

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 October 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved	
Subject of Report	61 - 71 Victoria Street, London		
Proposal	Partial demolition, refurbishment and extension of existing building; including external alterations for new facades to all elevations; to provide a ground plus eight storey hotel (Class C1); including ancillary restaurant at ground and 8th floor levels, two levels of basement including health and wellness facilities and plant equipment; rooftop plant equipment; and other associated external works		
Agent	Gerald Eve LLP		
On behalf of	FM Construction & Maintenance		
Registered Number	24/03540/FULL	Date amended/ completed	29 May 2024
Date Application Received	29 May 2024		
Historic Building Grade	Unlisted		
Conservation Area	Broadway And Christchurch Gardens		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

1. Grant conditional permission, subject to completion of a S106 legal agreement to secure the following obligations:

- a) A financial contribution of £157,944 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development);
- b) 'Be Seen' 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 £26,848 (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.

2. If the S106 legal agreement has 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.

2. SUMMARY & KEY CONSIDERATIONS

61-71 Victoria Street is a building constructed in 1990. It includes a basement, ground and six upper storeys (originally with plant rooms on top, but those have been demolished). It comprises retail and a drinking establishment at ground and basement floor levels, with offices above. It is currently vacant.

In 2019, the City Council granted permission for the partial demolition (mainly the facades), refurbishment and extension of the building for use as a hotel – and the applicant subsequently began work on that permission but has since stopped. In 2023, the applicant withdrew from consideration a scheme for the total demolition of the building and rebuilding for hotel use after officers advised the applicant that the proposed total demolition of the building was not justified in circular economy and Whole Life-cycle Carbon emission terms.

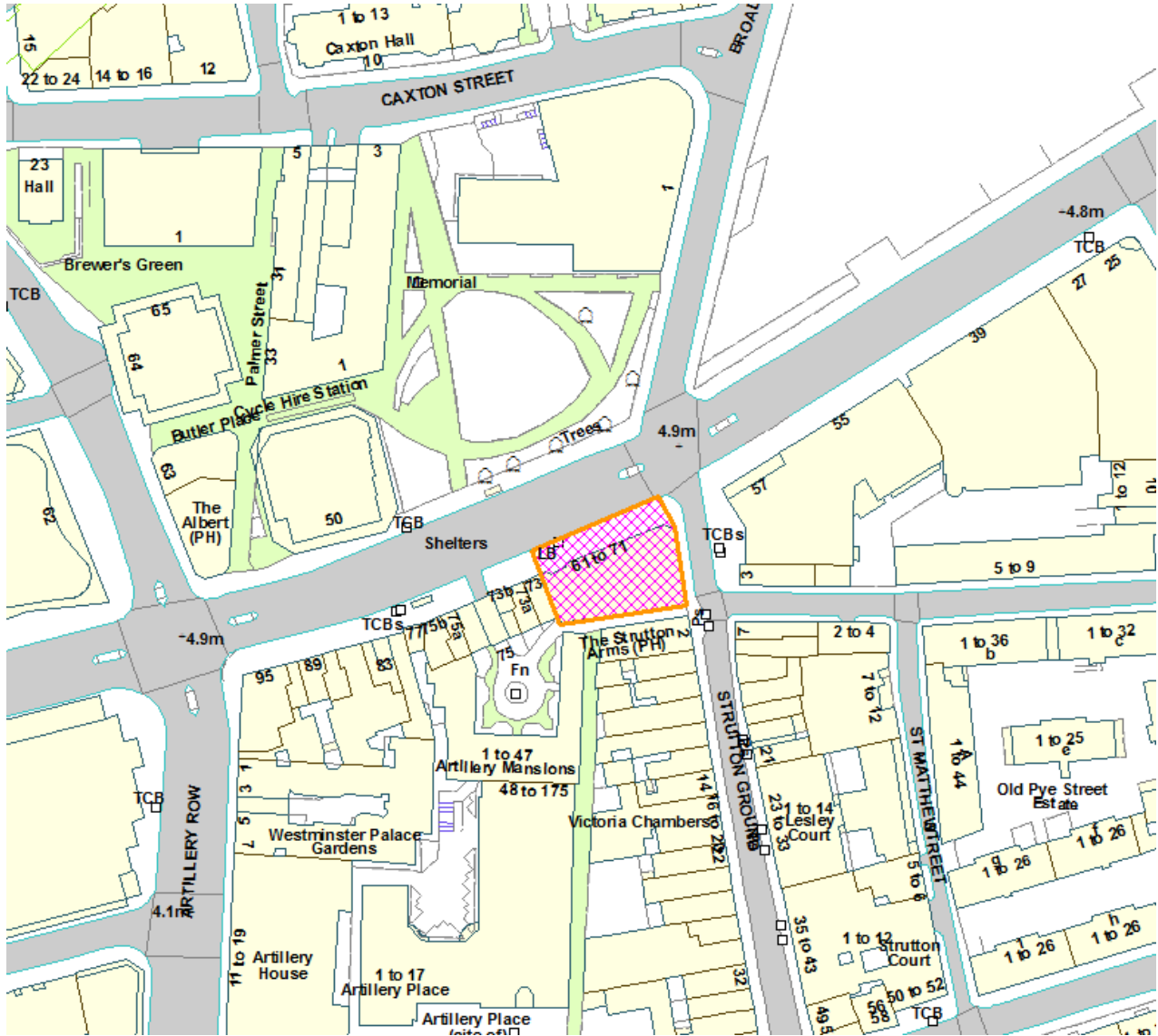
The current proposal is for the partial demolition, refurbishment and extension of the existing building for use as a hotel (Use Class C1). It includes excavation to create a new sub-basement level, new façades and upward extension to create an 88-bed hotel with ancillary areas including restaurants, bar, health and wellness facilities and meeting rooms. The proposal includes the installation of planting, plant equipment, photovoltaic panels, air source heat pumps and cycle parking.

The key considerations in this case are:

- The acceptability of the change of use to a hotel in land use terms.
- The acceptability of the partial demolition and rebuilding in circular economy and Whole Life-cycle Carbon emission terms.
- The acceptability of the energy performance of the proposed building.
- Whether the development has delivered sufficient greening / biodiversity net gain.
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on heritage assets, including the character and appearance of the Broadway and Christchurch Gardens Conservation Area
- The impact on the amenity of neighbouring residential properties.
- The impact of the development on the highway network

This report explains the proposed development is overall consistent with Westminster's City Plan 2019-2040 (April 2021) and the London Plan (March 2021). As such, the proposals are considered acceptable in land use, sustainability/ energy, heritage, townscape, design, amenity and highway terms and the application is recommended for approval subject to the completion of a S106 legal agreement and the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



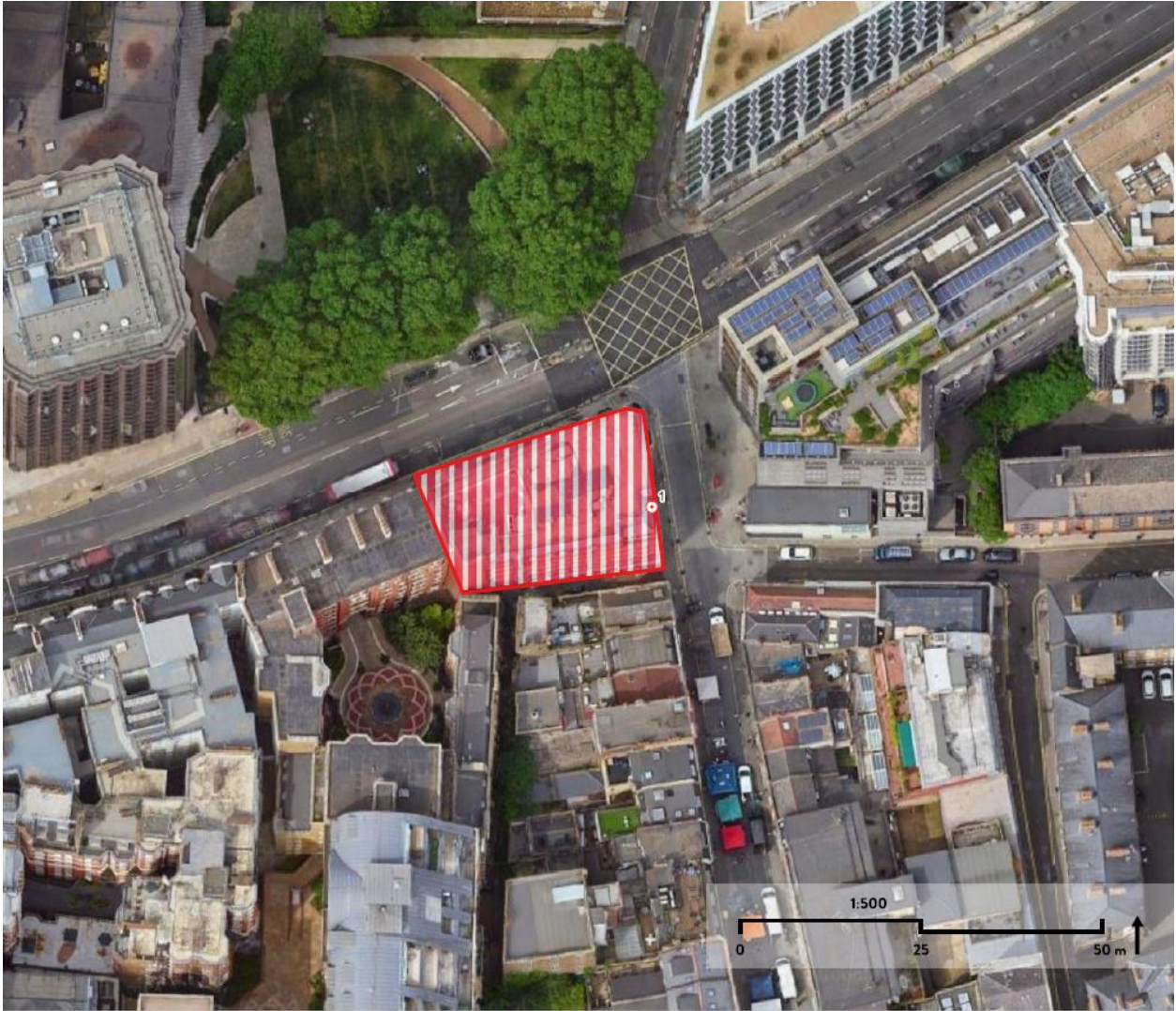
Photographs from Victoria Street





Corner / Flank Elevation





Aerial View of Site

5. CONSULTATIONS

5.1 Application Consultations

WESTMINSTER SOCIETY:

The Society is supportive of:

- The luxury hotel use and its benefits to the area.
- The retention of the existing structure.
- The reduction of dining covers on the upper external terraces.
- Privacy glass being added to the Strutton Ground elevation to address privacy issues with Artillery Mansions.

The Society is disappointed that in re-designing the elevations the design team have not addressed the Society's previous concerns (response letter of 25/1/2022). These were: Improving the visual integration of the top two storeys into the overall façade design. Feel the top storeys still look alien to the more confident elevations below. Resolution of the design of the prominent corner, which particularly at roof level looks unnecessarily complicated (slightly post-modern). Feel a simple curve of the roof eaves would have been better.

THORNEY ISLAND SOCIETY:

No response to date.

VICTORIA NEIGHBOURHOOD FORUM:

No response to date.

VICTORIA BID

No response to date.

ENVIRONMENT AGENCY (Thames Region)

No objection.

HISTORIC ENGLAND (Listed Building / Conservation Areas)

Suggest that the council seek the views of its specialist conservation advisers.

HISTORIC ENGLAND (Greater London Archaeological Advisory Service)

No objection, subject to a condition to secure a written scheme of archaeological investigation.

METROPOLITAN POLICE SERVICE (Designing Out Crime)

Concern raised regarding the internal layout of the hotel. There is permeability between the hotel lobby, restaurant and bar and they should be separated / demarcated to offer a safe and secure space for patrons.

UK POWER NETWORKS:

No response to date.

LEAD LOCAL FLOOD AUTHORITY:

No objection, subject to conditions to ensure the building is constructed as set out in the flood risk assessment.

BUILDING CONTROL:

No concerns regarding the applicants construction methodology.

HIGHWAYS PLANNING TEAM:

The impact on car parking levels will be minimal. While the proposal will result in higher levels of activity at different time, the activity of guests arriving and departing will not result in significant detrimental highway safety or operation.

Concern raised regarding minimum clearance of the vaults under the pavement.
Concern raised regarding the number of cycle parking space. Concern raised regarding an on-street servicing strategy. Concern raised regarding potential for coach and taxis to disrupt the highway.

WASTE PROJECT OFFICER:

No objection, subject to a condition to ensure waste and recycling store is provided.

ENVIRONMENTAL HEALTH

No objection, subject to conditions to control the construction, plant equipment and use.

ARBORICULTURAL SECTION:

No objection subject to condition to secure further details of green and brown roofs and planting.

ECONOMY TEAM

The proposal triggers a financial contribution to support local employment and skills.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 547

No. of objections: 2 (one on behalf of 25 flats)

No. in support: 1

One neighbouring resident and one agent representing 25 neighbouring flats at 55 Victoria Street, and the freeholder of 55 Victoria Street, object raising the following summarised issues:

Land use:

- With the number of homes needed in London, the site should be redeveloped for flats.
- The reduction in size of the hotel compared to the withdrawn scheme, and therefore its associated impacts, is welcomed.

Environment, Sustainability and Carbon Emissions:

- The re-use of the existing structure is welcomed.

Design, townscape and heritage:

- The scheme falls short of high design standards that are required and is unsuitable in a conservation area and will not make a positive contribution to local character

Amenity:

- The use of the upper floor as a restaurant bar with external area will harm neighbours in terms of noise and overlooking.
- The applicant's assessment of noise from the restaurant terrace does not accurately or fully assess the potential impact / is flawed.
- The development will overlook 55 Victoria Street and harm the enjoyment and privacy of the flats there.

Transportation, servicing and access:

- The development will disrupt the main road of Victoria Street and the very busy Strutton Ground market street during construction.
- The development will increase taxi and other vehicle movements associated with the site and will harm the roads in the vicinity and cause danger.

Other:

- The applicant is not interested in neighbouring resident's views.

One neighbouring resident in support of the proposal has the following views:

Design, heritage and townscape:

- The design seems extremely well thought out, would make a significant improvement to the townscape and improve the setting of nearby buildings, and provide a top-quality hotel which would improve the amenity of the local residents and neighbourhood.

Circular Economy and Whole Life-cycle Carbon:

- The retention of the existing frame seems a very sensible way to address environmental concerns.

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
Individual letters post to 1,302 neighbouring properties	3 May 2024
Establishment of a consultation website	Unknown
Presentation to Ward Cllrs Hyams and Mitchell	11 April 2024
Briefing to Thorney Island Society	9 April 2024
Briefing to Westminster Society	17 April 2024
Meeting with representative of free company for Artillery Mansions	23 April 2024

In summary, across the range of engagement undertaken by the applicant the principal issues raised were:

- The proposals will provide positive benefits for the local community (access to the restaurant and other facilities etc) and will bring more to the local area than the previously consented “budget” hotel;
- The reduction in the number of hotel rooms from previous proposals was welcomed as it will reduce activity and impact on neighbours;
- Similarly, the significant reduction in the number of dining covers on the outside terrace has been welcomed;
- The reception of the new hotel should be operated to help manage anti-social behaviour in the local area;
- The introduction of obscured glass to the Strutton Ground aspect of the building will reduce overlooking/loss of privacy; and
- The retention of the frame of the building is welcomed both from a sustainability perspective as well as reducing the impact on neighbours during construction.

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:

- The proposed hotel follows the existing building line ensuring that views from flats in Artillery Mansions down Victoria Street are maintained;
- The bi-fold doors at the Strutton Ground end of the eighth floor terrace (on the corner) will be replaced with a fixed window;
- An Operational Management Plan will be submitted which confirms that music would not be able to be played on the roof terrace and that all guests using this area would need to be seated – along the Victoria Street frontage and not facing towards Strutton Ground. It would also only be able to be used between 8am and 10pm. The Applicant has confirmed that they are happy for this to be conditioned; and
- CCTV cameras will be provided around the hotel and the reception will be staffed 24 hours a day to ensure that this is monitored at all times.

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) (December 2023) and should be afforded full weight in accordance with paragraph 225 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 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 City Plan Partial Review

The council published its draft City Plan Partial Review for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 on 14 March 2024. The consultation closed on 9 May 2024 and the council is currently considering the responses received. The Partial Review includes updated policies for affordable housing, retrofitting and site allocations.

An emerging local plan is not included within the definition of “development plan” within s.38 of the Planning and Compulsory Purchase Act 2004. However, paragraph 48 of the NPPF provides that a local authority may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Footnote 22 to paragraph 48 states that during the transitional period for emerging plans consistency should be tested against the version of the Framework, as applicable, as set out in Annex 1 (paragraph 230). This means that the consistency of the policies in the City Plan Partial Review must be tested for consistency for the purposes of paragraph 48(c) against the September 2023 version of the NPPF.

Accordingly, at the current time, as the Partial Review of the City Plan remains at a pre-submission stage, the policies within it will generally attract limited if any weight at all.

6.3 Neighbourhood Planning

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

6.4 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 (December 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

61-71 Victoria Street was constructed in 1990. The building includes a basement,

ground and six upper storeys (originally with plant rooms on top, but those have recently been demolished). It comprises retail and a drinking establishment at ground and basement floor levels, with offices above. It is currently vacant.

The building is within the Central Activities Zone (CAZ) and within the Victoria Street CAZ Retail Cluster. It is outside of the Victoria Opportunity Area (VOA), the boundary of which runs along Victoria Street in front of the building. At ground floor level, Victoria Street is almost exclusively commercial, comprising mainly retail units and offices. At upper floor level, Victoria Street is predominately commercial (offices) with some residential, including within the adjacent buildings of Artillery Mansions (75 Victoria Street) and 55 Victoria Street. The building is adjacent to the boundary of the Strutton Ground Local Centre, which is predominately commercial at ground level with a mix of residential and commercial uses on the upper floors.

The building is unlisted building and located in the Broadway and Christchurch Gardens Conservation Area. The building sits at the junction of Strutton Ground and Victoria Street, with facades facing both streets. It is faced with red brick and stone detailing and features projecting bays above the shopfronts. The building abuts Artillery Mansions to the west, which is an elaborately detailed red brick mansion block, which the existing building makes reference to in its architectural detail.

In summary, the site is located within an area defined by the following characteristics:

- Within the CAZ;
- Within the Victoria Street CAZ Retail Cluster;
- Within the Broadway and Christchurch Gardens Conservation Area;
- Within Flood Risk Zone 3; and
- Within a Tier II Archaeological Priority Area.

7.2 Recent Relevant History

In 1988, the City Council granted permission for “redevelopment of the site by erection of office and retail accommodation on basement, ground level and six storeys above” (RN: 88/02674/FULL).

On 5 December 2017, the City Council granted permission for “facade replacement with retention of existing structural frame and erection of two additional storeys, to provide a building of basement, ground and eight upper floors with covered and screened plant area at rear eighth floor level, lift overrun at main roof level and associated works in connection with use of the building as retail (Class A1) at part basement and part ground floor level and offices (Class B1) on the upper floors” (RN: 17/02123/FULL).

On 1 February 2019, the City Council granted permission for “facade replacement with retention of existing structural frame and erection of two additional storeys, to provide a building of basement, ground and eight upper floors with covered and screened plant area at rear eighth floor level, lift overrun at main roof level and associated works in connection with use of the building as retail (Class A1) at part basement and part ground floor level and hotel (Class C1) on the upper floors” (RN: 18/06814/FULL).

On 28 March 2022, the City Council confirmed that the demolition of the rooftop plant enclosure and plant screen (carried out in January 2022) were works that were lawful

and constituted the implementation of the 1 February 2019 planning permission (RN: 22/00452/CLEUD).

On 14 November 2023, the applicant withdrew from consideration a planning application proposing “demolition of existing building and redevelopment of a purpose-built ground plus nine storey hotel (Class C1) comprising; restaurant at ground and 9th floor levels; two levels of basement including health and wellness facilities, plant and kitchen; improvements to public realm on Strutton Ground; and other associated works.” This was following officer advice that the proposed total demolition of the building was not justified in circular economy and Whole Life-cycle Carbon emission terms. (RN: 21/08144/FULL)

8. THE PROPOSAL

The application proposes the partial demolition, refurbishment and extension of the existing building for use as a hotel (Use Class C1). The partial demolition includes the total removal of the existing facades and the removal of parts of the existing frame. The remaining building will then be refurbished and extended. This includes excavation to create a new sub-basement level (below the existing basement) and a two-storey upward extension. This will create a building comprising sub-basement, basement, ground and eight upper storeys, plus plant equipment on top.

The hotel will include 88 rooms spread across the first to seventh floors, with ancillary restaurant and bar space on the ground and eighth floors. The upper basement will contain health and wellness facilities and meeting rooms, and the lower basement will house plant equipment, cycle parking, changing rooms and back-of-house facilities.

The existing façades of the building will be removed and replaced with new brick façades, which incorporate stone banding and projecting bays with Crittal-style windows. The seventh and eighth floors will be set back behind with planting, and will incorporate metal façades with glazed openings, with larger openings at eighth floor level. The eighth floor will also include some external seating for the restaurant at that level. The proposals will also incorporate photovoltaic (PV) panels, heat pumps and green/ brown roofs.

The consented 2019 hotel scheme also included a two-storey upward extension as currently proposed. However, compared to that scheme the currently proposed upward extension will be approximately 1.7m higher (although compared to the withdrawn scheme, the building will be 0.05m lower). The form and bulk of the upward extensions will be different under this proposal because of the set backs of the seventh and eighth floors.

As set out in the table below, the consented 2019 hotel scheme provided 4,410 sqm of floorspace. The current scheme provides a larger floorspace of 5,032 sqm mainly because the current proposal involves the excavation of an additional basement level which the 2019 scheme did not. Compared to the withdrawn scheme however, the floorspace is less because the withdrawn scheme (although similar in height) would have had lower floor to ceiling heights meaning an additional floor would have been provided within a very similar building envelope.

Table: Existing, consented and proposed land uses.

Land Use	Existing GIA (sqm)	Consented (2019) GIA (sqm)	Proposed GIA (sqm)	+/- (existing v proposed)
Office	2,880	0	0	-2,880
Retail	293	452	0	-293
Drinking Establishment	524	0	0	-524
Hotel	0	3,958	5,032	+5,032
Total	3,697	4,410	5,032	+1,335

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of Office Use

Under the 2019 permission, the existing office floorspace was permitted to be lost to a hotel use (and the applicant has since lawfully begun work on that development). The then adopted City Plan did not seek to prevent the loss of offices to other commercial uses, including hotel uses. Accordingly, there was no land use objection regarding the loss of offices under the then adopted City Plan.

Since the grant of the 2019 planning permission, the Council adopted the current City Plan (April 2021). City Plan Policy 13 part D states the loss of offices to hotel use will only be permitted where there is no interest in its continued use for office (or any other Class E, education or community uses), as demonstrated by vacancy and appropriate marketing for a period of at least 12 months. The London Plan, including Policy E1, also seeks to protect and promote the central London office market.

The implementation of the 2019 permission has meant the building is now currently vacant, as the internal parts of the building have been stripped and roof structures removed – but the new hotel use has not begun, and so it remains lawfully offices on the upper floors. The applicant has not provided evidence to indicate that the continued use of this part of the site for offices (or an appropriate alternative use) has no interest. Therefore, the current application fails to adhere to Policy 13.

However, the 2019 permission has allowed the loss of the office floorspace and, because the applicant has lawfully begun work on that development, the applicant can continue with it in perpetuity. The current application is somewhat similar the 2019 permission in land use terms, and that existing permission is a material consideration. This is because it represents a realistic fallback position. That fallback position should be given weight, and in this case it is considered that its weight is such that it militates against refusal of permission because of the conflict with Policy 13.

Loss of Retail and Drinking Establishment Uses

City Plan Policy 14 part B requires uses that provide active frontages and serve visiting members of the public at the ground floor. Policy 14 part C requires development to be of a scale, type and format that reflects and enhances the role of the centre it is located

within, and within CAZ Retail Clusters development should provide large format retail and complementary town centre uses to meet the needs of residents, workers, and visitors. London Plan SD4 states the vitality, viability, adaptation and diversification of CAZ retail clusters should be supported. City Plan Policy 16 part B protects public houses throughout Westminster, except where there is no reasonable prospect of its continued use as a public house, as evidenced by appropriate marketing for a period of at least 18 months. London Plan HC7 also protects public houses.

The proposal involves the loss of the existing retail units and a drinking establishment use on the site. The new building will include the provision of two restaurants and a bar area, and while ancillary to the main hotel use, they will serve visiting members of the public as well as guests of the hotel. The layout and position of the ground floor restaurant and hotel reception, as well bar area, will therefore provide an active frontage at ground floor level. While it is disappointing the no retail space will be re-provided as part of these proposals given the site is within a CAZ Retail Cluster, this hotel (and its ancillary functions) is a complementary town centre use and so it is not reasonable to refuse permission on this ground. To ensure that the aims of City Plan Policy 14 are achieved a condition will ensure that the ancillary restaurant is retained at ground floor so that it continues to serve visiting members of the public and provides an active frontage as required by the City Plan.

The proposal also involves the loss of a drinking establishment. While the development plan protects public houses, the supporting text for Policy 16 explains that “while we acknowledge that under the new Use Class Order public houses and other drinking establishments such as wine bars are sui generis, this policy specifically applies only to public houses”. The Munich Cricket Club formerly occupied the unit. While a drinking establishment, this was not a traditional public house (it was a Bavarian style beer hall). In any case, its loss is also permitted under the extant permission. So, while arguably not within the scope of public house protection under Policy 16, even if it were it would not be reasonable to resist the loss (for the same reason as the loss of office to hotel should not be resisted). It should also be noted that the Munich Cricket Club has relocated to a nearby premises.

Provision of a Hotel

The principle

Like the previous City Plan, the current City Plan (Policy 15) directs hotels to commercial areas, including commercial areas of the CAZ. Similarly, London Plan Policy E10 directs hotel accommodation to the CAZ (except residential / predominately residential parts of it). City Plan Policy 14 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).

Victoria Street is within the CAZ and is predominately commercial. Differently to the extant scheme which was proposed to use the site as a budget hotel, the applicant now seeks to use the site as a luxury hotel. While this type of hotel accommodation will differ to what was previously approved, the use will remain within Use Class C1. The proposal will result in a hotel comprising 5,032 sqm with 88 bedroom suites. There will also be ancillary restaurant and bar floorspace, health and wellness facilities and meeting rooms

which will be accessible to members of the public and hotel guests.

The development plan indicates this part of Victoria Street could be an appropriate location for hotels and supports the provision of increased accommodation for tourists. However, this will be subject to consideration of its impact on neighbours and the local environment.

Impact on amenity and local environment

The consented scheme proposed 141 bedrooms, and while the currently proposed building will be larger it will contain significantly fewer bedrooms at 88. This is because the hotel is for larger rooms and increased ancillary areas compared to the 2019 consented team. The reduction in the number of rooms will have a corresponding reduction in the number of hotel guests – therefore, their impact on the surroundings when compared to the 2019 consented scheme could be lessened. However, as the proposal involves the provision of ancillary restaurants, meeting rooms and health and wellness facilities which will be open to the public (which did not form part of the 2019 hotel permission) these new aspects of the proposed hotel could result in a different impact on the surroundings compared to the consented scheme.

Ancillary hotel uses such as those proposed are not an uncommon part of a hotel (particularly where they are to serve a more luxury segment of the hotel market) and whilst there is no objection in principle to these activities, as hotel and non-guests could use them, they need to be considered against the relevant development plan policies. As well as the policies listed in the above section, City Plan Policy 16 (A) states that “proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.”

The ground floor restaurant accommodation will provide 68 internal seats over a 117 sqm area and the bar area will provide 32 over a 72 sqm area, and the operational management plan indicates up to 44 external seats on the highway (external covers on the highway are discussed further in section 9.6 of this report). The eighth floor restaurant will provide 90 internal covers over a 144sqm area, and will have 8 external covers on the roof terrace (facing over Victoria Street).

The proposed hours of operation for the main hotel facilities are as follows:

Table: proposed opening hours

Area	Hours
Ground floor restaurant and lounge bar	07.00 to 00.00 Sunday-Thursday 07.00 to 00.30 Friday- Saturday
Eighth floor restaurant	07.00 to 00.00 Sunday-Thursday 07.00 to 00.30 Friday- Saturday
Fitness and wellness centre	24 hours for hotel residents only

Considering the existing uses on site, which include a drinking establishment, these entertainment uses will not represent an increase in evening and night time activity on the site. In relation to the area, there are some other entertainment uses in the vicinity of the site, which mainly consist of established public houses and restaurant uses. This includes the adjacent Grafton Arms public house, the Albert public house and restaurants at 79 Victoria Street and 85 Victoria Street. It is not considered that the restaurant and bar floorspace will lead to a harmful cumulative impact of this type of use in the area, particularly considering the lawful drinking establishment use on the site (which currently comprises more floorspace than the restaurant and bar areas proposed under this application). The terminal hour of the restaurant and bar areas are midnight Sunday to Thursday and 00:30 hours on Fridays and Saturdays, which is similar to other restaurant and drinking establishments in the area. This is recommended to be ensured by condition along with the arrangements set out in the applicant's OMP (which is to be updated by the condition, see sections below) and the capacity of the restaurants and bar. Further conditions are recommended including to ensure entrance lobbies are provided at ground floor level, that the doors at roof level are kept shut except for service, that no music is played so that it audible to neighbours.

Impact of plant equipment and the roof terraces are to be considered further in sections below. Overall, it is considered that subject to conditions the proposed restaurant/bar floorspace will not cause undue harm to the amenity of the area of local environmental quality.

Land Use Overview

Given the extant permission is a material consideration, it is not reasonable to resist the principle of changing the use of the offices to hotel. This proposed hotel will help meet the demand for tourist accommodation in the city, which the development plan supports. The hotel, subject to the imposition of conditions to control its use, will not result in harm to neighbouring residents or local environmental quality, and this is expanded upon in the below section.

It is also recognised that the site is currently vacant and bringing the site back into use will be a benefit to the character and function of Victoria Street and the area.

One objection considers the use of the site as homes should be given priority in land use terms. The site is within the CAZ, and as London Plan Policy SD5 explains, new residential development should not compromise the strategic functions of the CAZ and these functions (which includes hotel uses) should be given greater weight relative to new residential developments in this part of the CAZ. For the reasons set out above, a hotel use here is acceptable in land use terms.

9.2 Environment & Sustainability

Circular Economy and Principle of Partial Demolition

Policy and Guidance

London Plan Policies D3 and SI 7 promotes circular economy outcomes and states developments should aim to be net zero-waste and promotes a more circular economy

that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible. London Plan Policies GG5 and GG6 also support moving toward a low carbon circular economy.

The Mayor of London's Circular Economy Guidance (March 2022) sets out circular economy design approaches for existing buildings. It includes a 'decision tree' which 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 if 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 indicates 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 'circular economy hierarchy for building approaches' set out in the London Plan where it explains "retaining existing built structures totally or partially should be prioritised before considering substantial demolition, as this is typically the lowest-carbon option".

City Plan Policy 37 states the council will promote the Circular Economy and contribute to the London Plan targets for recycling and for London's net self-sufficiency by 2026. City Plan Policy 38 part D adds that 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. 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. The draft City Plan Partial Review (March 2024) contains a retro-fit first policy, however as section 6.2 of this report explains new policies within it will generally attract limited if any weight at all.

Consideration

During consideration of the withdrawn scheme, the principle of total demolition was at the centre of discussions between the applicant's team, Westminster officers and GLA officers for a significant period of time. Because that withdrawn scheme involved the total demolition of the existing building and its rebuilding, Westminster officers raised significant concern regarding adherence to circular economy principles (and the carbon emissions) associated with that approach to the redevelopment of this site.

Considering development plan policies outlined above, as well as the hierarchy for building approaches and the decision tree set out in the Mayor of London's Circular Economy Guidance, Westminster's officers came to the view that the withdrawn scheme departed from policy and guidance which together indicated that the applicant ought to have proposed to either retain and retrofit or partially retain and refurbish the existing.

Therefore, it is welcomed in circular economy terms that the applicant has now chosen to pre-apply for permission for an amended scheme which will partially retain the existing structure of the building, and then refurbish and extend it. Various elements of the existing structure, including most of the existing frame, floors and part of the pile foundation, is proposed to be retained. In total 68% of floor slabs (by area) will be

retained.

Westminster officers have also considered whether more of the existing structure could be retained. The supporting text to London Plan Policy D3 explains that “the best use of the land needs to be taken into consideration when deciding whether to retain existing buildings in a development”. The development plan (as set out above) requires a site in this location to (amongst other things) contribute to the city’s economy and growth, maintain or improve heritage assets, be of high design quality and deliver high densities with suitable uses. As set out in the land use section of this report, the development plan indicates a hotel is suited for this for this site (albeit, the loss of office floorspace runs counter to the aims of the City Plan but that has already been permitted), and the development (as set out in various sections of this report) will contribute to toward meeting various development plan’s objectives for this site. It is clear that for a larger and better performing building to be created so to achieve the objectives of the development plan, at least some of the existing building will need to be demolished. Still, potentially less demolition could achieve the same or similar outcomes as will be achieved with the building proposed under this application. However, the applicant’s fall-back position (i.e. the permitted scheme) involves partial demolition, including the entire removal of the existing facades. Furthermore, new elements such as the creation of a sub-basement (which is not resisted by the development plan, as set out in below sections) new upward extensions, and alterations to comply with current fire safety regulations does require further demolition. In this context, it is not considered reasonable to resist the level of demolition proposed under this application. In addition, the proposal involves re-using 5% of any demolition waste on site, which is welcomed.

Whole Life-cycle Carbon Emissions

Policy and Guidance

London Plan Policy SI 2 requires developers to calculate and reduce Whole Life-cycle Carbon (WLC) emissions. Developments should calculate WLC emissions through a nationally recognised WLC assessment and demonstrate actions taken to reduce life-cycle carbon emissions. The GLA’s WLC assessment guidance document explains how to prepare a WLC assessment, and how and when to submit it.

The justification for City Plan Policy 38 explains proposals for substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building. Westminster’s Environmental SPD explains Westminster follows the GLA’s approach to WLC assessments which requires applicants to consider the retrofit or reuse of any existing built structures before embarking on the design of a new structure or building.

Consideration

WLC emissions are the carbon emissions resulting from the materials, construction and the use of a building over its entire life, including its demolition and disposal. A WLC assessment provides a true picture of a building’s carbon impact on the environment. The applicant has included a WLC assessment to support their submission. The assessment is split into ‘life-cycle modules’ dealing with various stages over the life of the development. The below table summarises the emissions:

Table: Estimated Carbon Emissions

	Upfront embodied (modules A1 – A5)	In use and end of life (modules B – C excl B6 & B7)	Whole Life-cycle (modules A to C, excl B6 & B7, including sequestered carbon)
GLA Benchmark (kg CO ₂ e/m ²)	<850	<350	<1200
GLA Aspirational Benchmark (kg CO ₂ e/m ²)	<500	<300	<800
Total kg CO₂e/m²	746	201	930

The Mayor of London's Whole Life-Cycle Carbon Assessments Guidance includes benchmarks for WLC, and these are included in the above table. These benchmarks exclude some of the carbon emissions (modules B6 – B7) because these carbon emissions are regulated operational emissions that will be subject to the net-zero carbon target and so the Council will offset these emissions using the applicant's financial contribution, as set out in the following section.

In terms of WLC emissions, the development will total 930 kg CO₂e/m², which is a significant improvement over the withdrawn scheme (which would have emitted approximately 2,339 kg CO₂e/m² over its life). This reduction compared to the withdrawn scheme is welcomed, therefore.

In terms of upfront embodied carbon emissions (which are the carbon emissions associated with sourcing materials and the construction of the building), this will total 746 kg CO₂e/m² – which is below the Mayor of London's baseline benchmark. However, it is above the aspirational benchmark. The Mayor of London's aspirational benchmark is equivalent to what the 'London Energy Transformation Initiative' (LETI) describe as the 'Design 2020 target', and LETI give this target a rating of band C. LETI consider a rating of band C to be current best-practice performance for developments. However, this development will be band E under their rating system. Therefore, while meeting the Mayor of London's baseline benchmark for upfront embodied carbon emissions, LETI's rating system indicates this development will fall some way below best-practice performance. The City Plan Partial Review's retrofit first policy proposes to incorporate new targets into policy to ensure that best-practice performance is achieved within Westminster. However, as explained above the policies within that draft plan will generally attract limited if any weight at all at the present time, and this includes the retrofit first policy. Under current benchmarks therefore, the development achieves the minimum required by the Mayor of London's guidance.

Still, while the development meets the benchmark, London Plan Policy S I2 requires WLC emissions to be minimised – and therefore, it should be asked whether emissions could be reduced further. In this case, much of the upfront embodied carbon emissions arise from the construction of a sub-basement level and the replacement of the facades. It is clear carbon emissions could have been further minimised had these aspects of the proposal not been included. However, as set out above and in sections below, City Plan Policy 45 states basement developments 'will be supported' where they meet certain

criteria which this proposed basement does. In addition, the replacement of the facades has already been permitted. Also, these aspects of the proposal enlarge a commercial use in the CAZ and improve its thermal performance, both of which are supported by the development plan. Given this, there is no reasonable basis to require the applicant to remove these elements from the proposal to reduce carbon emissions.

The construction of the sub-basement level will require the use of significant amounts of concrete, as well as temporary propping up works while the excavation is carried out (second hand / repurposed steel will be used). The retained superstructure will be extended using a steel frame. The applicant's submission is supported by a structural appraisal and methodology indicating how the development could be carried out. It is acknowledged that given the constraints of the site, and that parts of the existing structure are to be retained, this construction work will be complex – and it is welcomed the applicant has now chosen to do this rather than the total demolition and rebuilding as previously proposed. Notwithstanding this, there are some potential deficiencies relating to calculations used in the applicant's Whole Life-cycle Carbon Assessment and it appears that the structural methodology could be improved to minimise emissions further, this includes the applicant potentially overcalculating the amount of steel that will be required to be used. As such, a condition is recommended to ensure the applicant provides an updated Whole Life-cycle Carbon Assessment which will address these deficiencies.

Overall, while potentially alternative schemes could have reduced carbon emissions further, it is not considered reasonable to refuse permission on those grounds in this case. Indeed, it is welcomed that carbon emissions will be much reduced when compared to the withdrawn scheme.

Energy Performance and Sustainable Design

Policy and Guidance

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 district heating systems) 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% beyond Building Regulations for major development. Applicants should reduce carbon emissions by 15% for non-domestic development through using energy efficiency measures (be lean). 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 GLA's Energy Assessment Guidance explains how to comply with the London

Plan's climate mitigation policies and explains the purpose of an energy assessment is to demonstrate that the proposed climate mitigation measures comply with the London Plan. It also ensures that carbon reduction remains an integral part of the development's design and evolution.

City Plan Policy 38 requires applicants to demonstrate how sustainable design principles and measures have been incorporated into designs, utilising the environmental performance standard of at least BREEAM "Excellent" or equivalent standard.

Consideration

The applicant has supported their submission with an Energy Assessment. Below is a table of the key regulated carbon emissions savings from each stage of the energy hierarchy.

Table: Regulated carbon dioxide savings from each stage of the energy hierarchy. *Note: values rounded*

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	99	13
Be Clean: Savings from heat network	0	0
Be Green: Savings from renewable energy	242.4	32
Cumulative on-site savings	341.5	45
Carbon shortfall	409.4	
Cumulative savings (combined refurbished and new build elements)	12,283	
Cumulative savings for offset payment (i.e. new build element only)	479	
Cash-in-lieu contribution	£157,944	

The baseline against which the carbon emissions savings have been calculated is Part L 2021 of the Building Regulations. As set out in Westminster's Planning Obligations and Affordable Housing SPD, the carbon offset payment is calculated for the new build element of the building only. 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 efforts to reduce emissions through the Energy Hierarchy, as set out below, and is aiming to achieve a BREEAM rating of excellent

(which is recommended to be conditioned).

Be Lean:

The applicant has achieved mixed results for the refurbished and new build elements (which the GLA's energy assessment guidance requires be calculated differently). The 'be lean' section of the above table shows the overall savings over the requirement of Building Regulations for the whole development (i.e. both the new build and refurbished element), and it indicates there will be a 13% saving. However, for the new build element only the savings is just 1%, whereas for the refurbished element it is 14%. The refurbished element is close to the 15% target for the 'be lean' stage and comprises the majority of the scheme (given a large part of the existing building is to be retained), but the new build element is far from the target – and this is disappointing.

The applicant has explored ways to improve the score, but note that it has extremely difficult to achieve a significant saving against building regulations for the new build element in large part given this is tied to the refurbishment of the rest of the building – and this is understood.

The applicant has integrated passive design principles to enable the building to be less reliant on heating, cooling, ventilation and air conditioning systems and minimise dependence on artificial lighting. This includes using efficient solar glazing to limit solar gains and optimising thermal efficiency through choice of insulation, window size and location. The use of natural light has been maximised by adequately sizing glazing areas for the bedrooms. And the building's fabric has been chosen to be thermally efficient.

The GLA acknowledges the challenges in meeting these, and the Applicant's efforts to achieve U-values better than Part L standards are recognised and while the overall 13% does not achieve the target, as set out below the overall operational carbon saving target will be comfortably exceeded and therefore it is not considered reasonable to resist the proposal on the basis of missing the 'be lean' target.

Be Clean

There is no local energy resources (i.e. a district heating system) in close proximity currently. However, the London Heat Map identifies the site within an area where a district heating system is underdevelopment, known as 'South Westminster Area Network'. While not yet under construction, the development ought to be adaptable for connection to it. As such, during the course of the application, the applicant confirmed that the proposed conditioning system can be connected to the potential new district heating system should this become available. This included providing information regarding the:

- Layout of energy centre/plant room;
- Layout of obstacle free safeguarded route between heat exchanger and incoming system entry point;
- Details of on-site connection with pre-installed and capped with flange; and
- Details of pre-installed pipework connecting identified plantroom/heat exchanger to proposed heating system(s).

A condition is recommended to ensure that the plant room is provided and maintained as adaptable for use in associated with connection to a 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 heat pump system for Domestic Hot Water (DHW). The heat pumps will provide 100% of space heating and cooling load and 100% the DHW.

Additionally, renewable energy generation is proposed through photovoltaic (PV) panels that are proposed vertically on the rear elevation of the building at roof elevation. During the course of the application, the applicant proposed additional PV panels on top of the roof. The applicant was questioned whether more PV panels could be placed on top of the roof plant equipment to further maximise their provision on the building. The applicant does not consider this feasible as it would add further bulk and height to the top of the building (harmful to neighbours and the appearance of the building). However, it is not clear to officers why these panels could not be laid horizontally (or near horizontal) between the side of the plant enclosure and over some of the plant equipment. Although, parts of the roof does include brown and green roofs. To ensure that on site renewable energy is maximised, a condition is recommended to ensure the applicant carries out a feasibility study to determine whether or not additional PV panels can be installed without harm to the appearance of the building, to neighbours or to biodiversity (and if they can, that they are installed)

Net Zero

The applicant explains the proposed development will achieve an overall reduction of regulated carbon emissions of 45% over what is required by Building Regulations (Part L 2021). In relation to net zero carbon, there will be a shortfall which the applicant calculates as 12,283 tonnes of carbon annually, of which 479 tonnes is for the new build element. As set out in the Westminster's Planning Obligations and Affordable Housing SPD, shortfalls in new build elements must be met off site or through a payment in lieu contribution of £330 per tonne for a 30-year period (for electric only schemes) to the Council's Carbon Offsetting Fund. The shortfall in this case is to be met through a payment in lieu contribution amounting to £157,944 which is recommended to be secured by legal agreement.

Be Seen

The applicant has provided a 'Be Seen' spreadsheet as part of their submission and provided confirmation they have been in communication with the GLA regarding it. The 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.

BREEAM

The applicant has supported their application with a BREEAM pre-assessment

undertaken by licenced BREEAM assessors and indicate a targeted rating of 71.8%, which equates to 'Excellent' and therefore is in compliance with policy. A condition will require this is met.

Air Quality

City Plan Policy 32 and the Environmental SPD commits the City Council to improving air quality in the city, it expects development to reduce exposure to poor air quality, it expects development to improve local air quality and it expects this to be explained within an Air Quality Assessment.

The Air Quality assessment concludes that the proposed hotel development is air quality neutral for both building and transport emissions. The Building Ventilation Statement confirms that the building will be mechanically ventilated throughout, and the proposed ventilation strategy shall comprise of dedicated Air Handling Units, localised Mechanical Ventilation with Heat Recovery units and dedicated extract ventilation and smoke ventilation systems.

The Environmental Health officer raises no concerns regarding impact of the development on air quality.

Flood Risk & Sustainable Drainage

The site is within Flood Risk Zone 3 and is within a Surface Water Management Zone. Flood Risk Zone 3 indicates a high risk of tidal flooding from the Thames, although this part of London is protected to a high standard by the Thames tidal flood defences. The Surface Water Management Zone indicates the site is within an area where surface water flood risk and drainage management need particular consideration to ensure the risk of surface water flooding is minimised. Hotel uses are classified as 'more vulnerable' for the purposes of flood risk management, whereas offices are 'less vulnerable'. Therefore, the development involves changing use of the building to an increased flood vulnerability category.

City Plan Policy 35 states all developments should be safe for their lifetime from the risk of flooding and requires a site-specific Flood Risk Assessment (FRA) be submitted for all developments in Flood Risk Zone 2 or 3 and Surface Water Management Zones (referred to as Hotspots). It also requires proposals for 'more vulnerable' uses (which includes hotels) within Flood Zone 3 to pass the Exception Test and for these uses to be, as far as possible, directed away from Surface Water Management Zones. A Flood Warning and Evacuation Plan is also required. In terms of drainage, 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 is supported by a FRA, Surface Water & Foul Drainage Strategy as well as the Mayor of London's Sustainable Drainage Proforma.

The Flood Risk Assessment considers all sources of potential flooding risk, including from the Thames and surface water. In terms of the flooding from the Thames, it has considered how climate change could influence flood risk and has given consideration of

up to a 2100 tidal epoch and finds climate change will result in the site changing from being outside the breach inundation zone to within it. In terms of surface water, it finds the site is at low risk of surface water flooding.

To mitigate the flood risk, the applicant has proposed various measures to safeguard the building and its occupants. This includes ensuring sleeping accommodation is on the upper floors only, providing a sump pump and incorporating flood resistant and resilient measures to the basement design. In terms of the surface water drainage strategy, the applicant proposes 32sqm of green roof and 98sqm brown roof areas at roof level and an attenuation tank beneath the sub-basement level, which will attenuate runoff with a pumped discharge to the public combined sewer beneath Victoria Street at 1.6 l/s in a 1 in 100 year rain fall event. This is compared to 20.9 l/s for the existing building and 0.2 l/s as the equivalent greenfield rate. While the development will not achieve a greenfield rate, it will achieve a 92% betterment over the existing building, thereby helping to mitigate surface water run-off.

The Environment Agency and Lead Local Flood Authority raise no objection to the proposals, subject to conditions to ensure the building is constructed as set out in the flood risk assessment. Conditions are also recommended to ensure that further details of the applicant's drainage strategy is provided.

Exception Test

City Plan Policy 35 requires development including a 'more vulnerable' use to pass the exception test. National policy and guidance explain the exception test should be applied after the sequential test. In Westminster however, sites do not need the sequential test applied to them individually as Westminster's Strategic Flood Risk Assessment explains it is not practical to differentiate potential development sites in the city (due to the existing highly built form and shortage of land). The exception test requires it be demonstrated that a:

- development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and
- the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

As set out above and elsewhere in this section, the development will result in sustainability benefits (including improved energy performance, re-use of existing structure and provision of planting) and the development will ensure safety from flooding and will reduce water run off rates and thereby will help reduce overall flood risk in the area. Accordingly, the development passes the exception test.

Ventilation / Odour

City Plan Policy 33 (D) states development will effectively address the adverse impact of odour through the incorporation of appropriate mitigation measures.

The proposals include various kitchens which could generate odours. Extract ventilation is proposed to be provided to basement, ground and upper floor kitchens via a dedicated

kitchen extract fans. The extract fans will be located externally at roof level with connecting ductwork routing to applicable kitchens via dedicated mechanical risers. This will take away any odours to a high level.

The Environmental Health officer raises no concerns regarding the impact of odours on neighbouring residents.

Land Contamination

City Plan Policy 33 (E) requires applicants to carry out contaminated land assessments and take appropriate remediation measures for development on or near a site which is potentially contaminated

The applicant has provided a desk study report that investigates the potential contaminated land risk associated with the site. The report concludes there to be a low risk of there being a significant contamination linkage at this site and they do not anticipate that any remedial works will be required.

Environment & Sustainability Summary

Overall, the Applicant's submission demonstrates the development will result in an acceptable environmental impact. The developer has chosen to minimise demolition and propose a new building whose carbon emissions through its operations will be improved over Building Regulation requirements, which is welcomed. The submission has also assessed WLC emissions which shows these emissions will be below the baseline benchmark over its lifetime. The development will also be acceptable from an air quality and flood risk perspective. Various conditions are recommended to ensure the development's environmental credentials are realised.

9.3 Biodiversity & Greening

Urban Green Factor and Landscaping Strategy

City Plan Policy 34 (B) states that, wherever possible, developments will 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. Developments should also achieve a biodiversity net gain, wherever feasible and appropriate. London Plan Policy G5 also requires development to contribute to the greening of London and sets an 'Urban Greening Factor' target score of 0.3 for commercial developments.

During the course of the application, the applicant updated their greening proposals. The proposals now include 32sqm of green roof, some of which will include photovoltaic panels on top (known as a bio-solar green roof), and 98sqm of brown roof around the roof top plant equipment. The proposals will also include planters on parts of the roof at eighth and seventh floor levels.

This represents an improvement over the existing situation where there is no planting on site. In terms of the UGF it will be 0.14 compared to zero for the existing building. It is also an improvement over the originally submitted scheme which would have achieved a

UGF of 0.07. However, it falls below the UGF target of 0.3

While regrettable further greening could not be achieved here, it must be acknowledged that the site is constrained meaning all greening must be located on the building's roofs. Therefore, a balance between the competing elements required to be located at roof level needs to be struck. A higher score could have been achieved if more green rather than brown roof was proposed for example, but the roof level of equipment needs to be located on the roof and a more extensive type of biodiverse roof are impractical to achieve around plant equipment. Given this, the level of greening proposed in this case is considered acceptable. Conditions are recommended to ensure that the proposed UGF is achieved as a minimum and that further details of the greening is provided.

Biodiversity Net Gain

Biodiversity Net Gain (BNG) is an approach to development that makes sure that habitats for wildlife are left in a measurably better state than they were before the development. In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)

However, this is a development that does not impact a priority habitat and is therefore exempt from the BNG requirements.

Bats and Birds

The applicant has supported the application with a Preliminary Ecology Appraisal. It has found that the development will not impact on nature habitats within 2km of the site. In relation to existing building itself, the appraisal finds it has:

- negligible suitability to foraging and commuting bats
- low suitability for roosting bats
- low suitability for hibernating bats
- low potential for nesting birds, and
- negligible potential to support other protected and notable species.

To protect any birds that may be nesting on the building during breeding season, a condition is recommended to ensure that a check for nesting birds is done prior to work starting and if there are, that suitable exclusion zones are made until the young have fledged or the nest is no longer active.

To enhance ecology on site, the applicant's appraisal recommends the provisions of greening (which is proposed) along with the inclusion of three bird nest boxes and four bat boxes. These bird and bat boxes are recommended to be conditioned. The appraisal also recommends external lighting is considered, and a further condition is recommended to require details of a lighting strategy for the building.

With these recommended conditions, the development will protect and enhance biodiversity on site.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to conservation areas 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.”*

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 be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, 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.

The most relevant City Plan policies in terms of design, townscape and heritage are 38, 39 and 40. These seek to ensure high quality, sustainable and inclusive urban design that responds to Westminster's context by positively contributing to Westminster's townscape and streetscape. These seek to protect or improve heritage assets, including their setting. And these seek to ensure new buildings are sensitively designed, having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality, and degree of uniformity in the surrounding townscape.

Design, Townscape and Built Heritage

One objection considers the scheme falls short of high design standards that are required and is unsuitable in a conservation area and will not make a positive contribution to local character

The building lies on the corner of Strutton Ground and lies within the Broad and Christchurch Conservation Area. The existing building is of moderate design quality, and according to the Conservation Area Audit makes a neutral contribution to the conservation area. The existing building comprises a basement, ground floor commercial frontage, with six vertical floors of office accommodation above, terminated with a lead-clad roof (which has recently been partially removed). The facade of the building is brick clad, with stone dressings and articulated by chamfered bays – which is an architectural response to the adjacent mansion block. The height of the existing building is also comparable to Artillery Mansions.

Broadway and Christchurch Gardens is a small conservation area located in south Westminster, between Great Peter Street and Queen Anne's Gate, to the west of Parliament Square. Victoria Street passes through the centre of the conservation area and includes the application site. The area is centred around the former site of the Broadway Chapel which was built in 1642 to the north of the Application site and destroyed by a bomb blast in 1941. Victoria Street was established in 1845 and includes Artillery Mansions, a substantial mansion block development which extends to the south and west. More monumental scale twentieth century developments now characterise the

northern part of the conservation area, including 55 Broadway and St. James's Park Station. Directly south of the site lies Strutton Ground, which was first developed in the early 17th century, and features much smaller scaled mid-Victorian terraces. Whilst the overall character of the conservation area is quite varied, there are three distinct areas within it, with the application site mediating between the smaller scale character of Strutton Ground and the larger scale Victorian Mansion block architecture on Victoria Street. The site is glimpsed in a local view identified in the Conservation Area Audit, which is from Caxton Street towards Christchurch Gardens. The site is however largely screened by the tree coverage of the Gardens.

The height of the proposed building is comparable to the consented scheme, with the upper two floors recessive to ease any perceived additional bulk. Whilst exhibiting a different design, the facade has also been modelled to maintain the existing building line. Architecturally the proposed building is articulated by a series of bays containing multi-paned crittal style windows broken up by brick recesses. The corner is expressed by a curved, glazed turret, which features the same crittal style windows. Horizontal stone spandrel panels separate the glazing between the floors and define the parapet above sixth floor. The seventh floor, which is recessed, is clad with metal panelling punctuated by pairs of doors.

The eighth storey is further set back and has a lighter weight aesthetic with increased glazing. The roof top includes ventilated louvered screens which conceal the plant equipment area which is partially sunken into the roof. The rear of the building is more restrained with modest details and quieter roofscape.

Generous crittal style glazing and entrance doors express the ground floor of the building, providing an active frontage for the hotel and associated ancillary uses. Above the ground floor, a canopy runs across the width of Victoria Street frontage and extends around the corner to Strutton Ground.

The proposals are considered to be complimentary to what is a transitional part of the Conservation Area. Though marginally taller than the consented scheme, the principal elevations have been modelled to ease the bulk and visual prominence of the top two floors, resulting in a height and scale which mediate successfully between Artillery Mansions to the west and 55 Victoria Street to the east without appearing overbearing. Presenting a comparable townscape impact to the approved scheme. Overall, the development will preserve the character and appearance of the conservation area, avoiding harm to its significance.

The intended pallet of materials includes red brick, terracotta, metal cladding, glass, and metal framed windows. Samples of all facing materials is recommended to be secured by condition to ensure their quality and finish.

Archaeology

City Plan Policy 39 requires applicants to assess the archaeological potential/ implications of developments and propose the conservation of deposits wherever possible. The site is within the Tier II Victoria Street Archaeological Priority Area. Historic England's Greater London Archaeological Advisory Service (GLAAS) explains that the application site lies on the edge of the historic town of Westminster just beyond land that

was first built-up in the later 17th and 18th centuries. The northwestern part of the site appears to have lain within the burial ground of St Margaret's Chapel where it may have received interments in the 17th and 18th centuries. The site itself was not built over until the late 18th century. Prior to that it was part of Tuttle Fields and had earlier been marshland in the Tyburn valley. Archaeological evidence from nearby sites comprises palaeo-environmental remains of prehistoric and Roman periods, post-medieval finds presumably related to urban fringe activities and rubbish dumping and human remains from St. Margaret's burial ground. There appears to be no evidence for the discovery human burials during the excavation of the basement in 1990 but as archaeologists were not involved this may not be reliable. The desk-based assessment notes that the existing deep basement will have removed the expected deposits to a depth of up to 4m below modern ground level but it is possible that deeply buried features, burials or environmental deposits could survive. Therefore, GLAAS advise that this work could cause harm to archaeological remains and that a field evaluation is needed to determine appropriate mitigation. In this case, GLAAS advise that an appropriate archaeological condition, which ensures that evaluation and any appropriate mitigation is undertaken, will ensure that these heritage assets are not harmed – and this condition is recommended on the draft decision notice.

9.5 Residential Amenity

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of light, privacy and sense of enclosure and encourage development which enhances the residential environment, quality of life and health and wellbeing.

The buildings within the vicinity of the site in a mix of uses. Residents do reside within the following nearby buildings:

- 55 Victoria Street
- Artillery Mansions
- Residential accommodation above 3 and 9 Strutton Ground
- Ancillary residential accommodation above 2 Strutton Ground

Two objections have been received, including one representing 25 neighbouring flats. They mainly object on the grounds the use of the upper floor as a restaurant/ bar with external area will harm neighbours in terms of noise and overlooking.

Sunlight and Daylight

The applicant has carried out an assessment on the neighbouring properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice". The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, more obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE explains their guidelines are intended for use for rooms in adjoining dwellings where light is required, and principally seeks to protect light to main habitable rooms (i.e. living rooms) in residential dwellings, and it accepts that bedrooms are of less importance. The BRE also

confirms that the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of natural light. In this case, that could include the ancillary accommodation above the public house on Strutton Ground. The applicant's assessment considers the proposed scheme against the existing building and the 2019 consented scheme.

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.

55 Victoria Street

55 Victoria Street is a residential building on the opposing side of Strutton Ground and contains windows facing the flank of the application site. The distance between the windows and the application site is approximately 14 metres (although this varies).

There will be two breaches of the VSC measure of daylight and ten breaches of the NSL measure of daylight, and these are summarised in the tables below.

Table: VSC Breaches at 55 Victoria Street – (values rounded)

Floor	Window (Room)	Room Use	Existing VSC	Consented VSC	Proposed VSC	% Loss (existing v consented)	% Loss (existing v proposed)
3	W08-L (R5)	L/K/D	12.9	9.5	9.8	26%	24%
4	W08-L (R5)	L/K/D	15	11.5	11.6	23%	23%

Table: NSL Breaches at 55 Victoria Street – (values rounded)

Floor	Room	Room Use	Room Size (sqm)	Existing NSL (sqm)	Consented NSL (sqm)	Proposed NSL (sqm)	% Loss (existing v consented)	% Loss (existing v proposed)
2	R2	Bedroom	17.2	10	6.5	6.4	35%	37%
3	R2	Bedroom	17.2	11.2	7.1	6.8	37%	39%
3	R3	Bedroom	18	5.6	4.2	4.2	26%	25%
4	R2	Bedroom	17.2	14.2	8.8	9.1	38%	36%
4	R3	Bedroom	18	9	5.4	5.7	40%	37%
4	R5	L/K/D	43.3	20.2	15.8	15.8	22%*	21%*
5	R2	Bedroom	17.2	16.9	12.8	13.5	24%	20%
5	R3	Bedroom	18	13.7	7.8	8.6	43%	37%
5	R4	Bedroom	14.6	14	9.6	9.7	32%	31%
5	R5	L/K/D	43.3	31.9	17.6	17.8	45%	44%

* These figures are as reported in the applicant's report and because of rounding diverge from what would be expected given the NSL (sqm) figures.

As the tables above indicate, the proposal represents improvements of the breaches when compared to the consented scheme, except in two instances where it will worsen and one where it will be the same. The changes are all relatively modest, which is to be expected given the relatively modest change in size and bulk.

In terms of VSC, the proposals will result in two breaches and these will be either the same or lower than the breaches to these windows under the consented scheme. In addition, these breaches are only modestly over the 20% threshold beyond which the BRE indicates the loss of daylight could be noticeable, which suggests a minor noticeable impact. The differences between the consented and proposed schemes are less than 1% in both cases, and so in actuality it is unlikely that this change will be perceptible to the occupiers of those room. The windows breaching the BRE measure for VSC are the living room / kitchen / dinning rooms on the third and fourth (which are located to the southern part of that building, adjacent to 3 Strutton Ground), and these are the principal habitable spaces of those flats. The windows/ doors to these rooms that breach the VSC measure are set in to allow for balconies, and this creates an overhang reducing the existing VSC.

In terms of NSL, the losses are higher with seven involving loss 30% or higher, and one of those being higher than 40%. This indicates a more significant noticeable daylight impact. Again however, the increase in the losses when compared to the extant scheme are less significant indicating that occupiers are unlikely to endure a significant worsening between the consented and proposed schemes. The NSL breaches are also mainly to bedrooms, which are not the principal habitable spaces of the flats.

The VSC and NSL should be considered together to gain a complete understanding of the daylighting impact. In this case there is one overlap between the windows affected in terms of VSC and the rooms affected in terms of NSL – the living/ kitchen / dinning room on the fourth floor (room 5). In that case, the impacts in terms of both VSC and NSL are marginally over the 20% indicating they could be a minor noticeable impact, however the impact matches the consented scheme meaning this development will be no worse for the occupiers of that room. There are no other overlaps in the measures. In comparison to the consented scheme, 10 out of the 12 breaches (across both VSC and NSL measures) are improved over the consented scheme. The two breaches which are worse compared to the consented scheme are only marginally worse.

Overall, while the scheme could have some minor noticeable impact on the living conditions of these flats, when the measures are considered together and the extant scheme taken into account, it is considered that the loss in daylight will not be detrimental to the overall daylighting conditions of these flats.

Artillery Mansions

Artillery mansions is adjacent to the application site to the west. It is a large mansion block complex formed around a central courtyard. The building on the east side of the courtyard is fewer storeys than those on the north, west and south. The application building is located behind the northeastern side of the courtyard.

There will be two breaches of the VSC measure of daylight and one breach of the NSL measure of daylight, and these are summarised in the tables below.

Table: VSC Breaches Artillery Mansions – (values rounded)

Floor	Window (Room)	Room Use	Existing VSC	Consented VSC	Proposed VSC	% Loss (existing v consented)	% Loss (existing v proposed)
2	W01-L (R1)	Unknown	1.7	1.4	1.3	18%	24%
3	W03-L (R1)	Unknown	6.2	4.5	4.1	27%	34%

Table: NSL Breaches Artillery Mansions – (values rounded)

Floor	Room	Room Use	Room Size (sqm)	Existing NSL (sqm)	Consented NSL (sqm)	Proposed NSL (sqm)	% Loss (existing v consented)	% Loss (existing v proposed)
LG	R5	Unknown	8.2	0.8	0.6	0.6	20%*	27%*

* These figures are as reported in the applicant's report and because of rounding diverge from what would be expected given the NSL (sqm) figures.

There will be two windows at Artillery Mansions that will breach the VSC measure, and one room that will breach the NSL measure. Compared to the consented scheme, the worsening VSC breaches is very marginal in absolute terms (0.1 and 0.4) meaning that the difference between the two is unlikely to be perceptible to occupiers. Similarly, for the NSL, the differences between the consented and proposed is marginal as they are both rounded to 0.6sqm (although lead to different percentage losses). The tables show the daylight to these affected rooms and windows is very low in the existing situation which means even small changes in absolute daylight levels can result in a large percentage difference, but those small absolute changes are nevertheless unlikely to be noticeable. Further, the daylight measures should be considered together and there are no overlaps in the rooms/ windows which will be affected in terms of VSC and NSL. Overall therefore, it is not considered that the losses will be detrimental to living conditions.

2 Strutton Ground

2 Strutton Ground is the Grafton Arms Public House, which is located to the south of the site. It is separated from the site by a narrow alley, and as a consequent has windows on its flank which look directly toward the rear of the applications site in close proximity. While not a residential property, council tax records indicate there to be an ancillary residential use on the upper floors of the public house. While ancillary, it is space that has some reasonable expectation for its amenity to be protected.

There will be ten breaches of the VSC measure of daylight and four breaches of the NSL measure of daylight, and these are summarised in the tables below.

Table: VSC Breaches, Upper Floors 2 Strutton Ground (Ancillary Accommodation Grafton Arms) – (values rounded)

Floor	Window (Room)	Room Use	Existing VSC	Consented VSC	Proposed VSC	% Loss (existing v consented)	% Loss (existing v proposed)
1	W05-L (R3)	Unknown	2	1.5	1.5	25%	25%
1	W07-L (R5)	Unknown	1.6	1.2	1.1	25%	31%
1	W08-L (R5)	Unknown	1.4	1.1	1	21%	29%
1	W11-L (R6)	Unknown	1.2	0.9	0.8	25%	33%
2	W03-L (R2)	Unknown	3.6	2.7	2.6	25%	28%
2	W04-L (R3)	Unknown	2.6	1.8	1.8	31%	31%
2	W06-L (R5)	Unknown	1.5	1.1	1.0	27%	33%
3	W03-L (R2)	Unknown	4.6	3.3	3.1	28%	33%
3	W04-L (R3)	Unknown	3.4	2.2	2.1	35%	38%
3	W06-L (R5)	Unknown	1.9	1.4	1.2	26%	37%

Table: NSL Breaches, Upper Floors 2 Strutton Ground (Ancillary Accommodation Grafton Arms) – (values rounded)

Floor	Room	Room Use	Room Size (sqm)	Existing NSL (sqm)	Consented NSL (sqm)	Proposed NSL (sqm)	% Loss (existing v approved)	% Loss (existing v proposed)
1	R3	Unknown	9	0.1	0	0.1	56%*	40%*
1	R5	Unknown	16.9	0.1	0	0	70%*	66%*
2	R3	Unknown	9	0.1	0	0.1	80%*	35%*
3	R3	Unknown	9	0.1	0	0	88%*	79%*

* These figures are as reported in the applicant's report and because of rounding diverge from what would be expected given the NSL (sqm) figures.

As the above tables indicate, the existing daylight levels to the affected rooms and windows are exceptionally low. Indicating that the rooms have very poor levels of daylight currently, which is to be expected given that the existing application building is significantly taller than 2 Strutton Ground and is very close to it.

The consented development will have impacted the rooms, and some losses in percentage terms are high, and in some cases very high for NSL. NSL is measure of the proportion of a room from where the sky is visible, and it is expressed in terms of sqm – the existing situation indicates the affected rooms all currently have a NSL of less than 0.1sqm – a very small area. That area being lost (either in part of even in whole) in a room of the sizes affected will not materially alter the daylighting situation for occupiers. Similarly in terms of VSC, which is measuring visible sky at the window, the table above indicates all affected rooms currently enjoy less than 4.6% of the visible sky they will achieve without the existing obstruction in front of the windows. Moreover, compared to the consented scheme, the worsening (particularly in absolute terms) is not significant. Overall therefore, it is not considered that the breaches will be detrimental to the daylighting conditions of this ancillary space.

3 and 9 Strutton Ground

There are also residential properties above other properties on Strutton Ground in close proximity however, the applicant's assessment indicates that there will be no breaches of the VSC or NSL measure for these properties. Therefore, there will be no harmful daylight loss.

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.

In this case, the applicant's assessment indicates there will be no breaches of the sunlight measure. Therefore, there will be no harmful sunlight loss.

Sense of Enclosure

An unacceptable increase in a sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment.

The proposed building is higher than the existing building on the site – although, only moderately higher than the consented building (1.7m taller) and slightly shorter than withdrawn scheme (0.05m shorter). The main impact could be to those within 55 Victoria Street and 2 Strutton Ground, and to a lesser extent those in Artillery Mansions.

In relation to 55 Victoria Street, flats on the western side of that building enjoy an outlook toward the application site, across Strutton Ground. Given this street width, the buildings are approximately 14 metres apart. This distance will help minimise the additional sense of enclosure that could arise from a higher building. While the additional height will be apparent from multiple flats within 55 Victoria Street, because the upper floors are set back from the façade below the impact of the additional height will be somewhat lessened. Overall, while there will be some impact on the sense of openness for some of the flats which enjoy an outlook over the roof of building, given the degree of additional height, the distance to 55 Victoria Street and the set backs of the upper floors, this impact will not be detrimental to the enjoyment of those flats.

In relation to the ancillary residential accommodation at 2 Strutton Ground, the rooms which face north toward the application site currently do not enjoy any meaningful outlook because of the proximity of the existing building. Given this proximity, the additional height will not be readily perceptible from within that building and therefore will not contribute toward an increase in a sense of enclosure.

For those within Artillery Mansions, because of the layout of the flats within that complex,

the windows there do not face directly toward the site. While there will be some peripheral views of the application site from some of the flats, the development will not contribute to any significant sense of enclosure.

Overall, given these circumstances, it is not considered that there will be a detrimental impact in terms of an increase sense of enclosure to neighbours.

Overlooking and Noise

The proposal includes an eighth floor roof terrace connected to the eighth floor restaurant, as well as balconies on the seventh floor associated with bedrooms there. The new building will also contain additional windows over the existing building. This will create additional opportunities for the hotel/ restaurant guests and workers to overlook the neighbours and an objector raises concern regarding this.

In relation to the windows, the new windows on the ground to sixth floors will mostly be in positions where there are already existing windows and so in this respect will not create additional harm. The new windows on the additional upper floors will create new opportunities to overlook. In relation to the impact on 55 Victoria Street, the building is a street width away – at its shortest this is approximately 14 metres. While the concerns of the residents at 55 Victoria Street regarding these new windows are understood, the new windows at seventh and eighth floor levels (the additional floors) on the flank elevation will be behind planting and set back. The set back of the eighth floor is approximately 3 metres. Although this elevation is almost entirely glazed which could impact on the neighbours despite the distance and planting. Therefore, to mitigate this overlooking the applicant proposes the glazing to this elevation be obscured (the applicant designed the restaurant level to ensure the toilets are behind this part of the elevation). In these circumstances, and subject to recommended conditions ensuring the planting and obscure glazing is installed, the residents at 55 Victoria Street will not suffer a detrimental increase in overlooking from these new/ additional windows. In relation to Artillery Mansions, because of the orientation and relative relationship with the windows there, these residents will not be harmfully overlooked by the new rear windows. In addition, the new windows will not have a significant impact on 2 Strutton Ground (by virtue of the existing windows and the height difference between the new floors and the windows in that building).

The eighth floor restaurant will have access to part of the roof at this level that faces north, across Victoria Street, and there will be seating for eight people. The objector representing residents at 55 Victoria Street appears to consider the patrons of the restaurant will have access to the corner area which faces 55 Victoria Street, which will not be the case (although was proposed previously under the withdrawn scheme). A condition securing additional details regarding the area, including its enclosure, is recommended for the avoidance of any doubt. Because the seating is to the Victoria Street fronting elevation, there will not be significant views of neighbouring residential occupiers from the terrace to either 55 Victoria Street or the adjacent Artillery Mansions. The external seating is set back approximately 10 metres from the Strutton Ground elevation facing 55 Victoria Street, which will mean the eight people there will be around 24 metres from the residents at 55 Victoria Street, and any view will be somewhat oblique. An objector compares this part of the proposal to the public viewing platform at Tate Modern but there are very significant differences (including existing context, eighth

floor glazed Strutton Ground elevation to be obscure, orientation of the external seating area, distance of it to the neighbours with closest part of the flat roof restricted, size of the external area and number of people to use the external area).

In terms of noise from the eighth restaurant roof terrace, the applicant has carried out an assessment of it within their acoustic report. This assessment predicts in a worse case scenario that noise from the terrace will be 10 dB below the lowest measured minimum background noise and at least 20 dB below the average background noise. The City Council's Environmental Health Officer agrees that the noise from the terrace is unlikely to cause an adverse impact to nearby residents in Artillery Mansions or 55 Victoria Street. The objector considers the applicant's assessment is flawed in part because noise could escape from internal parts of the building (i.e. when the external doors to the eighth floor restaurant are open). The objector has also provided an acoustic report which considers an external terrace, although the detail of that assessment refers to scenarios not now proposed and so it is considered of limited relevance. Still, to ensure that noise escape is minimised, a condition is recommended to ensure that the terrace doors are kept shut except for access and service. The internal structure is recommended to be subject to a condition which will ensure appropriate sound insulation to prevent noise from internal activity transferring to neighbours through the building structure (and the condition to keep the doors shut will help ensure this insulation is not undermined). In addition, the use of the roof terrace is recommended to be limited to between the hours of 08:00 and 20:00 and a capacity limit of eight customers. The applicant's acoustic report considered use up to 22:00 hours, but to limit noise further (particularly given the doors will be opened and closed at some points to allow access and service, and because of the proximity to neighbours at Artillery Mansions) a 20:00 hour limit is considered more appropriate than the applicant's 22:00 hours proposal in this instance and so is recommended to be ensured by condition.

In relation to the noise and overlooking from the balconies connected to some of the hotel bedrooms at seventh floor level, because these are connected to bedrooms and mainly face Victoria Street, the impact of these balconies will not be significant. The corner balcony will have views toward 55 Victoria Street, although there is already access for office occupiers to a balcony on this corner to the existing building, it is at least 14 metres from the neighbours at 55 Victoria Street and in any case, because it is connected to a bedroom it will only be sporadically used.

Overall therefore, the neighbours will not be unduly harmed in terms of noise or overlooking subject to the recommended conditions as described.

Noise & Vibration from Plant Equipment

City Plan Policies 7 and 33 seek to manage amenity and environmental impacts in the city, including in relation to noise and vibrations from plant equipment and new uses. The City Council's Environmental SPD sets out criteria for which noise and vibration impacts should be considered against.

The application includes plant equipment to be located in parts of the basement and at roof level. The application includes an acoustic report which the Environmental Health team have assessed. Environmental Health raises no objection to the proposal, subject to conditions which are recommended on the draft decision notice to control these

aspects of the development.

Light Pollution

City Plan Policy 33 requires development to be designed to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users.

In this case, to ensure any external lighting, including on the roof terraces, does not cause harm to neighbours or local environmental quality, a condition is recommended to ensure a lighting strategy is submitted to and approved by the City Council.

9.6 Transportation, Accessibility & Servicing

Trip generation

The applicant's Transport Statement provides information on the operations of the hotel use and provides trip generation information. An objector considers it underestimates the amount of trips because it does not consider the ancillary uses associated with the hotel use. However, the applicant's assessment does take this into account.

The Highway Planning Manager considers the applicant's assessment broadly reasonable. On balance the Highway Manager considers that while the hotel use will result in higher levels of activity at certain times, guests arriving and departing the site will not result in a significant detrimental highway safety or operation.

Accessibility

City Plan Policy 38 states that all development will place people at the heart of design, creating inclusive and accessible spaces and places. London Plan Policy E10 requires 10% of new bedrooms to be wheelchair-accessible.

The building is designed to allow level access through all entrance doors and to all floors via lifts, which is welcomed. 10% of the new bedrooms will meet the London Plan's requirement to be accessible, and this is recommended to be ensured by condition.

Waste & Recycling Storage

City Plan Policy 37 requires development to provide appropriate facilities for the storage of separate waste streams which are safe and convenient. The Waste Project Officer initially raised concern regarding the storage the applicant proposed, but during the course of the application the applicant updated their drawings and they now show adequate provision. A recommended condition will require it is provided.

Cycling & Cycle Storage

London Plan Policy T5 and Chapter 8 of the London Cycle Design Standards (LCDS) set cycle parking standards. Policy T5 requires 1 long stay space per 20 bedrooms and 1

short stay space per 50 bedrooms, and states additional cycle parking should be provided for ancillary areas to the most comparable land use.

In terms of long-stay cycle parking, 8 spaces are required by the London Plan (5 for the bedrooms and 3 for the restaurant/ bar areas). In terms of short-stay, 24 spaces are required (2 for the bedrooms and 22 for the restaurant/ bar areas).

The applicant has proposed the required 8 long stay spaces but only 2 short stay spaces (for the hotel guests only). For staff arriving to the site by bicycle, the proposal is for them to use the rear entrance and goods lift to access the basement level cycle store. For hotel guests, there will be a valet service whereby reception staff will stow away / retrieve the guests' bicycles in the basement level store.

The applicant argues it is not feasible to provide the 22 short stay cycle parking spaces for the restaurant/ bar areas. In part this is because they consider it is not feasible to store the bicycles in the basement and provide the valet service for all non-hotel guests. The alternative would mean that the short stay cycle parking is in a location that is accessible to visitors at ground floor level. Because the building occupies the entirety of the site (and the rear alley is for servicing and access for staff and is gated), this would have to be internal to the building. The number of bicycles required (11 x Sheffield stands / 22 spaces) would occupy a significant part of the reception area, and the applicant considers this would significantly detract from the primary use of this space as a hotel / bar / restaurant / reception.

It is regrettable that the short stay cycle parking has not been provided at levels required by the London Plan. However, the constraints of the site that the applicant notes are understood, and there are several existing on-street cycle stands toward Artillery Row, as well as others nearby, which short stay visitors could utilise.

In comparison to the existing use of the building (offices, retail and drinking establishment) the short stay requirement will decrease (because the proposed bedrooms for the hotel use have a low requirement). For example, under the London Plan a drinking establishment the size of the one currently on site would require 26 short cycle parking spaces (but there is none currently). Given the existing building has no short stay cycle parking, there will likely be no additional pressure on the existing on-street cycle parking stands in the area when compared to the lawful situation. Given these circumstances, it is not considered reasonable to refuse permission on the grounds of non-compliance with the London Plan's short-stay cycle parking requirement. A condition is recommended to ensure the cycle parking that is proposed is provided.

Servicing

City Plan Policy 29 and London Plan Policy T7 expect off-street servicing to be provided in new developments. The application includes no provision for off-street servicing and proposes an on-street servicing strategy.

The applicant proposes an on-street servicing strategy and an objector also raises concerns regarding deliveries. As the Highway Planning Manager notes, this on-street servicing strategy will not be policy compliant. Under City Plan Policy 29 it explains that servicing must be provided off-street, unless it is clearly demonstrated that it cannot be

accommodated and adequate justification is provided for this.

In this case, neither the existing building nor the 2019 consented building has/ would have had off-street servicing. While the Highway Planning Manager considers potentially off-street servicing could have been proposed, given the constraints of the site (and particularly given much of the existing frame of the building is to be retained), it is unfeasible/ impractical for off-street servicing to be created here.

The applicant also notes the low number of servicing vehicles that is expected at the site (5-6 daily servicing vehicles) means that off-street servicing would be a disproportionate response in this case.

While the Highway Planning Manager is concerned about the on-street servicing strategy, he notes the development is supported by a Servicing Management Plan (SMP) which will assist in minimising the adverse impact of the development on the local highway network, highway users (including pedestrians and cyclists) and the local public realm. Given this, and given the arrangements for the existing building and the proposed arrangements under the 2019 consented scheme, the proposed servicing arrangements (subject to the recommended condition that the SMP is adhered to) will not be unduly harmful to the highway.

Coaches and Taxis

The Highway Planning Manager raises concern regarding the potential for coach arrivals at the site and the disruption this could cause to the local highway. However, the applicant has committed to ensuring that no coach bookings are accepted, and this is set out in the Operational Management Plan (OMP). A condition is recommended to ensure an updated OMP is adhered to, and an additional condition to make clear no coach bookings shall be accepted, and this is considered sufficient to overcome this concern.

The Highway Planning Manager is concerned that while the applicant has identified areas for on-street taxis/private hire vehicles to drop-off/collect passengers, no assessment has been made of the capacity of these facilities to do so. The applicant notes that during the busiest peak hour, it is expected that there will be 4 two-way taxi trips which is the equivalent of 1 taxi stopping at the site every 15 minutes. This is a low frequency which will have a negligible impact on the local highway network.

Car Parking

The proposal does not include any off-street car parking provision. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those on-street parking controls. The impact of the development on parking levels within the area will be minimal and consistent with City Plan Policy 27 and London Plan Policy T6.1.

In terms of parking for disabled visitors, an objector notes that the nearest blue badge bay is 190 metres walking distance from the site, and notes disable parking bays should be located within 50 metres of the proposed development. However, in Westminster the Blue Badge scheme does not work in the same way as it does nationally. In addition,

disable workers of at the site may be eligible for a Westminster only White Badge.

In Westminster, Blue and White Badges give disable visitors or workers parking privileges in resident and paid for bays, as well as single yellow lines. There are many bays within 50m where a Blue or White Badge holder could park therefore.

Vaults under Pavement

The existing basement level includes vaults underneath the pavement on Victoria Street. The Highway Planning Manager is concerned that the applicant's drawings indicate that the development will alter the extent of the vaults, which could cause harm to the highway above.

The applicant explains that although graphical representations may appear otherwise due to angled sections and non-parallel aspects of the front and rear facades, the vault widths will remain unchanged and will not extend further into the highway. They also note the existing frame of the building is being retained and, as a consequence, there is a ground beam that exists on Victoria Street (as shown within the applicant's Construction Methodology). The applicant explains the ground beam is being retained in order to maintain the integrity of the existing structure, and the requisite 900mm substrate below the highway will be provided. A condition is recommended to ensure that the applicant does not encroach further into the highway and provides the minimum vertical depth of 900mm as required by the Highway Planning Manager.

External Seating on Highway

The applicant's submitted drawings do not indicate any proposed tables and chairs on the highway, although the applicant's Operational Management Plan indicates that this may be proposed. However, tables and chairs on the highway are subject to the pavement licence regime and therefore the applicant will have to obtain a separate licence if they wish to put out tables and chairs on the highway.

9.7 Economy including Employment & Skills

City Plan Policies 1 and 13 support economic growth in the city, including by: supporting intensification and optimising densities in high quality new developments; and by supporting the growth, modernisation and adaptation of a variety of business; and 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; and by supporting town centres and high streets.

City Plan Policy 18 requires major development to contribute to improved employment prospects for local residents, as set out in the Planning Obligations and Affordable Housing SPD.

As set out in the land use section, the proposed loss of the offices to a hotel use is contrary to Policy 13's protection of offices. In terms of jobs, offices provide a greater number than compared to hotels, and therefore can have a greater capacity to support the city's economy. In this case though, a hotel use has already been permitted and that permission has been implemented. While the proposed hotel is likely to have fewer

workers than an office use, it will still contribute to the local economy. The applicant estimates the hotel will provide 160 jobs when finished. There will also be jobs generated through the construction phase.

The legal agreement will ensure that the applicant provides a financial contribution of £26,848 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service, as required by Policy 18 and the Planning Obligations and Affordable Housing SPD.

9.8 Other Considerations

Basement

City Plan Policy 45 relates to basements and it seeks to make sure that basement developments are appropriately designed and constructed, and states they will be supported when various criteria are met.

In relation to depth of the basement, Policy 45 states basement developments should be limited to a single storey beneath the lowest original floor level. In terms of extent, there are also limitations relating to basements outside the footprint of the building above. In this case, the proposal is for a single storey below the original lowest floor level and it will be contained wholly within the footprint of the existing building.

Policy 45 also requires applications involving basements be supported by a structural statement, which the applicant has submitted. The City Council's Building Control Team confirm it demonstrates the basement can be constructed while safeguarding the structural stability of the buildings. Conditions are recommended to ensure that the applicant adheres to the Code of Construction Practice and suitable hours of building works. This will ensure the impacts of constructing a basement on this site are mitigated appropriately.

Fire Safety

London Plan Policy D12 requires all major development proposals to be supported with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor.

The applicant has provided this statement which is authored by Jensen Hughes who are a team of specialist fire engineers. The statement confirms that it has been prepared and reviewed by fire engineers who are suitably qualified and competent professionals with the demonstrable experience to address the complexity of the design being proposed. The statement considers building construction methods, means of escape, fire safety measures, fire service access and fire appliance access amongst other issues and therefore meets the requirements of Policy D12. A condition is recommended to ensure that the measures proposed are followed.

Crime Prevention

City Plan Policy 38 requires development to be people-centred, including reducing the opportunity for crime.

The Metropolitan Police (Designing Out Crime Officer) have raised concern regarding the internal layout of the building at ground floor level. The police are concerned permeability at ground floor level will lead to intermingling of restaurant users and hotels guests with no means of clearly defining one from the other, or legitimate customers from trespassers with criminal intent. The police consider the reception needs to be physically separated from the other ancillary restaurant and bar areas.

The upper floors of the building are authorised access only (i.e. for staff, hotel guests and roof level restaurant guests allowed by reception staff into the lifts up to the restaurant). The ground floor of the building will be accessible to the public, but with reception staff and hotel security managing the floor. The Metropolitan Police's suggestion would result in a different proposal whereby separate restaurant and bar planning units would be created – fundamentally changing the applicant's proposal which is for a hotel only (but with ancillary facilities). Hotels with ancillary facilities such as dining rooms and bars which are open to the public is common, and the Metropolitan Police have provided no evidence that hotels of this type are significantly more prone to crime than other hotels and therefore should not be permitted (which is the essence of the Metropolitan Police's position). With appropriate security at ground floor, the Metropolitan Police's concerns should not come to fruition. In any case, the applicant is confident that secure by design accreditation can be achieved despite the concern regarding the ground floor layout. Therefore, a condition is recommended to ensure that this accreditation is achieved and that adherence to an updated Operational Management Plan is adhered to. This will ensure an appropriate level of physical and operational security for the building and its users, in compliance with Policy 38.

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 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 £157,944 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development);
- b) 'Be Seen' 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 £26,848 (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: **£1,083,952**

The estimated Mayoral CIL payment is: **£617,494**

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;
- updated Circular Economy statements;
- updated Whole Life-cycle Carbon statements;
- a survey to establish presence of bats;
- a biodiversity management plan, including details of planting; and
- a Written Scheme of Investigation of archaeology.

The applicant has agreed to the imposition of the conditions.

10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy. Having regard to this assessment, it has found that the proposed development is acceptable.

Accordingly, the proposed development would be consistent with the relevant policies in the City Plan 2019-2040, the London Plan 2021, the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is recommended that planning permission is granted, subject the conditions listed at the end of this report and completion of a Section 106 agreement to secure the obligations identified Sections 1 and 9.11, which are necessary to make the development acceptable.

(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: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

11. KEY DRAWINGS



Computer Generated Image of Proposed Building



Computer Generated Image of Proposed Building in Context



Computed Generated Image of Proposed Building Ground Floor

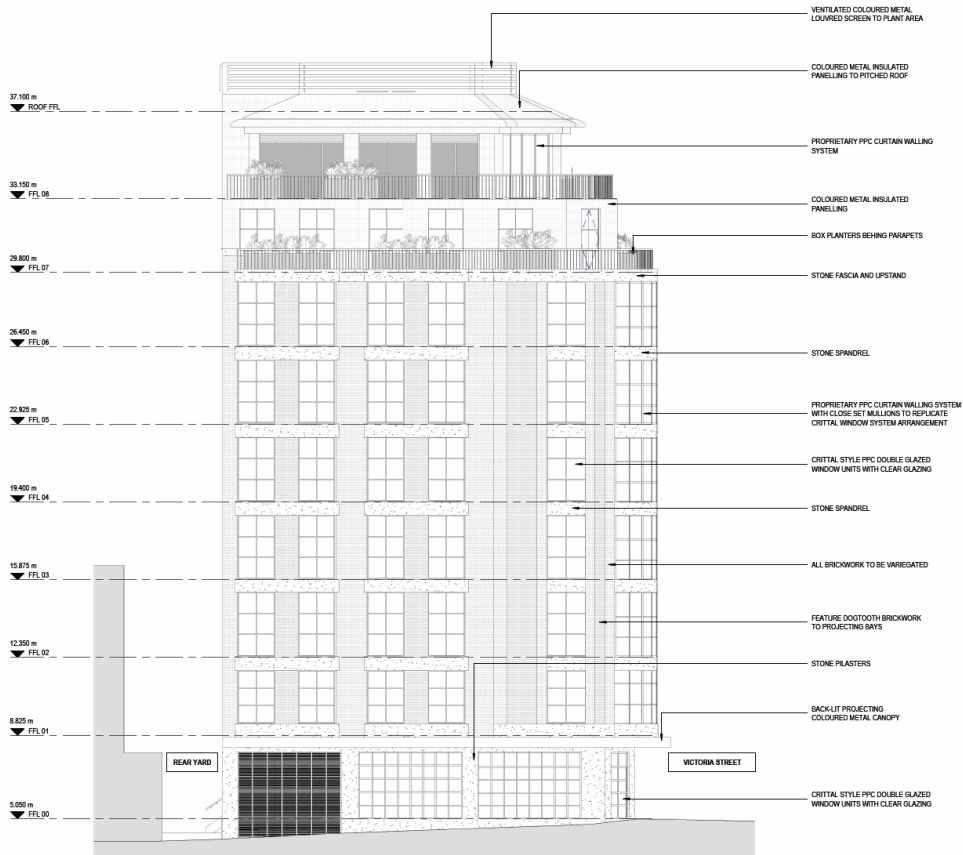


Existing and Proposed Victoria Street Elevation



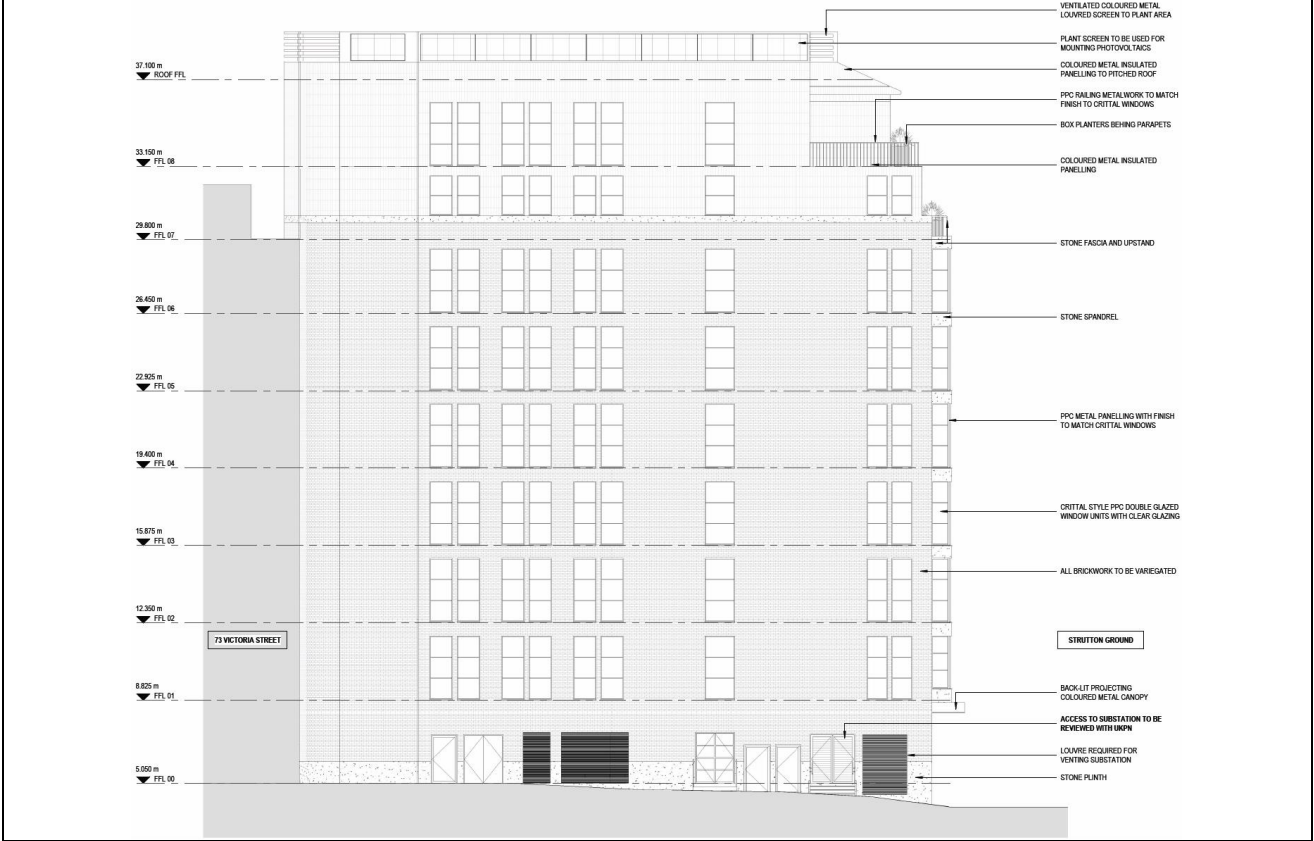


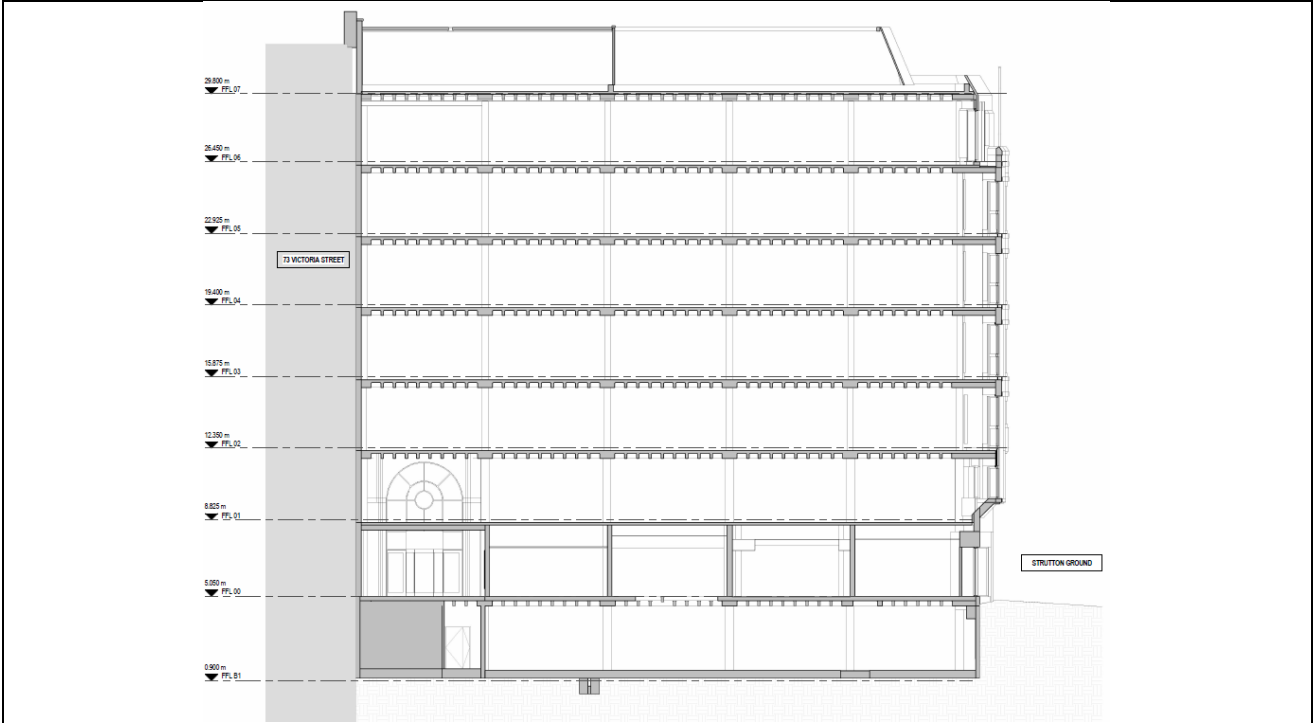
Existing and Proposed Strutton Elevation





Existing and Proposed Rear Elevation



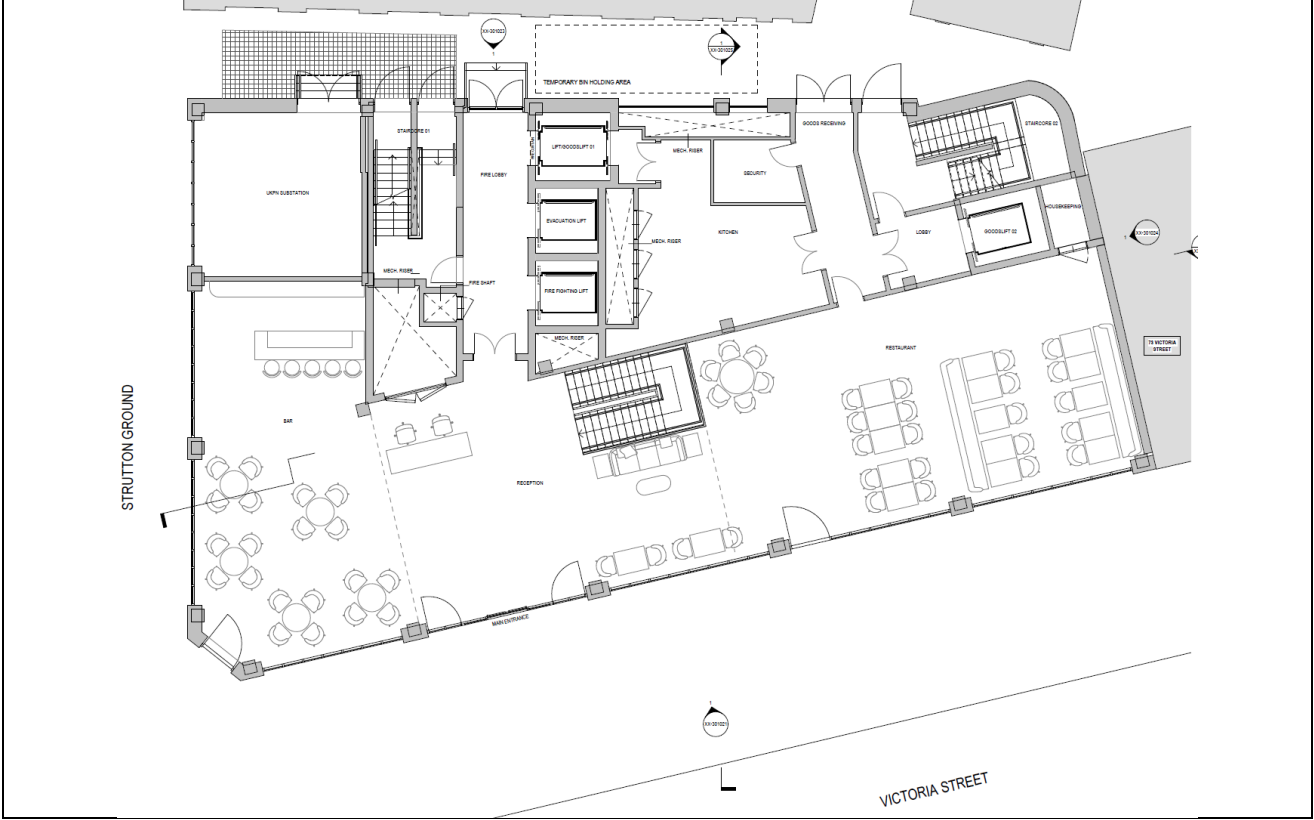


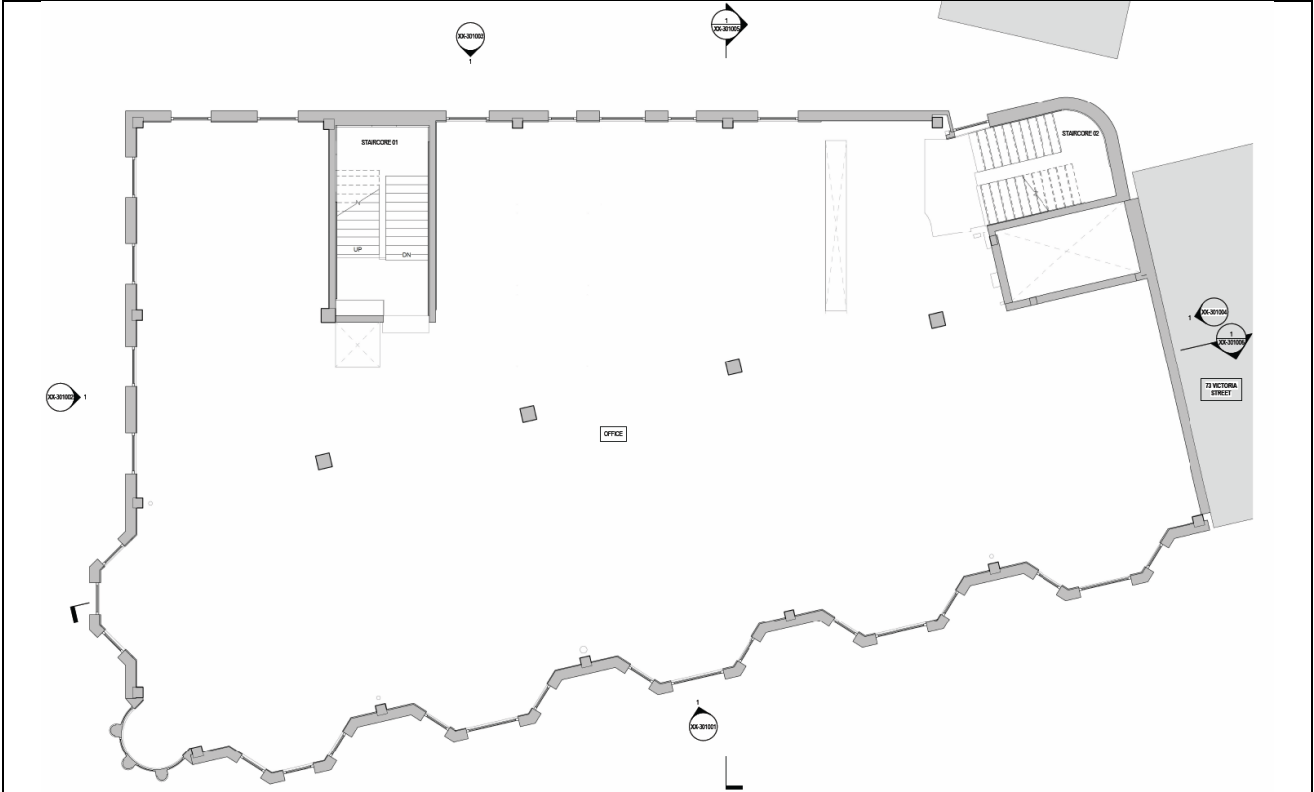
Existing and Proposed Long Section





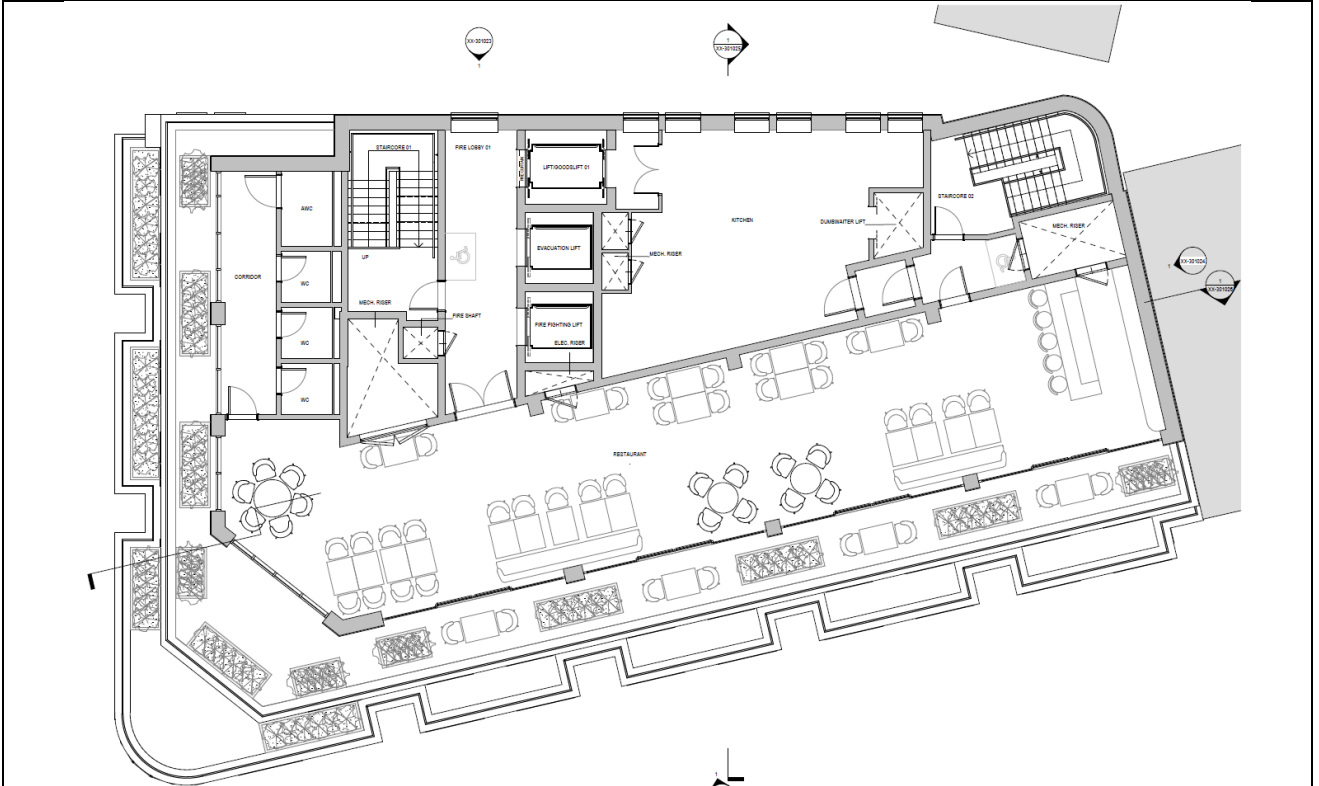
Existing and Proposed Ground Floor Plan



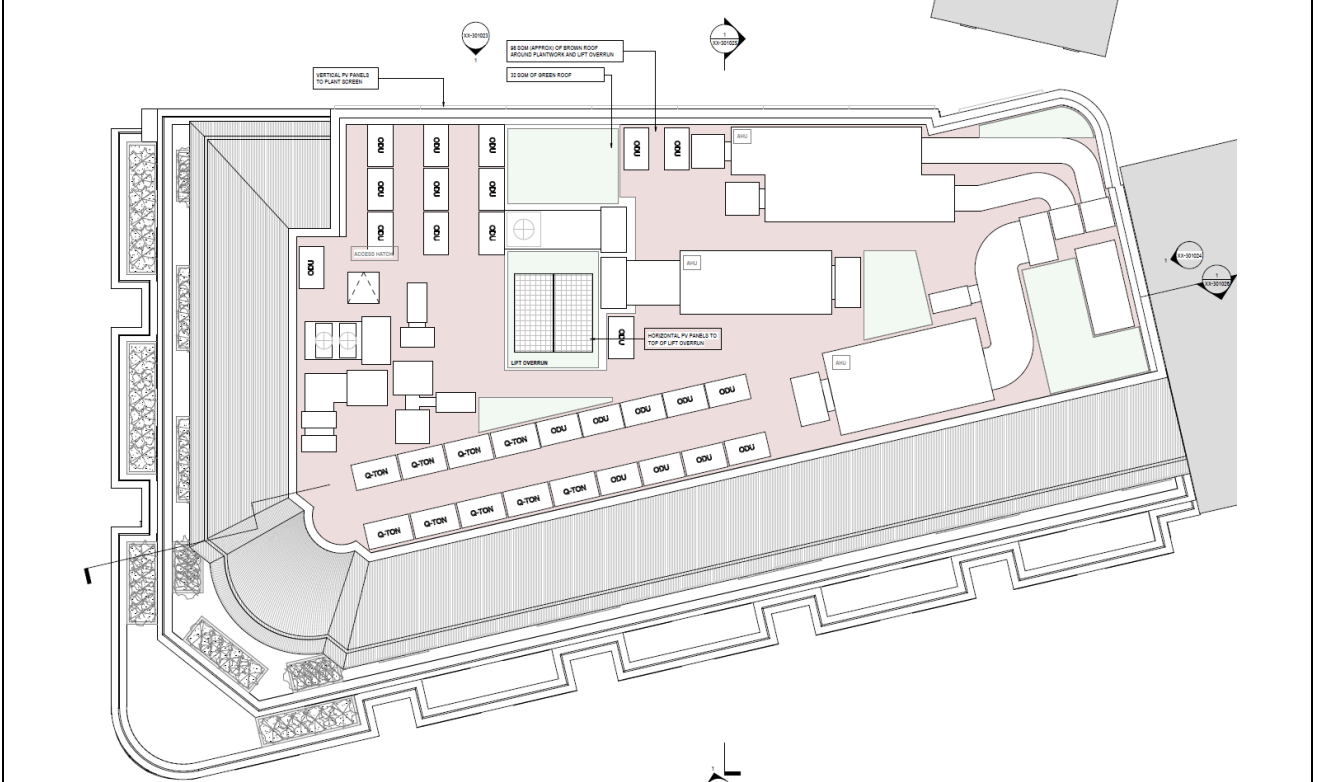


Existing and Proposed Typical Upper Floor Plan





Proposed Eight Floor Plan



Proposed Roof Plan

DRAFT DECISION LETTER

- Address:** 61 - 71 Victoria Street, London,
- Proposal:** Partial demolition, refurbishment and extension of existing building; including external alterations for new facades to all elevations; to provide a ground plus eight storey hotel (Class C1); including ancillary restaurant at ground and 8th floor levels, two levels of basement including health and wellness facilities and plant equipment; rooftop plant equipment; and other associated external works
- Reference:** 24/03540/FULL
- Plan Nos:** Existing Drawings:
VSH-TA-ZZ-B1-DR-A3-01001 rev P01; VSH-TA-ZZ-00 -DR-A3-01001 rev P01;
VSH-TA-ZZ-01 -DR-A3-01001 rev P01; VSH-TA-ZZ-02 -DR-A3-01001 rev P01;
VSH-TA-ZZ-03 -DR-A3-01001 rev P01; VSH-TA-ZZ-04 -DR-A3-01001 rev P01;
VSH-TA-ZZ-05 -DR-A3-01001 rev P01; VSH-TA-ZZ-06 -DR-A3-01001 rev P01;
VSH-TA-ZZ-07 -DR-A3-01001 rev P01; VSH-TA-ZZ-XX-DR-A3-01001 rev P01;
VSH-TA-ZZ-XX-DR-A3-01002 rev P01; VSH-TA-ZZ-XX-DR-A3-01003 rev P01;
VSH-TA-ZZ-XX-DR-A3-01004 rev P01; VSH-TA-ZZ-XX-DR-A3-01005 rev P01;
VSH-TA-ZZ-XX-DR-A3-01006 rev P01.
- Demolition Drawings:
VSH-TA-ZZ-B1-DR-A3-01002 rev P03; VSH-TA-ZZ-00 -DR-A3-01002 rev P03;
VSH-TA-ZZ-01 -DR-A3-01002 rev P03; VSH-TA-ZZ-02 -DR-A3-01002 rev P03;
VSH-TA-ZZ-03 -DR-A3-01002 rev P03; VSH-TA-ZZ-04 -DR-A3-01002 rev P03;
VSH-TA-ZZ-05 -DR-A3-01002 rev P03; VSH-TA-ZZ-06 -DR-A3-01002 rev P03;
VSH-TA-ZZ-07 -DR-A3-01002 rev P03; VSH-TA-ZZ-XX-DR-A3-01011 rev P02;
VSH-TA-ZZ-XX-DR-A3-01012 rev P02; VSH-TA-ZZ-XX-DR-A3-01013 rev P02;
VSH-TA-ZZ-XX-DR-A3-01014 rev P02; VSH-TA-ZZ-XX-DR-A3-01015 rev P02;
VSH-TA-ZZ-XX-DR-A3-01016 rev P02.
- Proposed Drawings:
VSH-TA-ZZ-B2-DR-A3-01003 rev P05; VSH-TA-ZZ-B1-DR-A3-01003 rev P03;
VSH-TA-ZZ-00 -DR-A3-01003 rev P05; VSH-TA-ZZ-01 -DR-A3-01003 rev P03;
VSH-TA-ZZ-02 -DR-A3-01003 rev P03; VSH-TA-ZZ-03 -DR-A3-01003 rev P03;
VSH-TA-ZZ-04 -DR-A3-01003 rev P03; VSH-TA-ZZ-05 -DR-A3-01003 rev P03;
VSH-TA-ZZ-06 -DR-A3-01003 rev P03; VSH-TA-ZZ-07 -DR-A3-01003 rev P03;
VSH-TA-ZZ-08 -DR-A3-01003 rev P05; VSH-TA-ZZ-09 -DR-A3-01003 rev P04;
VSH-TA-ZZ-XX-DR-A3-01021 rev P03; VSH-TA-ZZ-XX-DR-A3-01022 rev P03;
VSH-TA-ZZ-XX-DR-A3-01023 rev P03; VSH-TA-ZZ-XX-DR-A3-01024 rev P02;
VSH-TA-ZZ-XX-DR-A3-01025 rev P02; VSH-TA-ZZ-XX-DR-A3-01026 rev P02.
- Documents:
Sustainable Design Statement; Cover Letter dated 24 May 2024; Town Planning Statement dated 24 May 2024; Ventilation Statement dated 24 April 2024; London Plan Planning Fire Statement ref JB/1383/R1 Issue 1; Planning noise report dated 8 May 2024; Delivery and Servicing Plan dated May 2024; Design and Access Statement dated May 2024; Energy & Sustainability Statement dated 27/05/2024; Flood Risk Assessment, Surface Water & Foul Drainage Strategy dated May 2024

and technical note dated 18/07/2024;

For Information Only:

Urban Greening Factor report dated May 2024 and email from agent dated 30 Sept 2024; Biodiversity Net Gain Assessment dated May 2024; Preliminary Ecology Appraisal dated May 2024; Greater London Authority SuDS Proforma; Daylight and Sunlight Report updated 23 September 2024; Air Quality Assessment dated May 2024; Statement of community involvement dated May 2024; Transport Statement dated May 2024 and Transport note dated August 2024; Archaeological desk-based assessment dated April 2024; Draft Appendix A of the Code of Construction Practice; BREEAM Pre-Assessment dated 16/04/2024; Circular Economy and Whole Life Cycle Analysis Statement dated 16/05/2024; Desk Study Report (Ground investigation) dated 12 November 2021; Operational Management Plan dated 11 March 2024; Structural Methodology Statement dated May 2024; Structural Appraisal Report dated May 2024.

Case Officer: Joshua Howitt

Direct Tel. No. 07866038007

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 You must provide the ancillary restaurant and bar areas at ground floor level, as shown on approved drawing VSH-TA-ZZ-00 -DR-A3-01003 rev P05, before the hotel bedrooms are occupied. You must only use the ancillary restaurant and bar areas for this purpose and must allow non-hotel guests to patronise them.

Reason:

We cannot grant planning permission for unrestricted use within Class C1 because it would not meet Policy 14 of the City Plan 2019-2040 (April 2021), and because of the special circumstances of this case. (R05BC)

- 5 Customers (hotel and non-hotel guests) shall not be permitted within the ground floor restaurant, ground floor bar or eighth floor restaurant before 07:00 or after 00:00 hours on Sunday to Thursday, bank holidays and public holidays, and before 07:00 or after 00:30 the next day on Fridays and Saturdays.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 6 You must not allow more than 68 customers (hotel and non-hotel guests) into the ground floor restaurant area at any one time; you must not allow more than 32 customers (hotel and non-hotel guests) into the ground floor bar area at any one time; and you must not allow more than 90 customers (hotel and non-hotel guests) into the eighth floor restaurant at any one time.

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)

- 7 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- inclusion of entrance lobbies to the ground floor customer doors, with all doors fitted with a self-closing mechanism.

You must not install the building's entrance doors until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings and maintain the entrance lobbies for the life of the development. You must not put tables and chairs in the lobbies or allow customers to stand there.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 8 You must keep the doors to the eighth floor external terrace closed except for access and to serve customers on the terrace.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 9 You must not play live or recorded music within building that is audible outside of the building. You must not play live or recorded music on the external roof terrace / balconies.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 10 Customers (hotel and non-hotel guests) shall not be permitted on the eighth floor roof terrace before 08:00 or after 20:00 hours.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 11 You must apply to us for approval of detailed drawings of the following part of the development:

- the extent of customer access to the eighth floor external area. It must show that it is limited to the areas fronting Victoria Street and must show the means of enclosure to

prevent customers from accessing the remainder of the flat roof at that level.

You must not use the eighth floor restaurant until we have approved what you have sent us. You must then carry out the work according to these details. You must then maintain the roof terrace according to these details and ensure that all customers are limited to accessing the external areas facing Victoria Street only.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 12 You must not use any part of the development until we have approved an updated Operational Management Plan for the hotel use. You must not commence the hotel use until we have approved what you have sent us. Thereafter the hotel must be managed in accordance with the approved Operational Management Plan.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 13 The glass that you put in the eighth floor windows to the Strutton Ground elevation (the greyed windows as indicated on approved drawing VSH-TA-ZZ-XX-DR-A3-01022 rev P03) must not be clear glass, and you must fix them permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 14 (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 pursuant to Part (3) below. 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.
- (C46AD)

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)

- 15 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)

- 16 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) 13 and 14 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)

- 17 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any

mitigating features that may attenuate the sound level received at the most affected receptor location;

(c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(d) The lowest existing LA90, 15 mins measurement recorded under (c) above;

(e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;

(f) The proposed maximum noise level to be emitted by the activity. (C47AC)

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. (R47AC)

- 18 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 19 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)

- 20 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)

- 21 You must apply to us for approval of a lighting strategy for any external lighting, including timings. You must not start occupying the development until we have approved what you have sent us. You must then only use the external lighting in accordance with the approved lighting strategy.

Reason:

To ensure a satisfactory appearance and to minimise light pollution to neighbouring residents and the environment, as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 22 **Pre-Commencement Condition.** (a) Prior to commencement of any works on site including works of deconstruction and demolition full details of the pre-demolition audit in accordance with section 4.6 of the GLA's adopted Circular Economy Statement guidance shall be submitted to us and approved by us in writing. The details shall demonstrate that the development is designed to meet the relevant targets set out in the GLA Circular Economy Statement Guidance. You must not carry out any works on site including works of demolition until we have approved what you have sent us. The demolition and other pre-construction works shall then be carried out in accordance with the approved details.

(b) 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 SI7 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).

23 **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 746kgCO₂e/m² and/or Whole Life Carbon (A1-C4) above 930kgCO₂e/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).

- 24 The development shall be carried out in accordance with the approved Energy & Sustainability Statement dated 27/05/2024 and shall achieve regulated carbon dioxide emission savings of not less than 45% for emissions beyond the Target Emissions Rate of Part L of Building Regulations 2021. The energy efficiency and sustainability measures set out therein shall be completed and made operational prior to the first occupation of the development and retained for the lifetime of the development. (C17CA)

Reason:

To ensure the development minimises operational carbon emissions and achieves the highest levels of sustainable design and construction in accordance with Policy SI2 in the London Plan 2021, Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R17CA)

- 25 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 ensure the development minimises operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R44BE)

- 26 The development hereby approved shall be constructed to achieve or exceed the BREEAM 'Excellent' standard for the 'Wat 01' water category or equivalent.

Reason:

To ensure the development minimises operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R44BE)

- 27 You must not use any part of the development until you have provided the plant room as shown on approved drawing 4173 - VICTORIA STREET - MSK3 rev P2 for future connection to a District Heating Network. You must then ensure the area continues to be adaptable for future connection to a District Heating Network for the lifetime of the development.

Reason:

To ensure the development minimises operational carbon emissions and achieves the highest levels of sustainable design and construction in accordance with Policy SI2 in the London Plan 2021, Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R17CA)

- 28 A. You must apply to us for approval of a feasibility study exploring whether the development can support the inclusion of additional photovoltaic panels. You must not start occupying the building until we have approved what you have sent us.

B. If the study approved under part A indicates the installation of additional photovoltaic panels is feasible, you must apply to us for approval of detailed drawings, sectional drawings and other information to demonstrate the additional photovoltaic panels will not harm the appearance of the building or townscape, harm neighbours or the green/brown roofs. You must then must provide, maintain and retain the additional photovoltaic panels as approved before you start occupying the building.

Reason:

To make sure that the development provides the maximum amount of environmental sustainability features feasible and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 36, 38 and 40 of the City Plan 2019 - 2040 (April 2021).

- 29 (a) If you begin demolition works between mid-February and September (breeding bird season), you must employ a Suitably Qualified Ecologist to complete a nesting bird check no more than 48 hours prior to works beginning.

(b) If the check under part (a) finds an active nest or nesting birds are discovered, you must ensure they are protected by enacting a suitably sized exclusion zone until either the young have fledged or the nest is no longer active.

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)

- 30 You must provide, maintain and retain the following features before you start to use any part of the development:

- three bird nest boxes (to target Schedule 1 birds under the Wildlife and Countryside Act 1981); and
- four bat boxes (habitat bat box 003 or similar).

You must not remove any of these features.

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)

- 31 You must construct the development in accordance with the approved Flood Risk Assessment and Addendum (dated May 2024 and July 2024).

Reason:

To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 35 of the City Plan.

- 32 You must apply to us for approval of Flood Warning and Evacuation Plan (FWEP). You must not use the building until we have approved what you have sent us. You must then manage the building and its occupants according to the approved FWEP.

Reason:

To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 35 of the City Plan.

- 33 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application., , - green and brown roofs, and terrace planters., , You must not remove any of these features. (C43FA)

Reason:

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

- 34 **Pre Commencement Condition.** You must apply to us for approval of details of a biodiversity management plan in relation to the green and brown roofs and terrace planting. It must show how you will achieve an 'Urban Greening Factor' of at least 0.14. You must not start any work until we have approved in writing what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building.

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 35 The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation,
- II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect.
- III. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect.
- IV. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason:

To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 35 of the City Plan.

- 36 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 35. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 35 of the City Plan.

- 37 You must apply to us for approval of a sample of the metal panelling you will use, including drawings annotated to show where the material is 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 material.

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

- 38 You must apply to us for approval of a sample panel of brickwork, 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.

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

39 You must apply to us for approval of details of the following parts of the development:

- (a) New external windows and doors (1:10)
- (b) External railings (1:10)
- (c) Bay studies showing interface with windows

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. (C26DB)

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

40 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces, unless these are shown on the approved drawings

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

41 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roofs of either building, 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 Broadway And Christchurch Gardens Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

42 **Pre Commencement Condition.** No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the

nomination of a competent person(s) or organisation to undertake the agreed works

B. Where appropriate, details of a programme for delivering related positive public benefits

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason:

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

- 43 You must not use any part of the development until you have provided 9 of the bedrooms as wheelchair-accessible bedrooms (in accordance with Figure 52 incorporating either Figure 30 or 33 of British Standard BS8300-2:2018 Design of an accessible and inclusive built environment. Buildings. Code of practice). You must then maintain these bedrooms as wheelchair-accessible thereafter.

Reason:

To make sure that there is reasonable access for people with disabilities, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021) and Policy E10 of the London Plan (2021).

- 44 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated May 2024 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021) and Policy E10 of the London Plan (2021).

- 45 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number VSH-TA-ZZ-B2-DR-A-301003_S2 rev P05 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 hotel. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 46 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)

- 47 You must adhere to the approved Delivery and Servicing Plan dated May 2024 at all times the hotel is in use, unless an alternative Servicing Management Plan is submitted to and approved by the City Council.

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)

- 48 You must not accept bookings from guests arriving by coach.

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)

- 49 You must not alter the basement vaults under the highway such that they encroach further under the highway, and you must retain a minimum vertical depth below the highway of 900mm between the highway surface and vault structure.

Reason:

In the interests of public safety as set out in Policies 24, 25 and 45 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 50 You must carry out the measures included in your London Plan Planning Fire Statement ref JB/1383/R1 Issue 1 before anyone uses the building, and you must ensure the fire safety features are installed and adequately maintained.

Reason:

In the interest of fire safety, as set out in Policy D12 of the London Plan (March 2021).

- 51 You must not occupy the building until you have achieved Secured By Design accreditation. You must then maintain this accreditation for the lifetime of the development.

Reason:

To reduce the chances of crime as set out in Policy 38 of the City Plan 2019-2040 (April 2021). (R16AD)

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 This permission is governed by a legal agreement under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - a) A financial contribution of £157,944 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development);
 - b) 'Be Seen' 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 £26,848 (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.
- 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 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.
- 6 In relation to condition 7, you are required to provide updated drawings which include entrance lobbies (i.e. an additional internal set of doors). This is to prevent noise escape from the ground floor.
- 7 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.
- 8 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact: Considerate Group, 2 Eastbourne Terrace, London, W2 6LG, E-mail: jk@considerategroup.com , Phone: 020 3865 2052
- 9 When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. (181CA)
- 10 When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. (181DA)
- 11 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in

future monitoring of the equipment by the City Council if and when complaints are received.

- 12 Conditions 14 to 16 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 13 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.

- 14 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/planning-building-and-environmental-regulations/building-control.
- 15 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.

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.