

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.

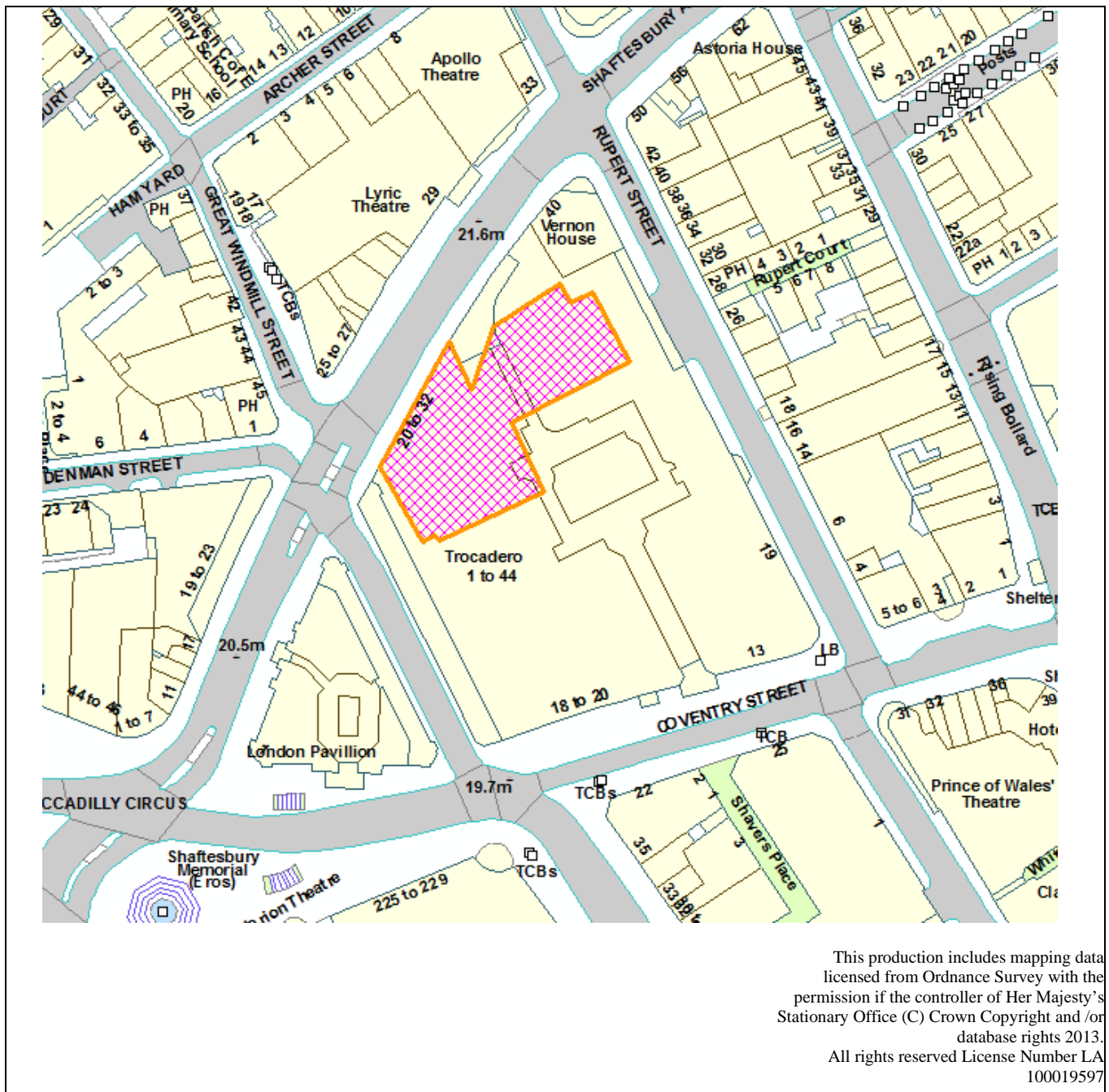
This application seeks extensions to the Shaftesbury Avenue frontage to provide an additional 84 hotel rooms. A roof terrace at seventh floor and screening to existing plant on the building are also proposed.

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



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

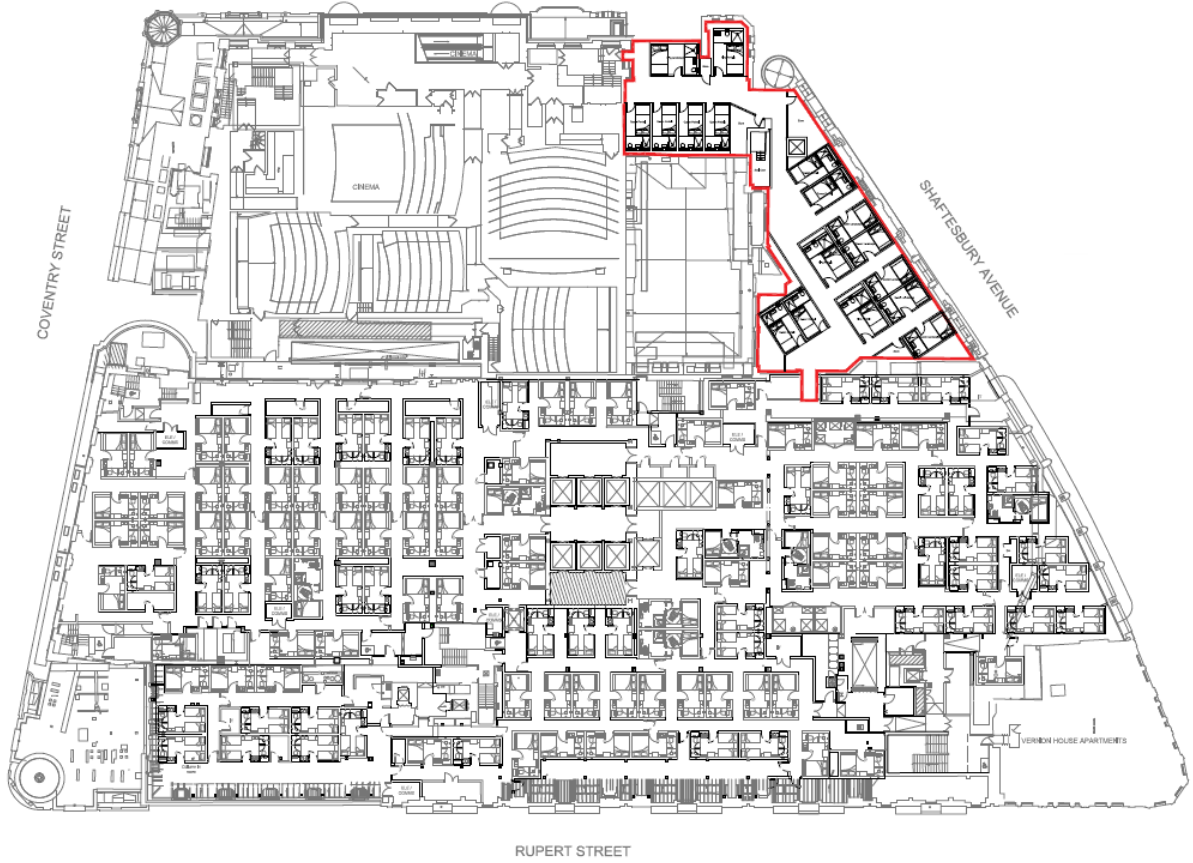
11 KEY DRAWINGS



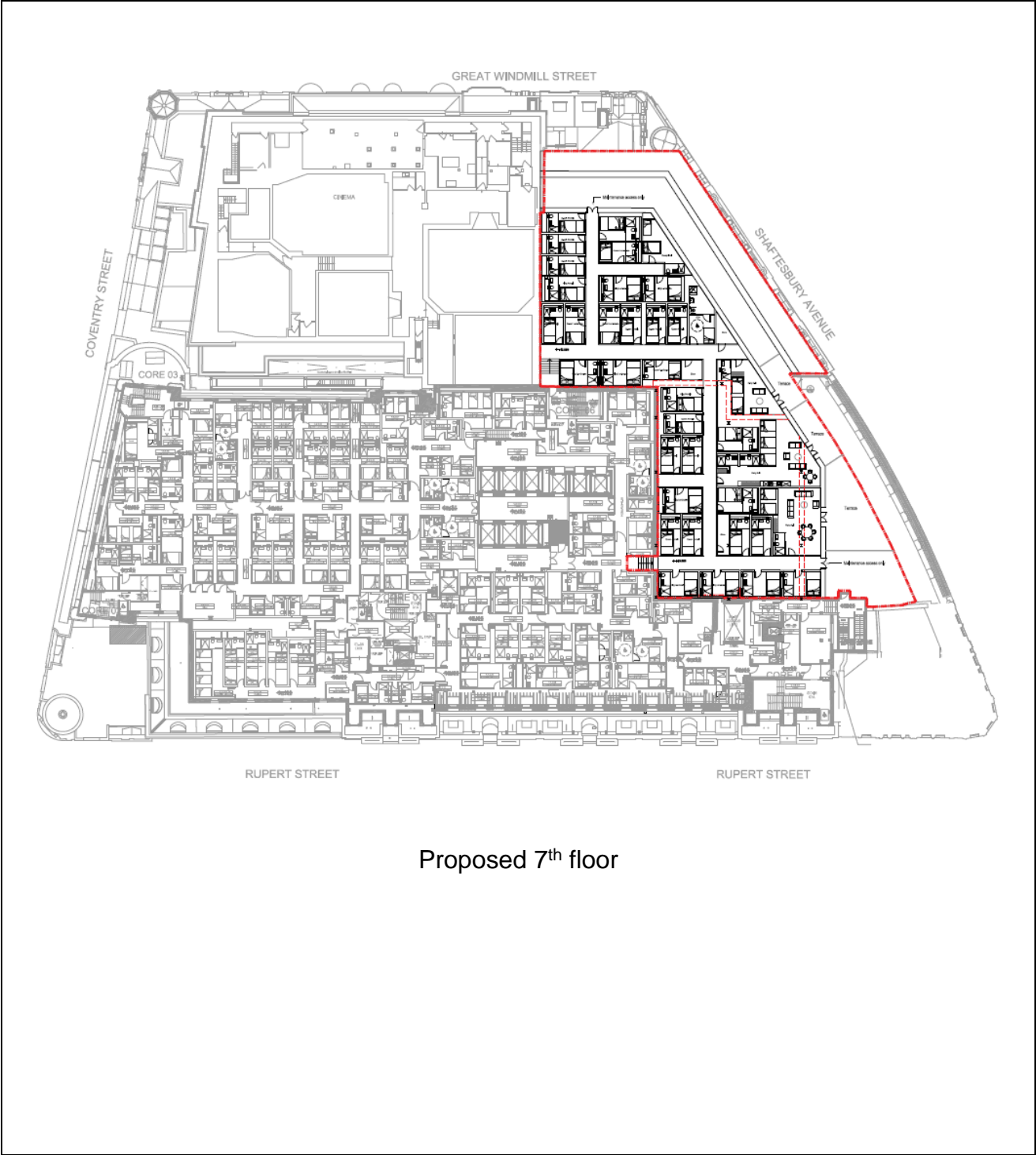
Shaftesbury Avenue South – Existing



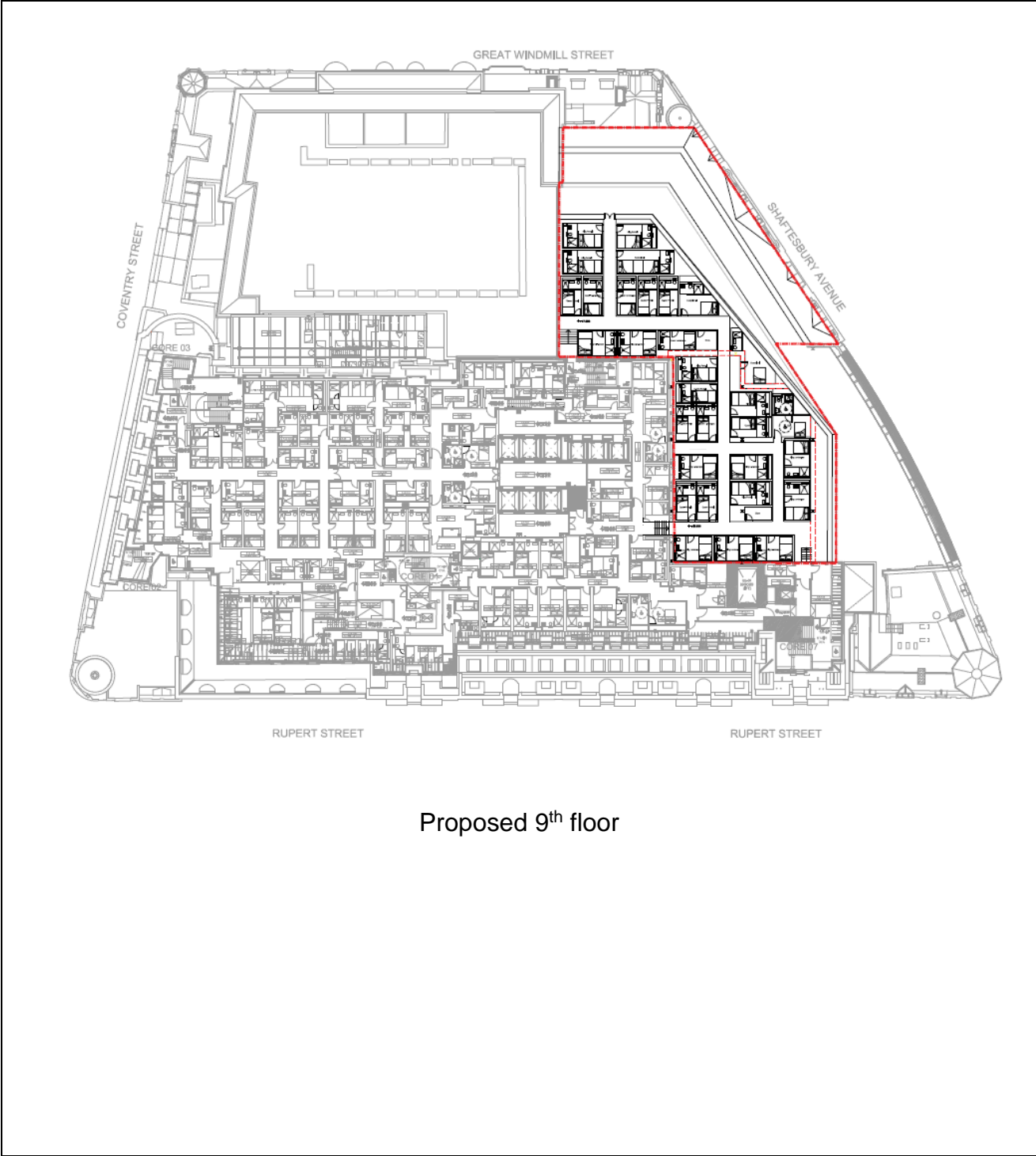
Shaftesbury Avenue South – Proposed



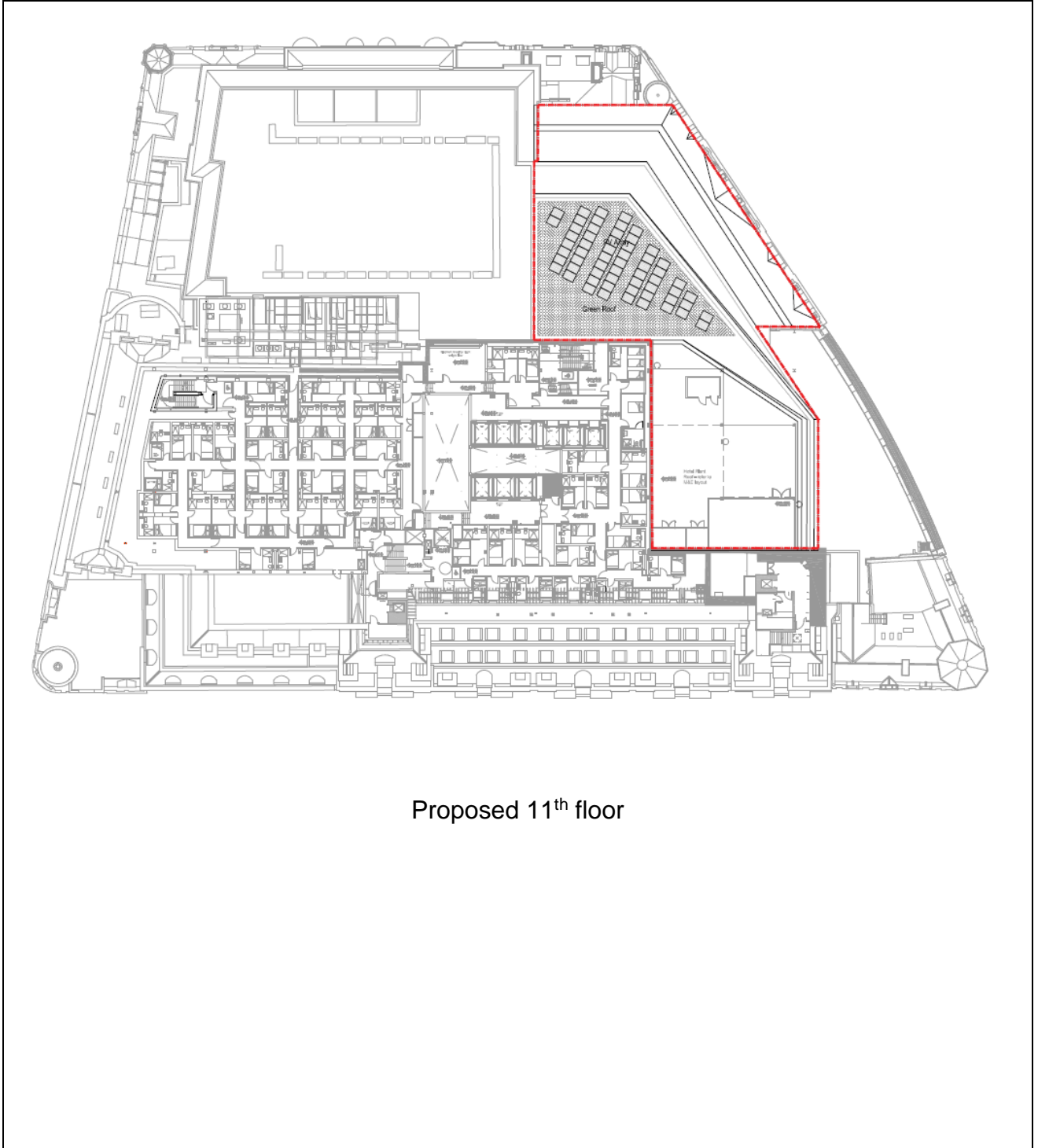
Proposed 5th floor



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.