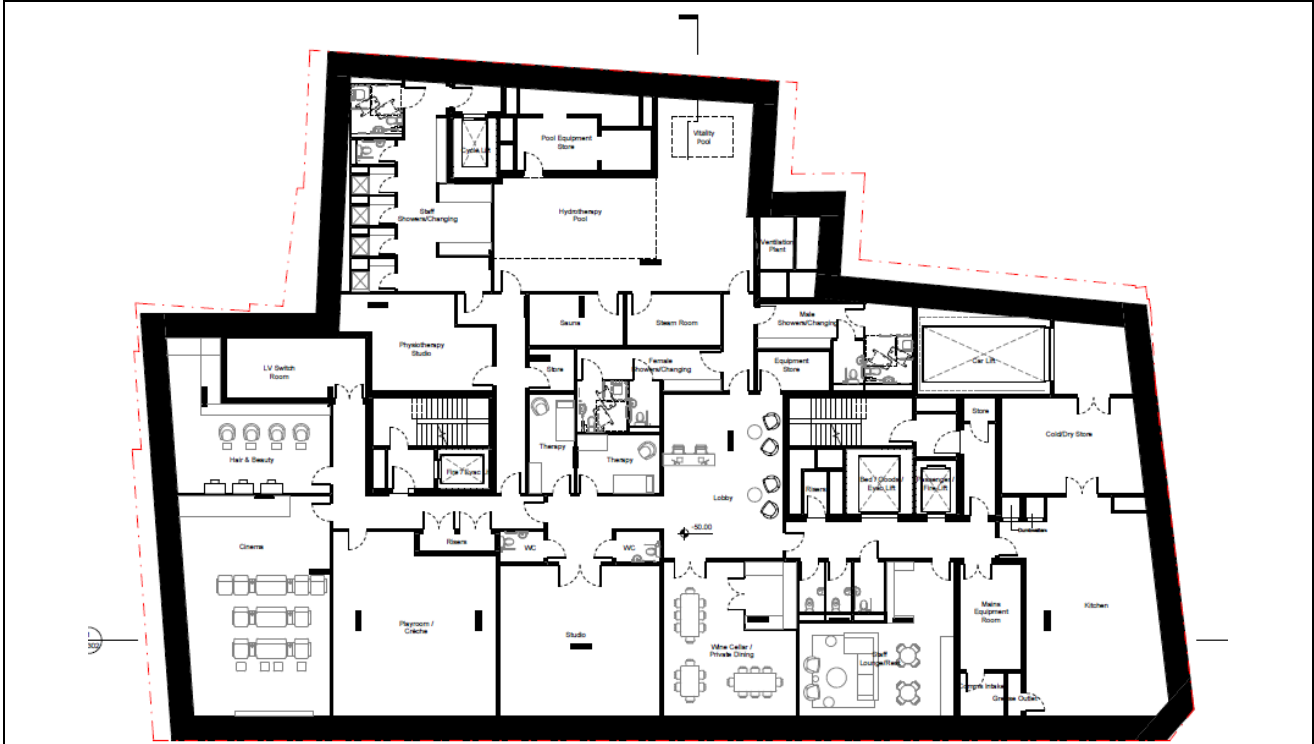
Existing Romney Street elevation



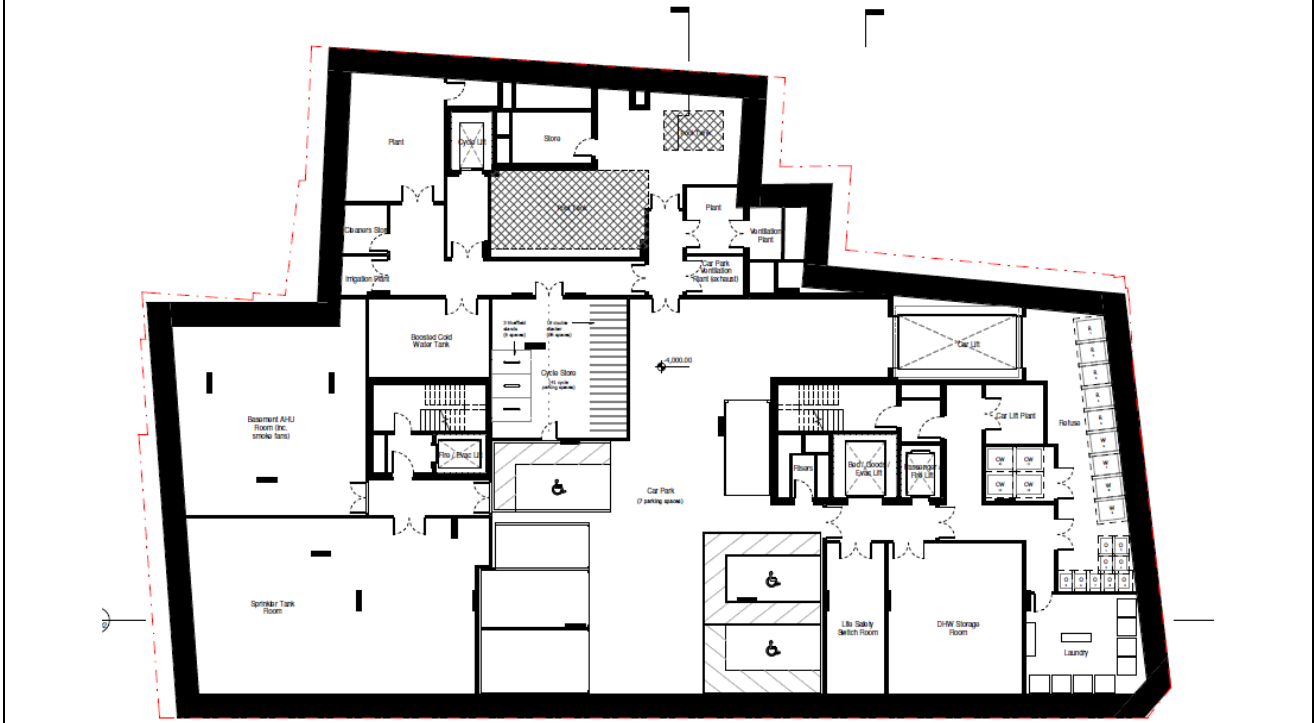
Existing basement level



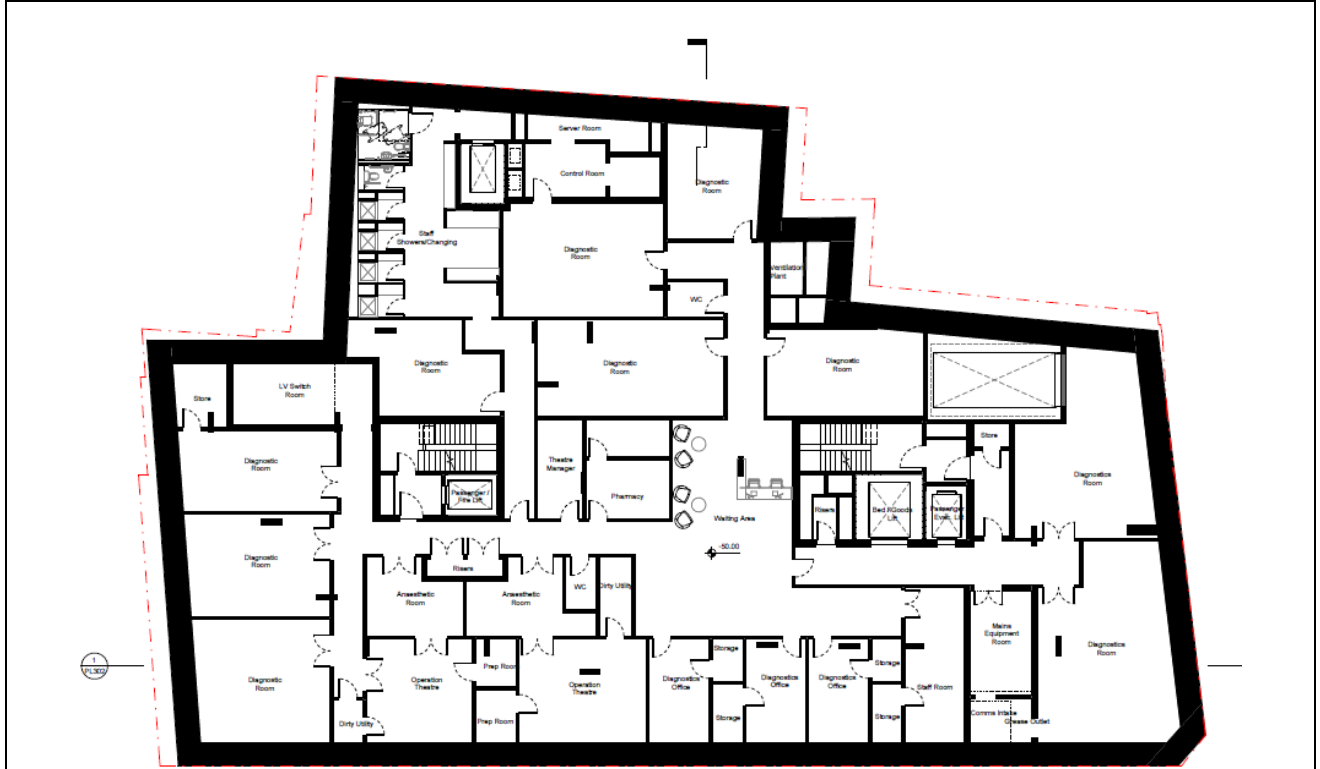
Existing Ground floor level



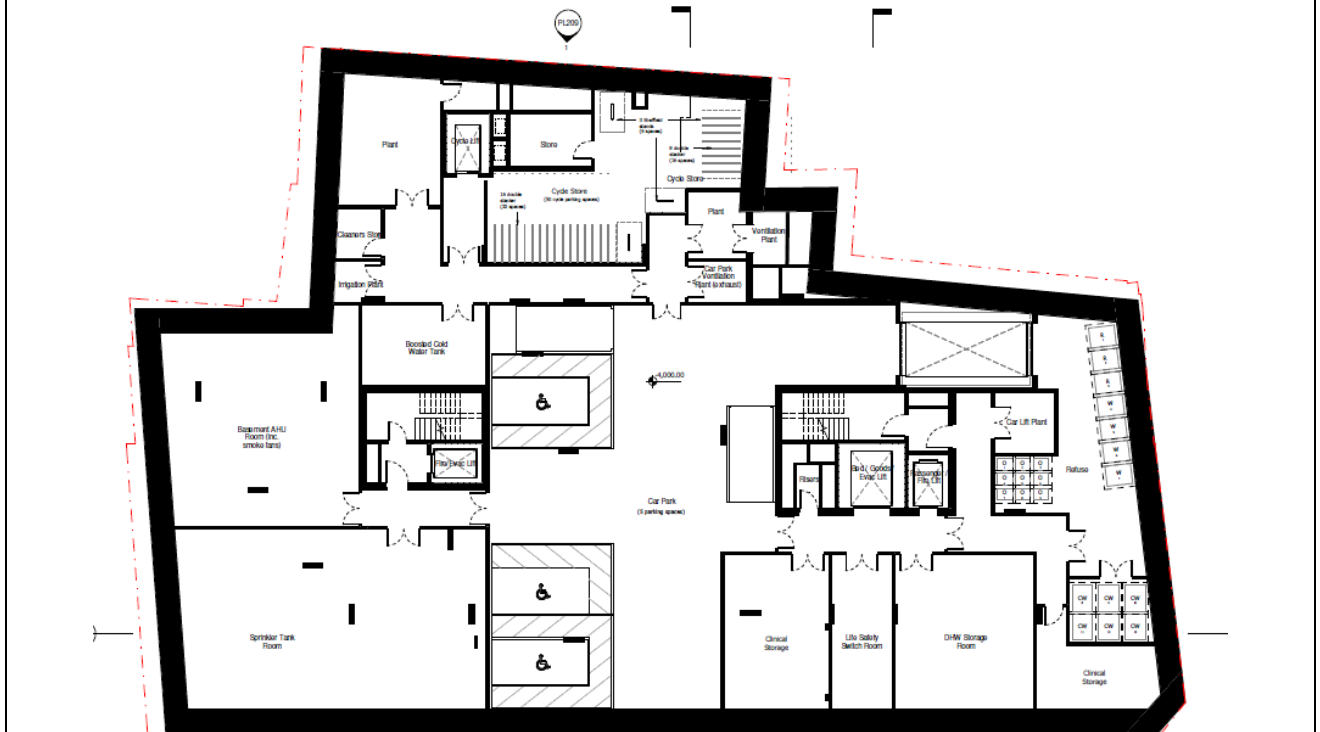
Proposed basement level 1 – option 1



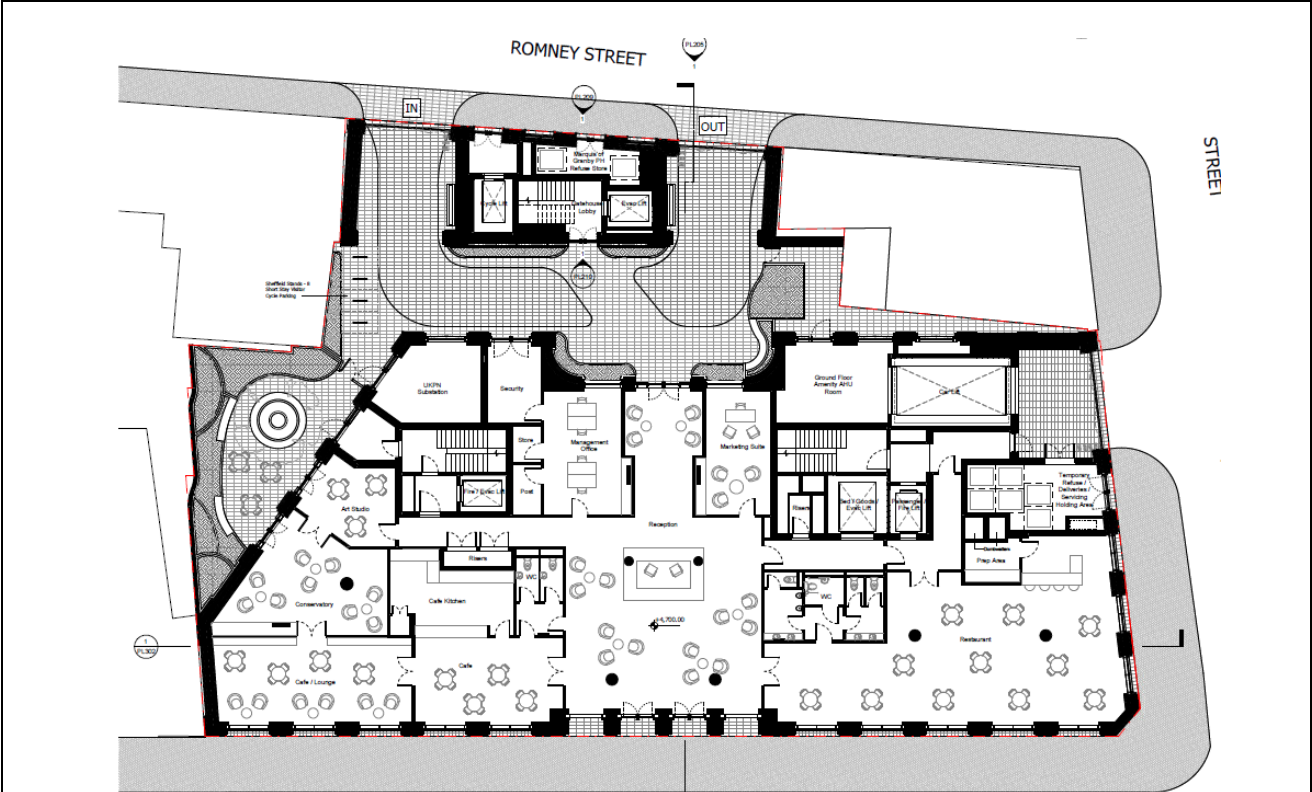
Proposed basement level 2 – option 1



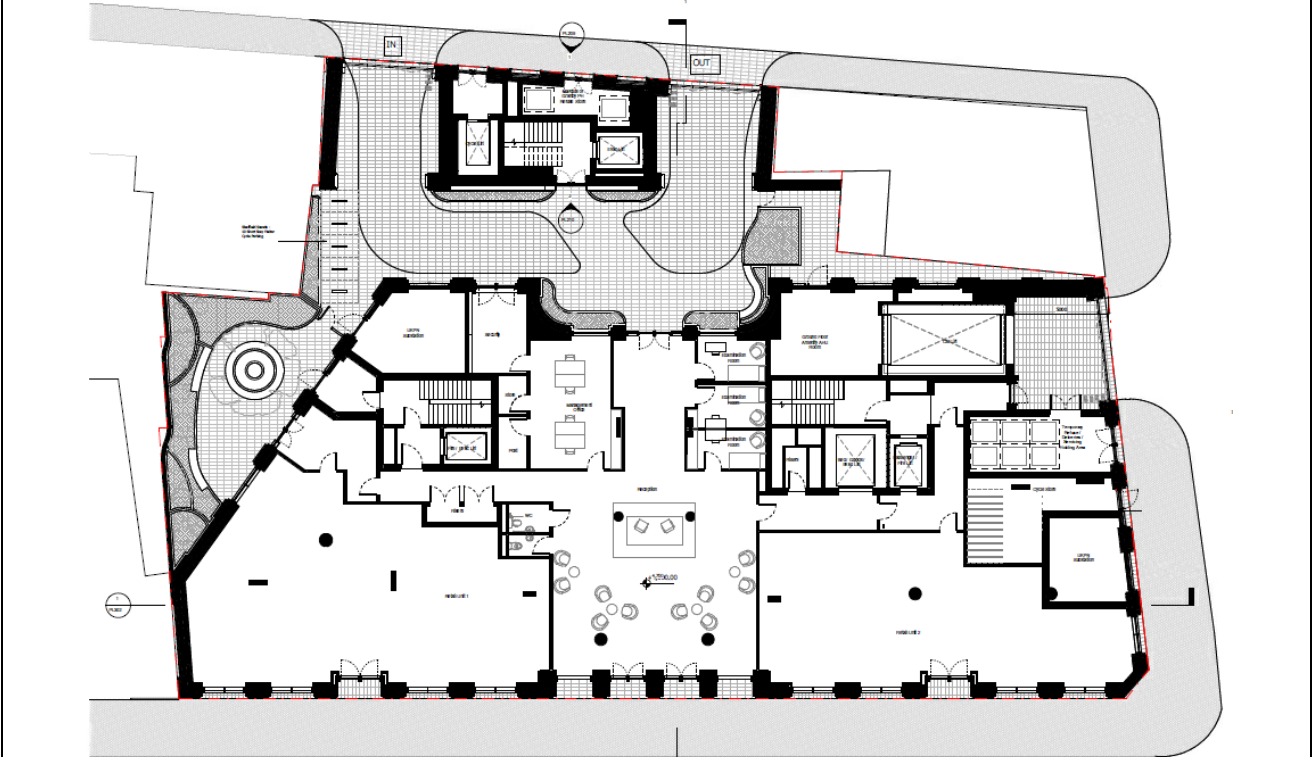
Proposed basement level 1 – option 2



Proposed basement level 2 – option 2



Proposed Ground floor – option 1



Proposed Ground floor – option 2



Existing typical floor plan



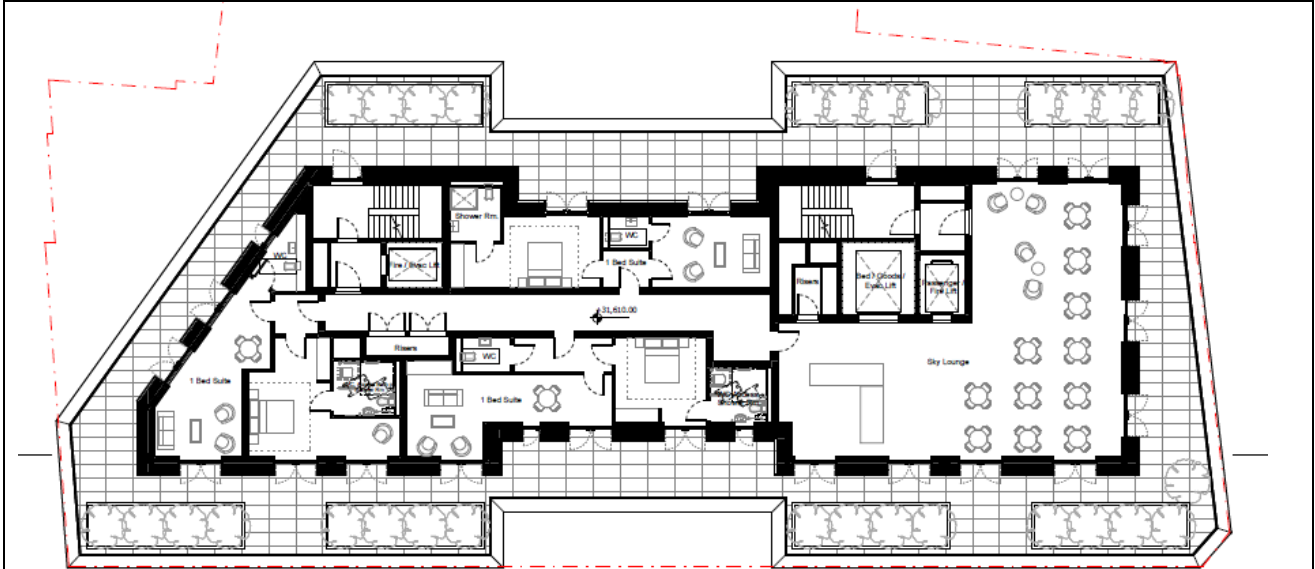
Proposed 1st to 5th floor plans – option 1



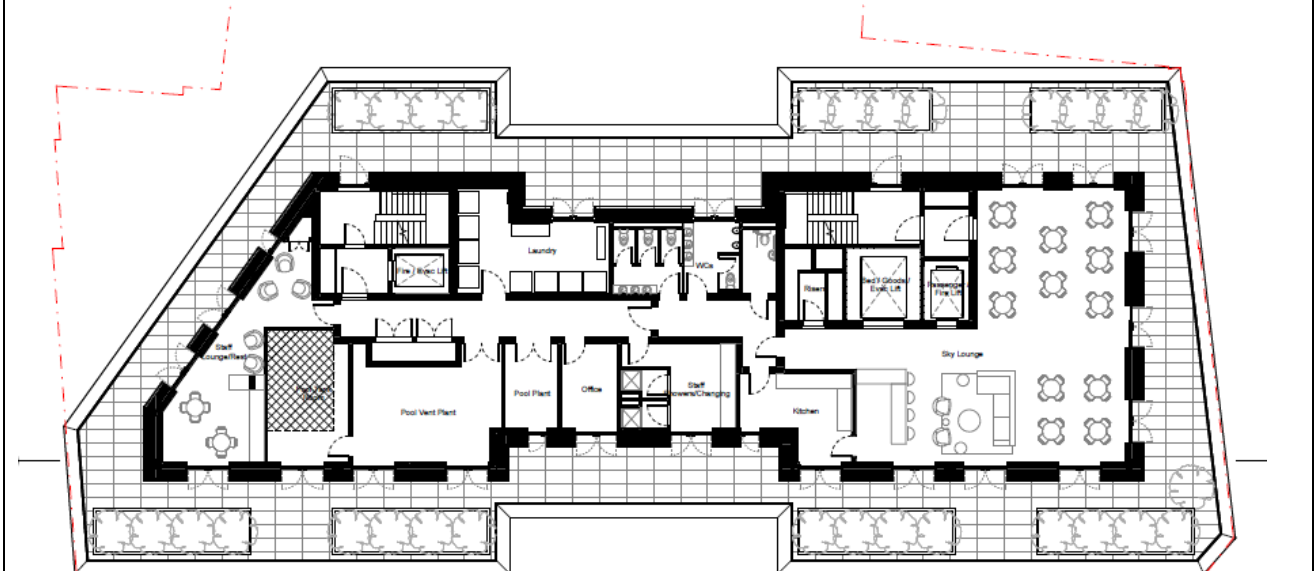
Proposed 1st to 5th floor plans – option 2



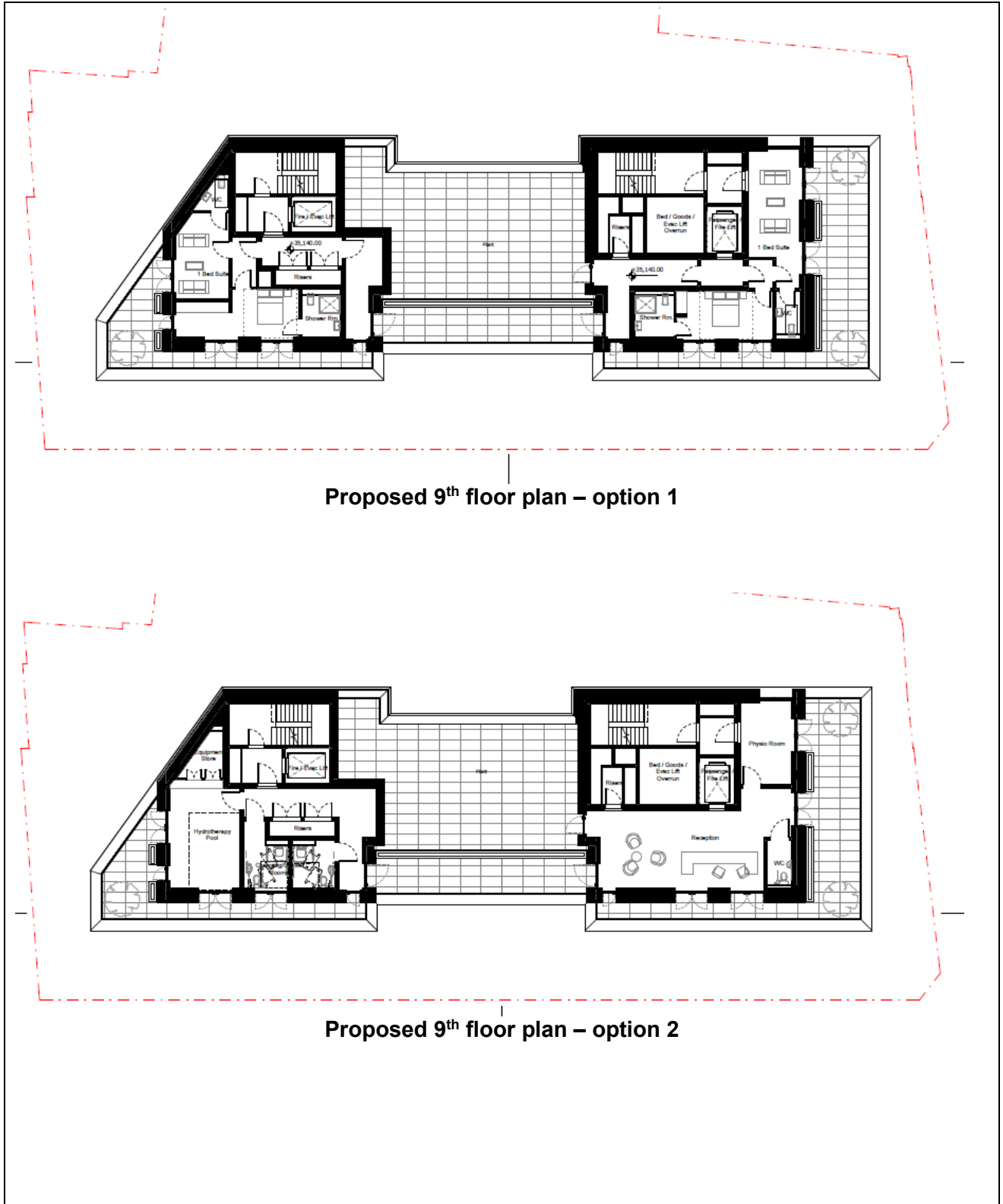
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Proposed 6th and 7th floor plans – options 1 & 2



Proposed 8th floor plan – option 1



Proposed 8th floor plans – option 2



DRAFT DECISION LETTER

- Address:** Dean Bradley House, 52 Horseferry Road, London,
- Proposal:** Demolition of Dean Bradley House and redevelopment to provide double basement, ground, nine upper floors and plant at 9th and roof level with terraces at all levels and erection of a separate 3-storey gatehouse building facing Romney Street for dual/alternative use either to provide 134 care home units and associated facilities such as library, restaurant, communal lounges and quiet rooms, therapy rooms, art studio and hydrotherapy pool (use Class C2) [option 1] or providing two (non-food) retail units at ground floor level (Class E(a)), clinical use at basement, part ground and first to fifth floor levels (Class E(e)) and 40 post operative care units at sixth to ninth floor levels (Class C2) with hydrotherapy pool and reception area [option 2]. Creation of car and cycle parking at sub-basement level, landscaped communal area and vehicular access in Romney Street.
- Reference:** 22/05282/FULL
- Plan Nos:** 14060-SQP-XX-00-DR-A-00000; 14060-SQP-XX-B1-DR-A-00001; 14060-SQP-XX-00-DR-A-00002; 14060-SQP-XX-01-DR-A-00003; 4060-SQP-XX-02-DR-A-00004; 14060-SQP-XX-07-DR-A-00005; 14060-SQP-XX-06-DR-A-00006; 14060-SQP-XX-07-DR-A-00007; 14060-SQP-XX-07-DR-A-00008; 14060-SQP-XX-07-DR-A-00009; 14060-SQP-ZZ-ZZ-DR-A-00010, 14060-SQP-ZZ-ZZ-DR-A-00011, 14060-SQP-XX-RF-DR-A-00012; 14060-SQP-XX-B1-DR-A-01000; 14060-SQP-XX-00-DR-A-01001; 4060-SQP-XX-01-DR-A-01002; 14060-SQP-XX-02-DR-A-01003; 14060-SQP-XX-06-DR-A-01005; 14060-SQP-XX-07-DR-A-01006; 14060-SQP-ZZ-ZZ-DR-A-01008; 14060-SQP-ZZ-ZZ-DR-A-01009; 14060-SQP-ZZ-ZZ-DR-A-01010, 14060-SQP-XX-06-DR-A-PL109 rev.C; 14060-SQP-XX-00-DR-A-PL101; 14060-SQP-XX-RF-DR-A-PL112 rev. D; 14060-SQP-ZZ-ZZ-DR-A-PL201; 14060-SQP-ZZ-ZZ-DR-A-PL202; 14060-SQP-ZZ-ZZ-DR-A-PL203; 14060-SQP-ZZ-ZZ-DR-A-PL204; 14060-SQP-ZZ-ZZ-DR-A-PL205 rev.C; 14060-SQP-ZZ-ZZ-DR-A-PL209 rev.B; 14060-SQP-ZZ-ZZ-DR-A-PL210 rev.B; 14060-SQP-ZZ-ZZ-DR-A-PL301 rev.A; 14060-SQP-ZZ-ZZ-DR-A-PL302 rev.A; 14060-SQP-ZZ-ZZ-DR-A-PL403; 14060-SQP-XX-RF-DR-A-SK_072, Noise control strategy dated 08 July 2022; Arboricultural development statement dated November 2022; Tree survey report dated October 2022; ASHP manufacturer specifications.
- Care home option
 14060-SQP-XX-00-DR-A-PL100 rev.A; 14060-SQP-XX-B2-DR-A-PL102 rev.E;
 14060-SQP-XX-B1-DR-A-PL103 rev.D; 14060-SQP-XX-00-DR-A-PL104 rev.D;
 14060-SQP-XX-01-DR-A-PL105 rev.B; 14060-SQP-XX-02-DR-A-PL106 rev.B;
 14060-SQP-XX-03-DR-A-PL107 rev.B; 14060-SQP-XX-04-DR-A-PL108 rev.B;
 14060-SQP-XX-08-DR-A-PL110 rev. D; 14060-SQP-XX-09-DR-A-PL111 rev.E; , ,
 14060-SQP-ZZ-ZZ-DR-A-PL202; 14060-SQP-ZZ-ZZ-DR-A-PL206 rev.C; 14060-SQP-ZZ-ZZ-DR-A-PL207 rev.C; 14060-SQP-ZZ-ZZ-DR-A-PL208 rev.C; 14060-SQP-ZZ-ZZ-DR-A-PL208 rev.C; 0209880-HLEA-XX-B2-DR-CS-100001 rev. P01, Operational overview dated July 2022; 209880-HLEA-XX-B2-DR-CS-100002 rev. P1.

Clinic, retail and post-operative care use

14060-SQP-XX-B1-DR-A-PL113 rev.F; 4060-SQP-XX-00-DR-A-PL114 rev. D; 14060-SQP-XX-01-DR-A-PL115 rev.C; 14060-SQP-XX-02-DR-A-PL116 rev.B; 14060-SQP-XX-03-DR-A-PL117 rev. B; 14060-SQP-XX-04-DR-A-PL118 rev.B; 14060-SQP-XX-B2-DR-A-PL119 rev.G; 14060-SQP-XX-08-DR-A-PL121 rev.A; 14060-SQP-XX-09-DR-A-PL122 rev.B; 14060-SQP-ZZ-ZZ-DR-A-PL211; 14060-SQP-ZZ-ZZ-DR-A-PL212 rev. C; 14060-SQP-ZZ-ZZ-DR-A-PL213 rev. C; 14060-SQP-ZZ-ZZ-DR-A-PL214; 14060-SQP-ZZ-ZZ-DR-A-PL215 rev. B; Option 2: Clinical accommodation and post-operative care dated 27.07.22; 0209880-HLEA-XX-B2-DR-CS-100003 rev. P1.

For information only:

Air quality assessment rev.01 dated 01 July 2022; Outline construction management and construction logistics plan version 1 dated 06 July 2022; Construction management plan dated July 2022; Economic benefits 2d draft report dated July 2022; Office market review 2d draft dated July 2022; Daylight and sunlight report Ref: DR//JB/Ho07 dated 08 July 2022; Fire statement rev. 3Ref: 21919-HYD-XX-XX-RP-FE-0001 dated 1 July 2022; Flood risk assessment dated July 2022; Planning statement dated July 2022; Preliminary Ecological Appraisal dated July 2022; Statement of community involvement dated July 2022; Structural methodology statement dated July 2022; SuDS strategy rev.01 dated July 2022; Townscape, heritage and visual impact assessment dated July 2022; Utilities statement rev.04 dated July 2022; Archaeological desk-based assessment; Design and access statement dated July 2022; Office market review dated 08 December 2022

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

Recommended Condition(s) and Reason(s)

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

Reason:

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)

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

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

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

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

Reason:

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

- 3 **Pre Commencement Condition.** Prior to the commencement of any:
- (a) demolition, and/or
 - (b) earthworks/piling and/or
 - (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

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

- 4 In the event building is used as retail, clinic and post-operative care (option 2), the balconies and terraces can only be used between the hours of 0800 and 1900 other than in the case of an emergency.

Reason:

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

- 5 **Pre Commencement Condition.** 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.

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.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

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)

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)

6 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To avoid damage to any archaeological remains on site as set out Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32AD)

7 You must apply to us for our approval of the positions and method to be used to dig trenches, pipelines or ducts for services or drains. You must not start any work to dig trenches, pipelines or ducts for services or drains until we have approved in writing what you have sent to us. The work must be carried out according to the approved details. (C31PB)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 8 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping according to these approved drawings within of completing the development (or within any other time limit we agree to in writing). (C30AC)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 9 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 10 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 11 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either:

(a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or

(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.

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

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)

- 12 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:
- i) Windows,
 - ii) Doors,
 - iii) Balconies,
 - iv) Railings,
 - v) Typical bay (scale 1:10).

You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved detailed.

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

- 13 You must apply to us for approval of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

- 14 You must apply to us for approval of a sample panel of brickwork, to be viewed on site, which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. (C27DC)

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

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

Reason:

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

- 16 The development hereby approved shall achieve a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of energy performance and sustainability. Where the performance of the development is measured using BREEAM, it shall achieve not less than the total credits for each of the Energy, Materials and Waste categories in the BREEAM Pre-Assessment hereby approved.

A post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the required BREEAM rating and has maintained or exceeded the approved total credit scores for each of the Energy, Materials and Waste categories, shall be submitted to us for our approval within three months of first occupation of the development. (C44BC)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 17 The development hereby approved shall achieve an urban greening factor of at least 0.36 and a report confirming this must be submitted to and approved by the City Council within three months of the completion of the development. These features must not be removed.

Reason:

To ensure carbon emissions have been minimised and to ensure the provision of green infrastructure in accordance with policies 34, 36 and 38 in the adopted City Plan 2019-2040 and the adopted Environmental Supplementary Planning Document 2022.

- 18 You must apply to us for approval of detailed connectivity infrastructure with plans demonstrating the provision of sufficient ducting space for full fibre.

Reason:

To allow the installation of most up-to-date standards of digital connectivity and future upgrading in accordance with Policy SI6 of the London Plan 2021 and Policy 19 in the adopted City Plan 2019-2040.

- 19 No demolition of the existing buildings shall take until a Construction Logistics Plan (CLP) to manage all the freight vehicle movements to and from the site has been submitted to and approved by the City Council in consultation with Transport for London in association with the demolition of the existing buildings.

The development shall be carried out in accordance with this approved CLP's at all times.

Reason:

To ensure that demolition and construction works do not have an adverse impact on public safety and the transportation networks, and to ensure that the impact is minimised in line with Policy T7 of the London Plan.

- 20 You must provide, maintain and retain the fire safety measures set out in the Fire Statement Ref: 21919-HYD-XX-XX-RP-FE-001 rev.03 dated 01 July. You must not remove any of these features.

Reason:

In the interests of fire safety and to ensure the safety of all building users in line with Policy D12 of the London Plan.

- 21 You must not occupy the premises for care home use (Class C2) (option 1) until a detailed scheme for the windows facing Horseferry Road and Dean Bradley Street has been submitted to and approved in writing by the local planning authority. The scheme shall include the area immediately behind the windows, shall not include any obscured glass and shall define any features within the windows. The development shall thereafter be carried out in accordance with the approved scheme and no further modifications shall be made.

Reason:

To preserve the appearance of an active frontage at ground floor level in line with Policies 14 and 38 of the City Plan 2019 - 2040 (April 2021).

- 22 You can use part of sub-basement, basement, part of ground floor and first to fifth floor levels (including Romney Street building) shown on approved drawings for option 2 as clinic (Class E e), you must not use those floorspace for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

Reason:

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

- 23 In the event you the building is used as a care home (Class C2) (option 1), you must not use those floorspace for any other purpose, including any within Class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would

not meet Policy of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 24 You can use the ground floor commercial units as retail (Class E(a)) shown on approved drawings for option 2, you must not use those floorspace for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policies 7, 14, 25, 29, 33 and 37 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 25 Any structure over the highway must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge; when within 1 metre of the kerb edge and over carriageway, 5.3 metres vertical clearance must be maintained by any structure. This includes building overhangs, public art, signage, awnings and canopies.

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 26 Prior to occupation of the building hereby approved you shall submit a Servicing and Delivery Management Plan. The plan must identify process, internal storage locations, scheduling of deliveries and staffing as well as clear process, internal storage locations, scheduling of deliveries and staffing as well as clear process for managing vehicle sizes. The Servicing and Delivery Management Plan must thereafter be maintained and followed by the occupants for the life of the development, unless revised strategy is approved (in writing) by the Local Planning Authority.

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)

- 27 All -off-street servicing areas must be provided prior to occupation and thereafter maintained for the life of development.

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)

- 28 Prior to occupation of the building, a vehicle signalling system for the car parking is required to be submitted and approved and thereafter maintained for the life of

development.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 29 Prior to the occupation of the building hereby approved, details of electric vehicle charging points (rapid 50kW) for each of the basement car parking spaces and one to the ground floor vehicle drop-off area should be submitted and installed. These charging points shall be permanently retained and maintained for the life of the development.

Reason:

To ensure that adequate recharging points are made available within the development hereby approved in accordance with Policies T6 of the London Plan 2021 and 27 of the City Plan 2019-2040 (April 2021).

- 30 The car parking spaces hereby approved are for operational use only and not for staff or residents personal car parking on options 1 and 2.

Reason:

Any other use of the car parking spaces would harm the environment of residents and the area generally. This is as set out in Policies 7, 27 and 33 of the City Plan 2019 - 2040 (April 2021).

- 31 All vehicles must enter and exit the site in forward gear.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 32 For each use options, you must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 33 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 34 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 35 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 36 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

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

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

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

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

Reason:

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

- 38 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) 35 and 36 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 Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 39 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 40 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

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)

- 41 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

-plantroom and associated equipment allowance shown in drawings 0209880-HLEA-XX-B2-DR-CS-100002 rev. P1 and/or 0209880-HLEA-XX-B2-DR-CS-100003 rev. P1;

- air source heat pumps; and
- 19 sqm of photovoltaic panels at roof level.

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021).

- 42 The mitigation measures identified in the Flood Risk Assessment /SUD's Strategy report must be provided prior to occupation, and these shall include blue/green roofs and permeable paving. These features must be provided and maintained for the lifetime of the development.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021).

- 43 Prior to the commencement of any construction works and following completion of RIBA Stage 4, a detailed Circular Economy Statement including a site waste management plan (or updated version of the approved Circular Economy Statement that reaffirms the approved strategy or demonstrates improvements to it), shall be submitted to us and approved by us in writing. The Circular Economy Statement must be prepared in accordance with the GLA Circular Economy Guidance and demonstrate that the development has been designed to meet the relevant targets set out in the guidance. The end-of-life strategy included in the statement shall include the approach to storing detailed building information relating to the structure and materials of the new building elements (and of the interventions to distinguish the historic from the new fabric). The development shall be carried out in accordance with the details we approve and shall be operated and managed throughout its life cycle in accordance with the approved details. (C17BA)

Reason:

To ensure the development is resource efficient and maintains products and materials at their highest use for as long as possible in accordance with Policy S17 in the London Plan 2021, Policy 37 in the City Plan 2019 – 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Circular Economy Statements' (March 2022). (R17BA)

- 44 Details of bird boxes shall be submitted to and approved by the City Council at least 3 months prior to the occupation of the buildings. The approved boxes must be installed prior to occupation and you must not remove these features.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set

out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

45 **Pre-Commencement Condition** You must apply to us for approval of an updated version of the Whole Life Carbon Assessment hereby approved at each of the following stages of development:

- (a) Prior to commencement of any work on site including all works of deconstruction and demolition.
- (b) Prior to commencement of any construction works.
- (c) Within 3 months of first occupation of the development.

Where the updated assessment submitted pursuant to (a) or (b) above identifies that changes to the design, procurement or delivery of the approved development will result in an increase in embodied carbon (A1-A5) above 617 kgCO₂e/m² and/or Whole Life Carbon (A1-C4) above 1130 kgCO₂e/m², which are the benchmarks established by your application stage Whole Life Carbon assessment, you must identify measures that will ensure that the additional carbon footprint of the development will be minimised.

You must not commence any work on site and/or construction works (as appropriate pursuant parts (a) and (b) above) until we have approved the updated assessment you have sent us. You must then carry out works, as permitted by the relevant part of the condition, in accordance with the updated version of the Whole Life Carbon assessment that we have approved.

The post construction assessment submitted for our approval pursuant to (c) shall demonstrate how the development has been completed in accordance with the updated benchmarks identified in the updated assessment submitted pursuant to part (b). (C17AB)

Reason:

To ensure the development minimises carbon emissions throughout its whole life cycle in accordance with Policy SI2 in the London Plan 2021, Policy 38 in the City Plan 2019 – 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Whole Life-Cycle Carbon Assessments' (March 2022). (R17AD)

46 You must submit for approval an updated management plan. The measures included in your management plan must be followed at all times when the clinic and post-operative care uses are in operation.

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)

47 Before anyone moves into the property, you must provide the separate stores for waste

and materials for recycling shown on drawings number 14060-SQP-XX-B2-DR-A-PL119 rev. G and/or 14060-SQP-XX-B2-DR-A-PL102 rev. E and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

To preserve the appearance of an active frontage at ground floor level in line with Policies 14 and 38 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. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3 With reference to condition 3 please refer to the Council's Code of Construction Practice at

(www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

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

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

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

- 4 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 payment of carbon offset contribution, monitoring of the operational energy strategy performance, financial contribution towards the Westminster Employment Service, costs of highway works, maintenance and management plan for the car lift, financial contribution towards the Lambeth Bridge North Healthy Streets improvement scheme, Travel Plan, access to hydrotherapy pool facilities for NHS patients, notification of switching between uses, monitoring of the agreement. (I55AA)
- 5 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, all floors can change between the care home use (C2 use class) and part retail (E (a) use Class), part clinic (E (e) use Class) and part post-operative care (C2 use class) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 6 The applicant is strongly encouraged to ensure that all non-road mobile machinery used during the demolition and/or construction phase meet the appropriate emission standards for use in the Central Activity Zone. Further information can be found at the following link: <http://nrmm.london/nrmm>. The environmental sciences team can provide further information and can be contacted at: environmentalsciences2@westminster.gov.uk

- 7 The Service and Management Plan (SMP) requested by condition 26 should identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case.

It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is 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.

- 8 The London plane trees adjoining the site are protected by a Tree Preservation Order. You must obtain our consent before you carry out any tree works. The Town and Country Planning (Tree Preservation)(England) Regulations 2012 allow for exception from the need to obtain consent, so far as such work is necessary to implement a planning permission, but for the avoidance of doubt any tree work not necessary to implement the planning permission will require a separate tree works application on the standard application form.

- 9 Condition 9 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:

- * the order of work on the site, including demolition, site clearance and building work;
- * who will be responsible for protecting the trees on the site;
- * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
- * how you will deal with accidents and emergencies involving trees;
- * planned tree surgery;
- * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
- * how you will remove existing surfacing, and how any soil stripping will be carried out;
- * how any temporary surfaces will be laid and removed;
- * the surfacing of any temporary access for construction traffic;
- * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- * the place for any bonfires (if necessary);
- * any planned raising or lowering of existing ground levels; and
- * how any roots cut during the work will be treated.

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

www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, , Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 11 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) 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.

- 12 Conditions 35 and 36 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. (182AA)

- 13 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 14 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 15 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm, , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 16 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 17 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these

regulations in all respects.

- 18 The term 'clearly mark' in condition 22 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 19 With regards to Condition 17, please note that the Mayor does not support the of combustible materials on the external façade of any building. Given this, if green walls were to be removed, this may impact upon the UGF, score and biodiversity net gain.
- 20 With regards to Condition 19, please note any change to the bus stop on, Horseferry Road outside the site should be discussed with TfL prior to final CLP, submission. London Underground's Infrastructure Protection team should be, consulted regarding the basement construction, via, locationenquiries@tfl.gov.uk.
- 21 In relation to the assessment required pursuant to part (c) of Condition 43, the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance: LPG document template (green) (london.gov.uk). To support the results provided in the template, the following minimum evidence requirements should also be submitted:
- (a) site energy (including fuel) use record,
 - (b) contractor confirmation of as-built material quantities and specifications,
 - (c) record of material delivery including distance travelled and transportation mode (including materials for temporary works),
 - (d) waste transportation record including waste quantity, distance travelled, and transportation mode (including materials for temporary works) broken down into material categories used in the assessment,
 - (e) a list of product-specific environmental product declarations for the products that have been installed.

The data collected must demonstrate compliance with the Whole Life Carbon Assessment approved at application stage, as updated pursuant to parts (a) and (b) of the condition, and will provide an evidence base that informs future industrywide benchmarks or performance ratings for building typologies. In addition to submitting this information to the Council pursuant to the requirements of part (c) of the condition, where the original application was referable to the Mayor of London you should also submit the post-construction assessment to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the requirements of the Mayor's guidance. (I17AB)

- 22 In Condition 43 the reference to deconstruction means works to strip out and remove fabric from the existing building as identified within the Circular Economy statement dated ^IN; that was submitted with the application. (I17BA)
- 23 The pre-demolition audit and Circular Economy Statement required by Condition 45 must accord with the guidance set out in the London Plan Guidance 'Circular Economy Statements' (2022). The demolition audit should follow best practice and include how the value of existing

building elements or materials can be recovered, the amount of demolition waste (cross-reference the Recycling and Waste reporting table - refer to section 4.9 for further details), a schedule of practical and realistic providers who can act as brokers for each of the reclaimed items, and target reuse and reclamation rates. The Circular Economy Statement should include a Pioneering Bill of Materials which includes reused and recycled content by volume and mass. For reused and recycled content calculations should be submitted as accompanying supporting evidence.

In addition to submitting the information required by parts (a) and (b) of the condition to the Council, where the original application was referable to the Mayor of London you should also submit the details to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the requirements of the Mayor's guidance. (I16AB)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Item No.
1

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Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 September 2023	Classification For General Release	
Report of Director of Town Planning and Building Control		Ward(s) involved St James's	
Subject of Report	Trocadero, 13 Coventry Street, London, W1D 7DH,		
Proposal	Erection of roof extensions at 5th, 7th and 9th floors on the Shaftesbury Avenue frontage to accommodate up to 84 hotel rooms in conjunction with the existing hotel (partially retrospective application). Creation of new roof terraces at 7th floor facing Shaftesbury Avenue. Installation of screening to existing plant at 11th and 12th floor levels.		
Agent	Centro Planning Consultancy		
On behalf of	London Trocadero LLP		
Registered Number	21/05795/FULL 21/05796/LBC	Date amended/ completed	26 May 2022
Date Application Received	19 August 2021		
Historic Building Grade	II		
Conservation Area	Soho		
Neighbourhood Plan	Not applicable.		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a legal agreement to secure the following:</p> <p>a) A financial contribution of £59,997 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);</p> <p>b) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;</p> <p>c) A financial contribution of £25,628 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development);</p> <p>d) The costs of monitoring the S106 agreement.</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 Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to</p>
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determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within 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 Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent.

4. Agree the reasons for granting conditional listed building consent as set out in informative on the draft listed building consent decision letter.

2. SUMMARY & KEY CONSIDERATIONS

The application relates to the Trocadero complex which occupies a prominent site within the West End. A large part of the building was formerly in leisure use but the majority of the upper floors are now in hotel use following a consent granted in 2017. The site is located within the Soho Conservation Area, the West End Retail and Leisure Special Policy Area and part of the building is Grade II listed.

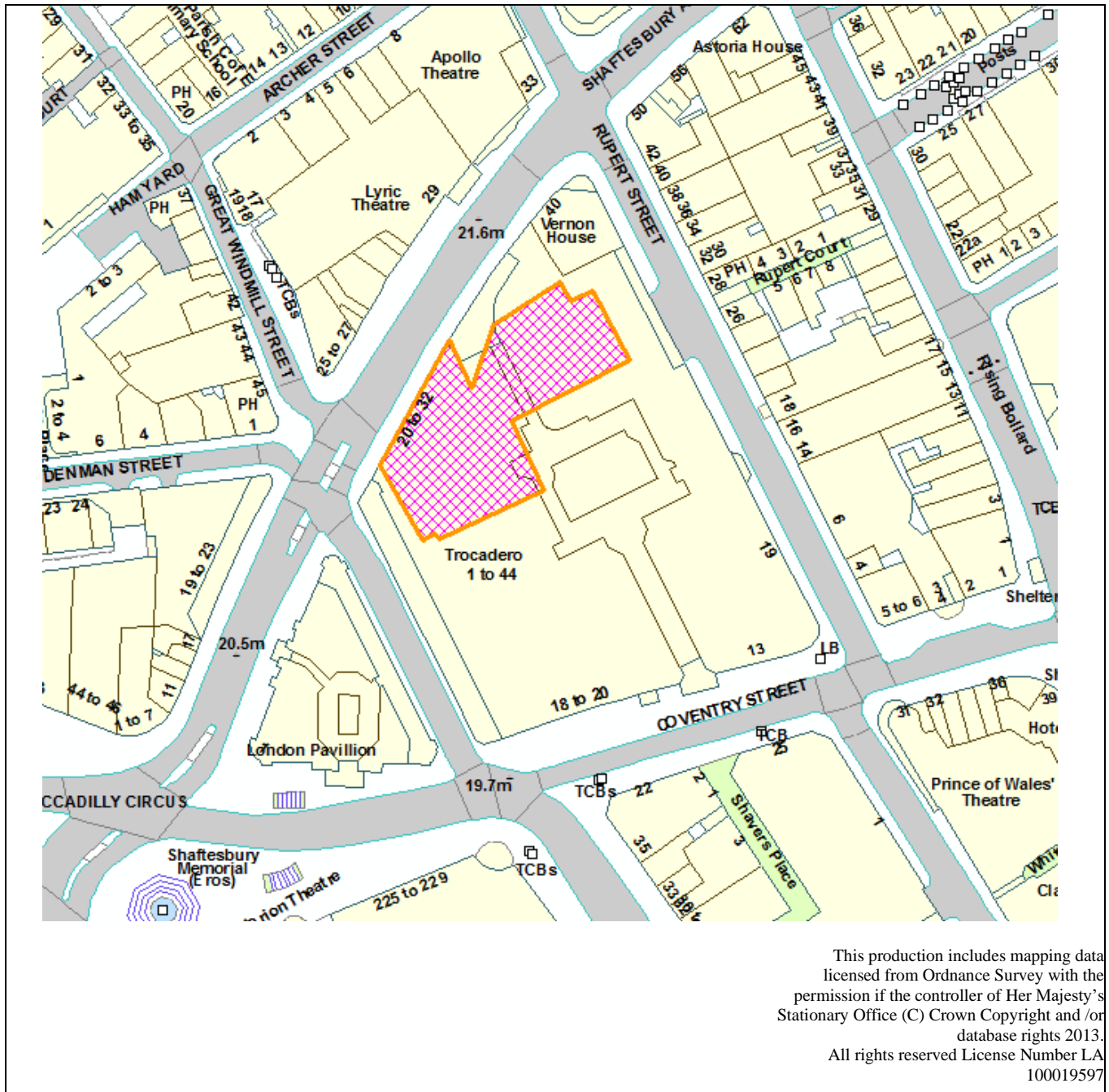
This application seeks extensions to the Shaftesbury Avenue frontage to provide an additional 84 hotel rooms. A roof terrace at seventh floor and screening to existing plant on the building are also proposed.

The key issues in this case are:

- * The acceptability of the proposals in land use terms;
- * The impact of the proposals upon the special architectural or historic interest (significance) of the listed building and the character and appearance of the Soho Conservation Area;
- * The impact of the proposals on the highway network;
- * The impact of the proposals on the amenity of neighbouring residents and other sensitive users.

The proposals would provide additional visitor accommodation within an appropriate location within the Central Activities Zone. There would be less than substantial harm to heritage assets, but this harm is outweighed by public benefits. The application is considered acceptable in land use, design, highways and amenity terms and is subsequently recommended for approval, subject first to the completion of a legal agreement to secure the benefits set out above.

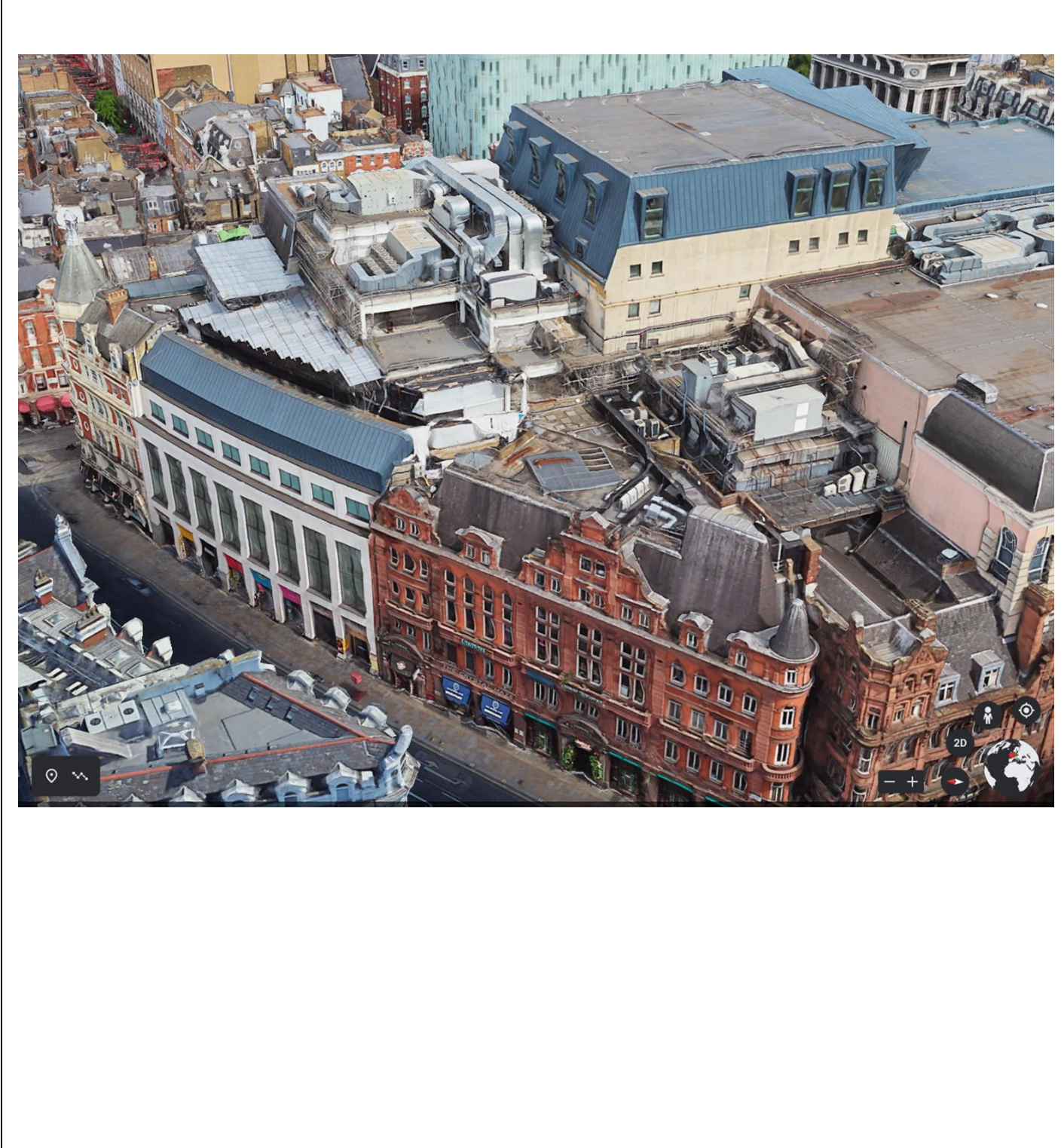
3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

5.1 Application Consultations

GREATER LONDON AUTHORITY

Whilst the proposal marginally exceeds the threshold plane of this protected vista, the proposed development would not cause harmful impact on the view and do not give rise to any strategic planning issues.

LONDON BOROUGH OF LAMBETH

No objections raised.

LONDON BOROUGH OF CAMDEN

No objections raised.

THEATRES TRUST

No objections raised, but request engagement between the applicant and Nimax Theatres, to ensure that the theatre's performances are not disrupted by noisy construction work and that there is coordination between both parties around performance change-overs.

HEALTH AND SAFETY EXECUTIVE

No comments raised.

METROPOLITAN POLICE

No objections raise.

CROSSRAIL 1

No comments raised.

CROSSRAIL 2

No comments raised.

THAMES WATER

No objection subject to conditions.

SOHO SOCIETY

Objects due to over-intensification of use, given the size of the existing hotel. Considers that there is no obvious reason why this application could not have been included as part of the implemented hotel application (17/08541/FULL), especially since elements of this application are retrospective. This suggests that the combination of the two applications would have been considered over-development at the time of the original application.

ENVIRONMENTAL SCIENCES

No objections raised.

HIGHWAYS PLANNING MANAGER

No objections raised.

WASTE PROJECTS OFFICER

No objections raised to revised details.

ADJOINING OWNERS/OCCUPIERS

No. consulted: 190; No. responses: 1

One letter of objection raising the following concerns:

- * potential noise bleed to nearby theatres from the terraces and additional rooms proposed, during both the construction phases and once operational.
- * the impact on the Apollo Theatre is of particular concern with regards to increase in noise as its access entrance into the stalls level is directly onto Shaftesbury Avenue
- * with four theatres opposite the site, the arrival and departure of audiences unavoidably creates congestion on already busy pavements, and any additional footfall and queuing outside the Trocadero site would shift foot traffic to the opposite side of the street exacerbating the issues faced by the theatres, and cause further challenges in navigating the area to those with mobility issues
- * Any increase to road traffic generated by the extension furthers these concerns for pedestrian safety and ease of access but also may affect production changes where large vehicle access is needed on Great Windmill, Rupert and Archer Streets throughout the changeover period which may conflict with additional or higher volume deliveries to the Trocadero site.
- * any permission should be subject to a detailed assessment of the footfall and impact on pedestrian access; and a noise assessment and report to determine the noise likely to emanate from both the proposed bar and restaurant and any queue on Shaftesbury Avenue associated with the premises to ensure that no noise can be heard at the site boundaries of the Apollo and Lyric Theatres when the hotel, bar and restaurant are operational.
- * requests that during the construction, the applicant liaises with Nimax Theatres to ensure that no noisy works are carried out at performance or rehearsal times.

SITE/PRESS NOTICE

Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Flyer	13.09.22		Letters from the Applicant were distributed to neighbours.
Meeting	7.09.22	Soho Society	

In summary, across the range of engagement undertaken by the applicant the principal

issue raised was the size/overdevelopment of the hotel.

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

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

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

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The Trocadero complex occupies the street block bounded by Coventry Street, Rupert Street, Shaftesbury Avenue and Great Windmill Street and comprises four Grade II listed buildings known as Lyons Corner House, Lyons Corner House Extension, Scott's Corner building and Avenue Mansions. The other buildings on the site are unlisted, are modern and of generally little merit, with the exception of Vernon House on the corner of Shaftesbury Avenue and Rupert Street (which falls outside of the application site). The whole of the block falls within the Soho Conservation Area, the Central Activities Zone (CAZ) and the West End Special Retail Policy Area (WESPRA). Part of the site lies within the Strategic Viewing Corridor 2: Primrose Hill to the Palace of Westminster.

The Trocadero complex originally comprised a variety of uses primarily permitted as part of the original mixed-use concept approved by the Greater London Council in 1980. New

infill elevations were constructed in Coventry Street, Great Windmill Street, Shaftesbury Avenue and Rupert Street in the 1980s.

A large part of the Trocadero complex now houses the Zedwell Piccadilly hotel which has 728 windowless rooms and a large rooftop bar.

The site is bounded to the south-west by the Regent Street Conservation Area, to the south by the Haymarket Conservation Area, to the south-east by the Leicester Square Conservation Area and to the west by the Chinatown Conservation Area.

The area is characterised by ground floor commercial uses. Records indicate that there are very few residential properties within the vicinity of the site. The closest are those above the St James Tavern at 45 Great Windmill Street, on the opposite side of Shaftesbury Avenue. There are also flats on Rupert Street.

7.2 Recent Relevant History

The London Trocadero was created in the early 1980s under a Greater London Council permission issued on 22 January 1980. Following this a major scheme of refurbishment works was approved by the City Council on 24 November 1989 which permitted, inter alia, alterations and extensions to allow for an expanded mixed use complex incorporating retail, restaurant, entertainment, cinema and office uses. This scheme was substantially completed by the end of 1992.

Permission was subsequently granted in October 1995 to use the second to sixth floors of Lyons Corner House and the third to eighth floors above the main atrium and flanking Rupert Street as an indoor theme park (a sui generis use) with ancillary retail and restaurant facilities. The indoor theme park was known as Segaworld.

Planning permission for the partial demolition and redevelopment of the Trocadero for use as a 471 bedroom hotel, eight residential units, retail (Class A1) uses and a restaurant (Class A3), Community Arts Space and provision of a replacement facade on Shaftesbury Avenue and alteration to the existing facade on Rupert Street was granted in October 2008.

Planning permission was granted in July 2010 for the use of part second to seventh floor levels as a 495 bedroom hotel. New retail (Class A1) at ground and first floor level on Shaftesbury Avenue, reconfiguration of the loading bay on Rupert Street and use of part basement, ground and second to fifth floors of 40 Shaftesbury Avenue (Vernon House) for residential purposes (4 x 1-bed, 4 x 2-bed and 1 x 3-bed flats).

Planning permission was granted in November 2012 for the erection of a two storey extension at eighth and ninth floor levels; use of part basement, subbasement, part ground to ninth floor levels as a hotel (Class C1) comprising of 527 bedrooms and 56 aparthotel rooms with a rooftop bar and associated terraces at eighth and ninth floor levels; use of part ground, first and first floor mezzanine levels (Rupert Street frontage) for residential purposes (Class C3) comprising 1x1, 6x2, 1x3 bedroom flats, use of part ground and first floor levels as a retail unit (Class A1). Reconfiguration of the loading bay on Rupert Street, alterations to the shopfronts on Shaftesbury Avenue and internal alterations at all floor levels.

Planning permission was granted in September 2018 for the use of part basement levels, part ground and part first to eleventh floor levels as a hotel (Class C1) comprising up to 740 bedrooms; erection of entrance canopy on Shaftesbury Avenue and plant enclosures at levels 07 to 11 and associated works; erection of roof extensions, plant, pool and terraces at levels 12 and 13 for use as a restaurant and bar (Class A3 and A4). This permission has now been implemented.

Planning permission was granted in May 2020 for the variation of condition 1 of planning permission dated 05 September 2018 (RN 17/08541/FULL) for the use of part basement levels, part ground and part first to eleventh floor levels as a hotel (Class C1) comprising up to 740 bedrooms; erection of entrance canopy on Shaftesbury Avenue and plant enclosures at levels 07 to 11 and associated works; erection of roof extensions, plant, pool and terraces at levels 12 and 13 for use as a restaurant and bar (Class A3 and A4). from RN 17/08541/FULL, NAMELY, to vary the relocation of the hotel entrance to Great Windmill Street, relocation of the dedicated sky-bar entrance on Shaftesbury Avenue; and retaining the Bar Rumba entrance onto Shaftesbury Avenue.

Planning permission to add an additional entrance and internal queuing area for the rooftop Skybar (by converting part of the loading bay fronting Rupert Street) was granted on 22 August 2023.

8. THE PROPOSAL

The proposal seeks extensions to the Shaftesbury Avenue frontage to provide a maximum of an additional 84 hotel rooms, comprising 2,225sqm of additional floorspace. Extensions are proposed at fifth, seventh and ninth floor levels, together with alterations to the existing roof level plant, plant screening and alterations to the internal layout.

The development is proposed to be constructed in two-phases. The reason for the two-phased approach is owing to the existence of plant associated with existing tenants on the lower floors which needs to remain operational during the proposed works.

Part of the roof structure has already been erected (structure and plant deck), which the applicant argues was to take advantage of the tower crane being present during the hotel construction. The planning application is therefore in part retrospective.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Hotels are important to support the visitor and business economy, and they have strong links with other activities in central London such as shopping, theatre and other cultural and entertainment activities. Policy E10 of the London Plan estimates that London will need to build an additional 58,000 bedrooms of serviced accommodation by 2041, which is an average of 2,230 bedrooms per annum. Part F of Policy E10 states that within the CAZ, strategically-important serviced accommodation (defined as more than 20,000 sq.m) should be promoted in Opportunity Areas, with smaller-scale provision in other parts of the CAZ except wholly residential streets or predominantly residential neighbourhoods.

City Plan Policy 2 states that “the intensification of the West End Retail and Leisure Special Policy Area (WERLSPA) over the Plan period will deliver the following priorities:

A. Significant jobs growth through a range of commercial-led development including retail, leisure, offices and hotel use. Additional commercial floorspace will be provided in a manner that respects its setting, through:

1. Increased scale and massing in Tottenham Court Road Opportunity Area, to at least achieve London Plan targets of 3,000 new jobs and 150 new homes, and;
2. The sensitive refurbishment and extension, or replacement of existing buildings across the WERLSPA.”

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). Policy 15 ‘Visitor Economy’ 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.

The Soho Society object to the increase in size of the hotel and comment that the retrospective nature of the works indicate that the proposals are an overdevelopment of the site. However, the site falls outside the Soho Special Policy Area where smaller scale or ‘boutique’ hotels are considered more appropriate (due to Soho’s existing character,) and Policy 15 only refers to the need for extended hotels to have ‘regard to impacts on the wider area’ rather than referring to a specific limit on size. Policy E10 of the London Plan encourages Boroughs in the CAZ to direct strategically-significant serviced accommodation (defined as more than 20,000 sqm) towards the CAZ Opportunity Areas. The existing hotel however already exceeds this size, being some 26,000 sqm in size, and as this policy is one of encouragement, rather than being one that prohibits large-scale hotels outside of the Opportunity Areas, it is not considered that the application could be refused on these grounds.

The hotel is located on a busy commercial street located in the heart of Soho and the

West End Retail and Leisure Special Policy Area (WERLSPA). The entrance to the hotel is from Great Windmill Street which is entirely commercial in nature, and it is not considered that the extended hotel would have a material impact on local residents, nor adversely affect the character and function of the local environment. Policy 15 requires proposals for extensions and upgrades to existing hotels to consider how the sustainability and accessibility of the building can be improved. These matters are set out in sections 9.2 and 9.6 below.

The proposals are considered to be in line with London Plan and Council policy which encourages the protection of existing visitor accommodation throughout the city. The objection from the Soho Society to the part retrospective nature of the works is understood. Whilst it is highly regrettable that permission has been sought for the extensions after their partial completion, it is not considered that the permission could be reasonably withheld on this basis.

9.2 Environment & Sustainability

Energy Performance and Sustainable Design

City Plan Policy 36 and London Plan Policy SI 2 require major development to be net zero-carbon in terms of regulated carbon emissions from operations, and follow the energy hierarchy, as set out in the London Plan. The energy hierarchy includes:

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 London Plan requires a minimum on-site reduction of at least 35 per cent beyond Building Regulations for major development. Applicants should reduce carbon emissions by 15% for non-domestic development through using energy efficiency measures. Where an applicant clearly demonstrates the zero-carbon targets cannot be fully achieved on-site, any shortfall can be provided for by a payment in lieu contribution to Westminster's carbon offset fund or off-site.

The applicant has provided an Energy Statement with their application. This follows the principles of the Mayor of London's energy hierarchy. The combined on-site savings exceed the minimum reduction of 35% but falls short of the zero-carbon target. As such a carbon offset payment will be required in line with the Council's City Plan and London Plan Policy. The figure will be based on the shortfall of tonnes of CO₂ per year over a period of 30 years at a GLA payment rate of £95 per tonne of carbon dioxide per year, and an indicative figure is shown in the table below.

Table: Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per	%

	Annum	
Be Lean: Savings from energy demand reduction	1.3	4
Be Clean: Savings from District heat network	0	0
Be Green: Savings from renewable energy	6.8	23
Cumulative on-site savings	8.0	28
Carbon shortfall	9.76	
	Tonnes CO ₂	
Cumulative savings for off-set payment	632	
Cash-in-lieu contribution	£59,997	

The baseline against which the carbon emissions savings have been calculated is Part L 2021 of the Building Regulations. The carbon intensity factors adopted for the calculations are in line with the Greater London Authority (GLA) methodology as set out in their Energy Assessment Guidance.

The overall target of achieving an on-site regulated carbon emissions reduction of 35% over Part L 2021 is challenging to achieve, as acknowledged in the GLA's guidance. However, the applicant has made significant efforts to reduce emissions through the Energy Hierarchy, as set out below.

Be Lean:

In the 'Be Lean' stage, the applicant has integrated passive design principles to enable the building to be less reliant on heating, cooling, ventilation and air conditioning systems. In terms of active design principles, Wastewater Heat Recovery has been integrated into the final design sensibly lowering the hot water energy consumption associated with the hotel rooms. This is combined with building fabric U-values and air permeability improved beyond Part L2 requirements, low energy lighting has been envisaged throughout the development along with mechanical ventilation with heat recovery and summer by-pass, on-demand control to occupied spaces and Variable speed pumping.

Be Clean

In the 'Be Clean' stage, there is no existing or potential future district heating network in close proximity to the site. The site is approximately 500m away from existing Pimlico District Heating Undertaking (PDHU) and the applicant's contention that it is not viable to pursue district heating expansion and connection is accepted in this instance. A condition is proposed to secure connection to any future district heating system.

Be Green

In the 'Be Green' stage, the applicant proposes to use an Air Source Heat Pump (ASHP) for space heating and cooling, and a dual heat pump system for Domestic Hot Water

(DHW). The ASHP will provide 100% of space heating and cooling load, and 100% of the DHW. Additionally, 60 PV panels are proposed on the 12th floor roof.

Net Zero

The applicant explains the proposed development would achieve an overall reduction of regulated carbon emissions of 28% over what is required by Building Regulations (Part L 2021). In relation to net zero carbon, there would be a shortfall which the applicant calculates as 9.76 tonnes of carbon annually. As set out in the GLA's Energy Assessment Guidance, shortfalls must be met off site or through a payment in lieu contribution of £95 per tonne (for a 30-year period) to the Council's Carbon Offsetting Fund. The shortfall in this case is to be met through a payment in lieu contribution amounting to £59,997 which is recommended to be secured by legal agreement.

Be Seen

The applicant has provided a 'Be Seen' spreadsheet as part of their submission. This spreadsheet contains detailed calculations of what they expect the development's energy performance to be. The legal agreement is recommended to include an obligation to ensure the actual operational energy performance of the building is monitored in accordance with the London Plan.

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 application is supported by an 'Air Quality Assessment Report' that establishes that the proposed development is air quality neutral for buildings and transport. During the construction phase the impact of dust has been classed as medium risk. The demolition and construction should be carried out in accordance with relevant IAQM guidance. The residual effects of the construction phase are negligible. The development will be subject to Westminster's Code of Construction Practice, which is agreed prior to starting work with the Environmental Inspectorate. This will be secured by condition.

9.3 Biodiversity & Greening

Policy G5 of the London Plan states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

Policy G6 of the London Plan also requires development to aim to secure net biodiversity gain and Policy 34 of the City Plan states that developments should achieve biodiversity net gain, wherever feasible and appropriate. Policy 34B of the City Plan requires 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 site currently does not have any green features or garden areas. The scheme has been amended to incorporate a green roof at 11th floor. The applicant has undertaken an Urban Greening Factor (UGF) assessment of the proposed scheme, which shows that the scheme would achieve a score of 0.15. Whilst this is short of the policy guideline of 0.3, the application only relates to a relatively small portion of the Trocadero site and thus the area upon which greening is possible is limited. Given these constraints, it is considered that the proposals have sought to maximise the greening provided within these constraints.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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 ('the LBCA Act') 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 LBCA 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 LBCA Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

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.

Townscape, Design & Heritage Impact

The site is part of the Trocadero complex which is in the Soho Conservation Area and includes several Grade II listed buildings. The complex is also partly in protected vista 4A.2 (Primrose Hill summit to the Palace of Westminster) and 2A.2 (Parliament Hill summit to the Palace of Westminster).

The Grade II listed buildings forming part of the block of which the site is a part are on Shaftesbury Avenue at 20-24 (formerly the Trocadero restaurant), on Coventry Street at 18-20 (formerly Scott's Restaurant and Oyster Bar - the list entry notes that it is "now

completely altered internally as part of the Trocadero complex”), and 7-14 Coventry Street which were the Lyons Corner House & Lyons Corner House Extension.

These listed buildings all make a positive contribution to the character and appearance of the Soho Conservation Area in which they, and the site, are located. Similarly, the unlisted Vernon House, at the corner of Shaftesbury Avenue and Rupert Street, also makes a positive contribution to the character and appearance of the Soho conservation area.

The four corners of the block are historic and the listed buildings were, until recently, mostly unified by the 1980s redevelopment which created the Trocadero Centre. It was arranged around an atrium accessed primarily from Coventry Street and Shaftesbury Avenue, access was also possible via a subway connected to Piccadilly Circus Underground Station. The atrium has been infilled and the layout of all the buildings is now much less interconnected. At street level, public access to the remaining commercial units is from the street rather than from within the building, and the largest uses in the building are now a hotel and cinema. This means that the listed buildings at 20-24 Shaftesbury Avenue and 18-20 Coventry Street are now much more less connected to 7-14 Coventry Street than they were.

The part of the building affected by the application is mostly the 1980s structure that originally united the buildings forming the Trocadero Complex. However, the alterations do affect the Grade II listed building at 20-24 Shaftesbury Avenue where alterations are proposed at roof level in connection with the proposal to extend by 84 rooms the recently completed 728 room hotel.

Bulk, Height & Scale

Some of the building’s non-original, unattractive, roof extensions and structures will be removed and replaced with a series of new, larger, extensions. It should be noted that some of the existing roof structure including mechanical plant is of recent date and unauthorised.

The proposed extension above the listed building would be clad in slate tiles, and would be angled back, as at present. The proposed extensions at 7th and 9th floors above the tiled roof would be simple, linear forms clad in zinc to match existing adjacent roof elements.

Regarding the impact on protected vistas, the breach of the development in LVMF View 4A.2 has no impact because it is concealed by other buildings in the view. The extensions are however visible from ground level in surrounding streets in the Soho Conservation Area. In these views, the most significant change is to the roofline of, and above, 20-24 Shaftesbury Avenue. At present, the roof of the building is cluttered with safety railings and plant, and the larger bulk of the building behind looms above. The proposed alterations will simplify the roof form above 20-24 Shaftesbury Avenue and increase its ridge height. While this tidies the roofscape, the resulting roof form is somewhat monolithic and lacks visual interest. This is most apparent in views along Shaftesbury Avenue, and to a lesser extent from Denman Street. The Denman Street view is constricted by buildings on either side, so only part of 20-24 Shaftesbury Avenue is visible. However, in this view, the height and bulk of the hotel is most obvious.

Impact on Heritage Assets

In heritage asset terms, the main impact is on the appearance of the modern roofscape of the buildings including 20-24 Shaftesbury Avenue. This affects the special interest of the building and the contribution it makes to the character and appearance of the Soho Conservation Area. From the vantage points identified above, and from others albeit to a lesser extent, the roof level alterations will have an adverse impact because of their functional detailed design and their increased bulk, both are attributes which contrast with the richly detailed brick facades of the building. This is not in full conformity with City Plan policies 38, 39 and 40. However, the harm is at the low end of less than substantial, and none of the objections received relate to design or heritage asset matters.

Paragraph 202 of the NPPF states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The proposals will see the following Heritage and Design benefits; the screening of plant, rationalisation of the roofline with use of traditional materials and the benefits that the provision of more visitor accommodation will bring to the west end economy. The low level of substantial harm is considered to be acceptable when weighed against these benefits.

Design Conclusion

As such, whilst being mindful of policies 38, 39, and 40 of the City Plan 2019-2040, given the public benefits that would be delivered, the proposal is considered acceptable in terms of its impact on the designated heritage asset(s). Therefore, the recommendation to grant conditional planning permission and conditional listed building consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Fire Safety

The development does not include a 'relevant building' for the purposes of requiring a Gateway One Fire Statement. It does however require a Fire Strategy in accordance with the London Plan of which Policy D12 requires that developments proposals must achieve the highest standards of fire safety. Policy D5 states development proposal should achieve the highest standards of accessible and inclusive design. They should be designed to incorporate safe and dignified emergency evacuation for all building users.

The applicant has provided an independent fire statement by ATC Fire Safety. This statement demonstrates that the matters raised in policy D12 have been addressed. The proposed building will include measures such as the provision of two escape stairs, two firefighting shafts, structural fire protection, smoke clearance, automatic sprinkler system and an enhanced fire alarm system to the standards of BS:5839 Part 1.

The proposed measures are considered to be suitable at this stage and will be further

interrogated as part of any Building Regulations approval.

9.5 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'. City Plan Policy 33(A) states, 'The council will make sure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment'.

Daylight & Sunlight

The applicant has provided a daylight and sunlight report that identifies the nearest residential properties that could be affected by the proposal, namely 26, 28 and 30-32 Rupert Street, 45 Great Windmill Street and 2 Denman Street. The daylight and sunlight report concludes that the proposal is fully compliant with the BRE's publication 'Site layout planning for daylight and sunlight' (second edition) in terms of the vertical sky component (VSC), Daylight Distribution (NSL) and Annual Probably Sunlight Hours (APSH) analysis (third edition 2022).

Privacy & Noise

Terraces

One terrace is proposed at seventh floor measuring some 102sqm in area. Nimax object to the potential noise bleed to nearby theatres from the terrace area, however, only three of the rooms would have access to the terrace areas and these areas would not be accessible by other guests within the existing or extended hotel. The terrace is set back from Shaftesbury Avenue, and approximately some 25m from the Apollo, the nearest theatre, and given the restriction on numbers of guests that could use these areas, it is not considered that in this location that noise from guests using the terraced area would result in any adverse noise or disturbance to the operation of the theatres.

The nearest residential properties are within Rupert Street to the east of the site. There are also residential flats on the upper floors of Great Windmill Street and Denman Street. These residents would be some 30m from the proposed terrace. With conditions in place to limit guest numbers to these areas it is considered that the impact on adjacent residential occupiers from noise from the use of these terraces would be minimised.

Queuing

Nimax also raise concerns on the grounds of noise from queuing on Shaftesbury Avenue and believe that the application should be supported by a noise report to ensure that no noise can be heard at the site boundaries of the Apollo and Lyric Theatres. However, access to the hotel is solely from Great Windmill Street, and via an underground link to Piccadilly Circus. Given the commercial nature of Great Windmill Street, it is not considered that the addition of 84 hotel rooms would result in any noticeable impact on noise levels from queuing.

Noise & Vibration

Multiple condensing units, air handling units, extract fans and emergency smoke extract fans are proposed on the roof of the development enclosed by acoustic louvres. The assessment indicates that cumulative plant noise levels at the nearest residential properties would comply with standard noise conditions and with the requirements of policies 7 and 33 in the City Plan.

9.6 Transportation, Accessibility & Servicing

Highway Impact

Objections have been received on the grounds of pavement congestion and increase to road traffic. It is anticipated that, given the site's excellent public transport links, and direct access from Piccadilly underground, that most visitors will arrive by tube. No car parking spaces are proposed in line with City Plan car parking standards for new hotels.

Servicing

Policy 29 (B) states that 'Servicing, collection and delivery needs should be fully met within a development site and applicants will produce Delivery and Servicing Plans which encourage provision for low-emission, consolidation and last mile delivery modes.'

There is an existing off-street servicing bay onto Rupert Street which would accommodate the servicing and deliveries associated with the proposal. The applicant estimates that the proposals would generate an additional two delivery/service vehicles per day to the site. The additional vehicles would be managed via measures, including a pre-booking system, which would be arranged with the Trocadero Management, in order to distribute/reduce demand for the use of the on-site loading bays. Furthermore, it is considered likely that many of the hotel deliveries would be consolidated amongst existing delivery trips. Concerns have been raised by Nimax regarding additional or higher volume deliveries to the Trocadero site, however, it is not, anticipated that the uplift in the number of rooms would result in a material increase in servicing trips, and that this level of increase could be accommodated within the existing hotel service yard.

Coach parking

There is a coach layby located on Shaftesbury Avenue approximately 85m north-east of Rupert Street. This coach layby provides a suitable location for coach drop off/collection of guests for the existing hotel and would continue to be used by the additional hotel rooms proposed as part of this planning application. There is no proposal to provide a taxi rank due to the constraints of the site.

Cycle parking

The proposals would make appropriate provision for a total of five long-stay spaces and two short-stay cycle parking spaces in accordance with the London Plan hotel specific parking standards. Cycle parking would be located in a secure store within the basement.

Access

The proposed development has been designed to meet the requirements of the Building

Regulations and incorporates the principles of inclusive design. The entrance to the hotel is level with the public pavement and the main core is fitted with wheelchair accessible lifts that provide flush access to all floors.

Waste & Recycling Storage

Sufficient storage for waste and recycling is proposed at basement level.

9.7 Economy including Employment & Skills

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by guest expenditure within the local economy and through creating jobs both during construction of the development and the operational phases of the development

Policy 18(D) states that major developments will contribute to improved employment prospects for local residents. In accordance with the council's Planning Obligations and Affordable Housing SPD, a financial contribution of £25,628 to support the Westminster Employment Service is secured through the S106 legal agreement.

9.8 Other Considerations

Construction impact

It is inevitable that the construction work will cause noise and disturbance to local residents and businesses. However, through appropriate controls and careful management the impact from construction works can be lessened.

The City Council's adopted Code of Construction Practice (CoCP) sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects. This will assist with managing the environmental impacts and will identify the main responsibilities and requirements of developers and contractors in constructing their projects.

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which requires the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phases of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

An objection on potential noise bleed to nearby theatres during the construction phase has been received, and an informative has also been added to the decision notice for the applicant to undertake liaison with adjacent theatres and to provide contact numbers throughout the construction period.

Crime

City Plan Policy 38 states all development will place people at the heart of design, including by introducing measures that reduce the opportunity for crime and anti-social behaviour. The Metropolitan Police's Designing Out Crime Officer has reviewed the proposals and raise no objections to the application.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment. Environmental Impact issues have been covered in section 9.2 above.

9.10 Planning Obligations & Pre-Commencement Conditions

The NPPF identifies that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Having regard to the tests set out above, the following planning obligations are considered to be necessary to make the proposed development acceptable in planning terms and are to be secured via a S106 legal agreement, as set out in the officer recommendation in Section 1:

- a) A financial contribution of £59,997 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);
- b) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
- c) A financial contribution of £25,628 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development);
- d) The costs of monitoring the S106 agreement.

The estimated Westminster CIL payment is £445,000, whilst the estimated Mayoral CIL payment is £311,500. Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing

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

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

10 Conclusion

The proposals would provide additional visitor accommodation within an appropriate location within the Central Activities Zone. As set out above, it is acknowledged that the proposal would result in some less than substantial harm to heritage assets. As such, whilst being mindful of policies 38, 39, and 40 of the City Plan 2019-2040, given the public benefits that would be delivered, the proposal is considered acceptable, and therefore a recommendation to grant conditional permission and conditional listed building consent will be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(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 jpalm@westminster.gov.uk

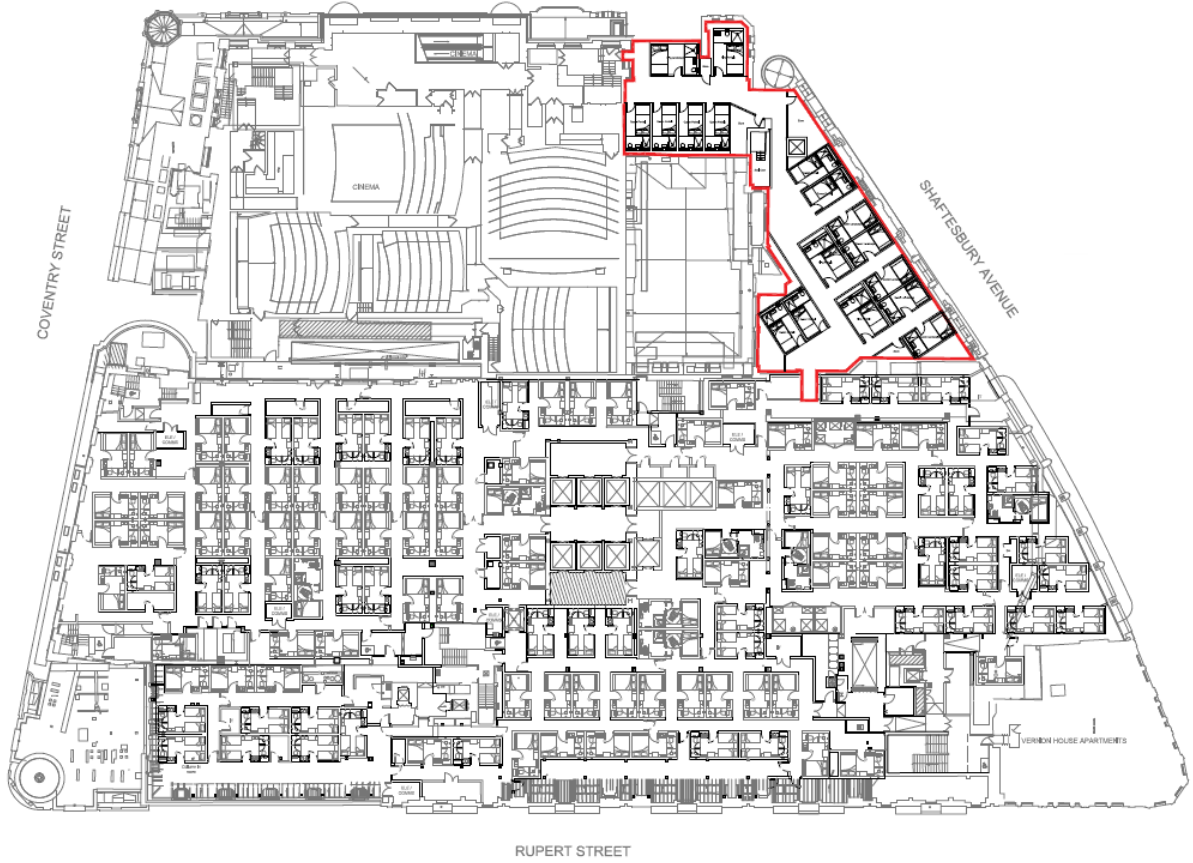
11 KEY DRAWINGS



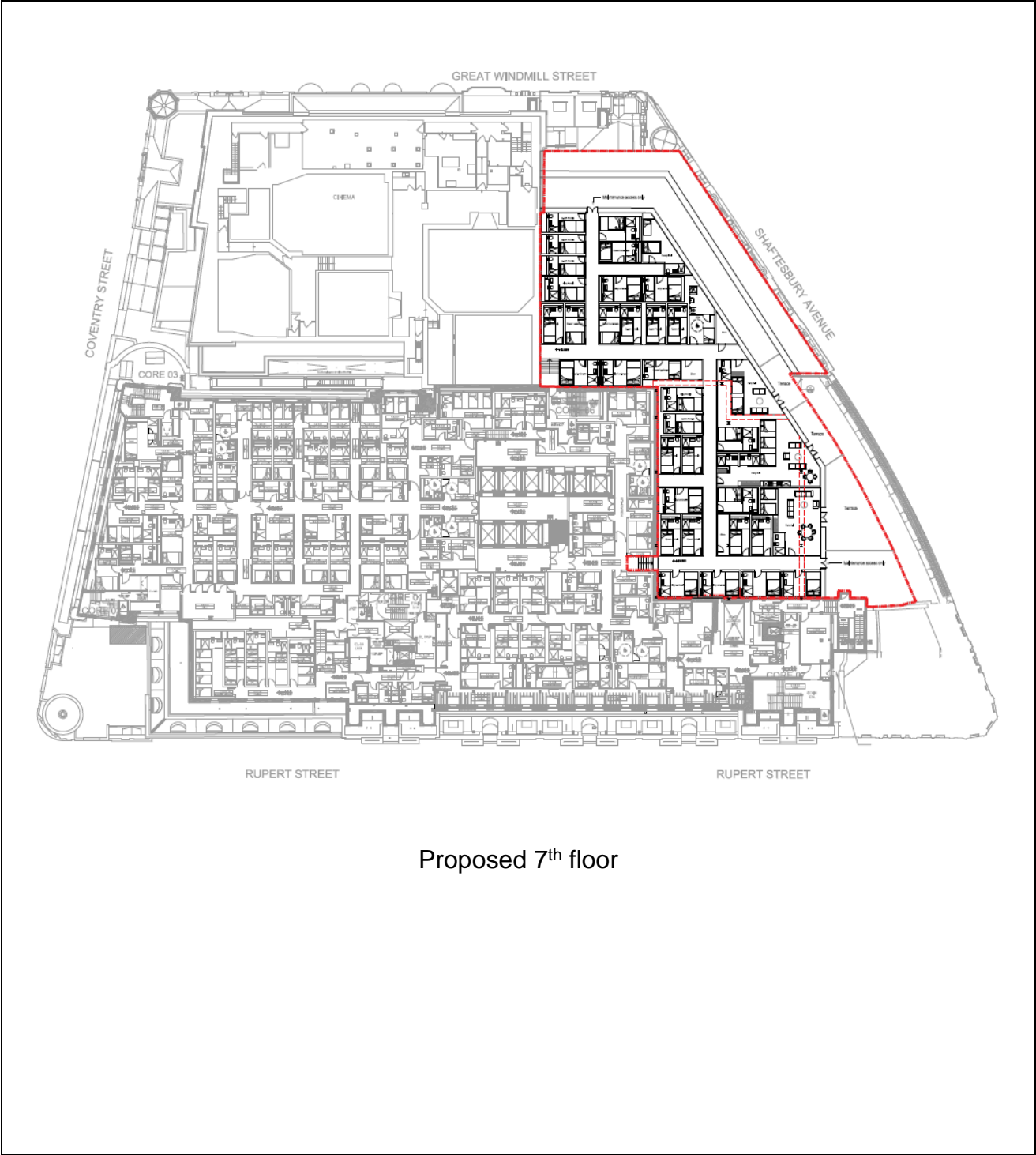
Shaftesbury Avenue South – Existing



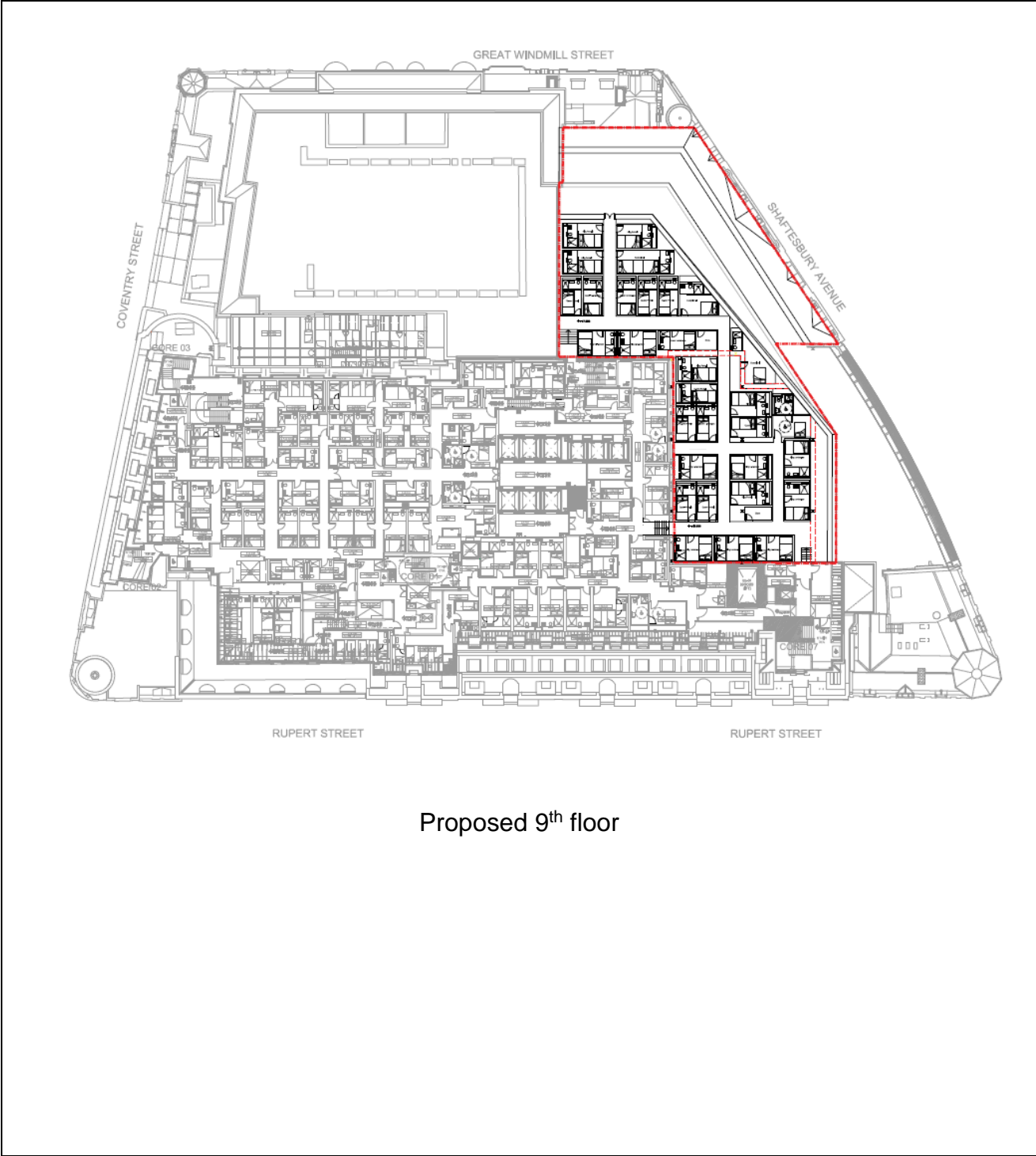
Shaftesbury Avenue South – Proposed



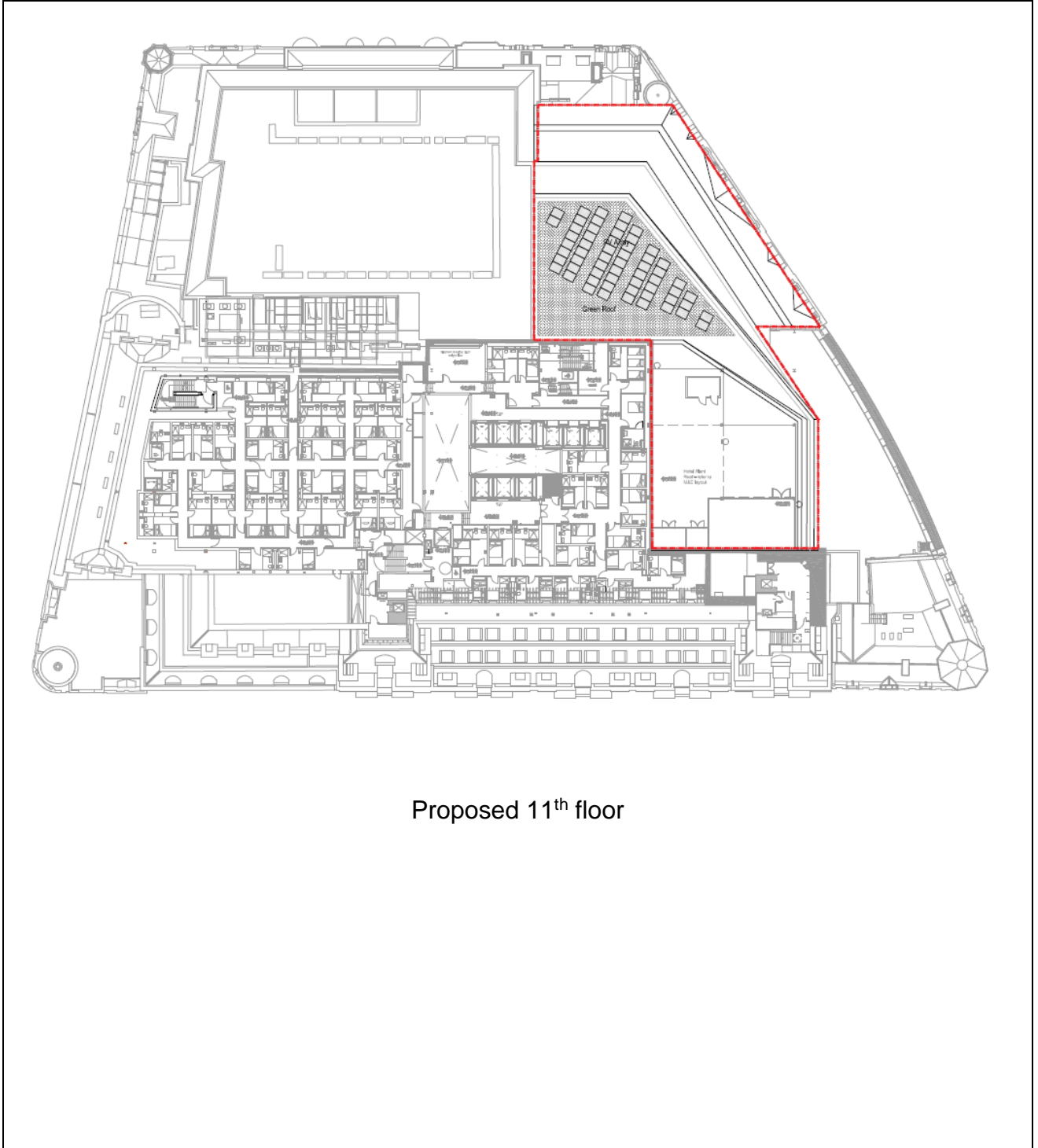
Proposed 5th floor



Proposed 7th floor



Proposed 9th floor



DRAFT DECISION LETTER

Address: Trocadero, 13 Coventry Street, London, W1D 7DH,

Proposal: Erection of roof extensions at 5th, 7th and 9th floors on the Shaftesbury Avenue frontage to accommodate up to 84 hotel rooms in conjunction with the existing hotel (partially retrospective application). Creation of new roof terraces at 7th and 9th floors facing Shaftesbury Avenue. Installation of screening to existing plant at 11th and 12th floor levels.

Reference: 21/05795/FULL

Plan Nos: 20010 (03)-P-005 PL, 007 PL2, 009 PL1, 011 PL5, 012 PL4; 20010 (03)-E-001 PL2, 002 PL3, 003 PL; 20010 (03)-X-001 PL2; 2203 CCL-B1-00-DR-A-0600 Rev 00 (version V4); Energy Strategy Report dated June 2023 Ref: 218136 Rev F; Acoustic report dated 28 July 2021.

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and

33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

3 Pre Commencement Condition. Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

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

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

Reason:

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

- 5 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 6 You must carry out the development in accordance with the servicing management strategy approved 02.03.2021 (RN 19/08845/ADFULL), or in accordance with an

alternative servicing management strategy, to be submitted to and approved by the City Council. You must then carry out the work in accordance with the approved strategy.

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)

- 7 All deliveries and collections to the loading bay can only take place between 08:00 and 18:00 hours on Monday to Fridays and 08:00 and 12:00 on Saturdays. No deliveries or collections to the loading bay shall take place on Sundays or Bank Holidays. Outside of these hours the loading bay door must remain closed.

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)

- 8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;

- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.
- (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 9 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 10 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

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

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 2203 CCL-B1-00-DR-A-0600 Rev 00 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 12 Other than the three areas marked as 'Terrace' at 7th floor level, the remainder of the flat roof areas at 7th and 9th floor shall not be for sitting out or for any other purpose. The areas marked terrace may only be used by those guests occupying the three rooms that have direct access to the terrace areas.

You can however use these roofs to escape in an emergency. (C21AA)

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)

- 13 No development shall be occupied until confirmation has been provided that either:
1. Surface water capacity exists off site to serve the development; or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; or
 3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed.

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

- 14 The enclosure of the plant rooms and alterations to the roof level ducting, as shown on Drawing No's (03)-X-001 PL1, (03)-E-003 PL, (03)-E-001 PL2 and (03)-E-002 PL3 (Phase 1 works), shall be completed prior to commencement of Phase 2

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)

- 15 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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)

- 16 You must apply to us for approval of details showing the location of connection points to enable connection to any future district heating network. 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 details prior to the occupation of the hotel.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 17 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

PV panels

Air Source Heat Pump

Wastewater Heat Recovery

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

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 Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

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

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

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

- 5 You are advised to undertake liaison with adjacent theatres and to provide contact numbers throughout the construction period.
- 6 You can request information to support the discharge of condition 13 by visiting the Thames Water website at thameswater.co.uk/preplanning.

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.

DRAFT DECISION LETTER

Address: Trocadero, 13 Coventry Street, London, W1D 7DH,

Proposal: Erection of roof extensions at 5th, 7th and 9th floors on the Shaftesbury Avenue frontage to accommodate up to 84 hotel rooms in conjunction with the existing hotel (partially retrospective application). Creation of new roof terraces at 7th and 9th floors facing Shaftesbury Avenue. Installation of screening to existing plant at 11th and 12th floor levels. (Linked with 21/05795/FULL)

Reference: 21/05796/LBC

Plan Nos: 20010 (03)-P-005 PL, 007 PL2, 009 PL1, 011 PL5, 012 PL4; 20010 (03)-E-001 PL2, 002 PL3, 003 PL; 20010 (03)-X-001 PL2

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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF., , In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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.