



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 14th May, 2024

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Ruth Bush (Chair)
Nafsika Butler-Thalassis
Jason Williams

Paul Fisher
Rachael Robathan
Jim Glen



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

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm.

If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.

If you require any further information, please contact the Committee Officer, Katherine Stagg, Committee and Councillor Coordinator.

**Email: kstagg@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting. To register to speak and for guidance please visit:

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

Please note that you must register by 12 Noon on the Friday before the Committee meeting. In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

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

(Pages 5 - 12)

1. **2-4 DEAN STREET AND 7 SOHO SQUARE, LONDON,
W1D 3QB**
2. **35-37 LINCOLN'S INN FIELDS, LONDON, WC2A 3PE**
3. **FORMER WEST END CENTRAL POLICE STATION,
27 SAVILE ROW, LONDON, W1S 2EX**

(Pages 17 - 88)

**(Pages 89 -
136)**

**(Pages 137 -
196)**

**Stuart Love
Chief Executive
3 May 2025**

Order of Business

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

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

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



CITY OF WESTMINSTER

MINUTES

Planning (Major Applications) Sub-Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 2nd April, 2024**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Ruth Bush (Chair), Patrick Lilley, Md Shamsed Chowdhury, Robert Rigby, Jim Glen and Paul Fisher

1 MEMBERSHIP

- 1.1 Councillor Patrick Lilley was present as a substitute for Councillor Nafsika Butler-Thalassis.
- 1.2 Councillor MD Shamsed Chowdhury was present as a substitute for Councillor Jason Williams.
- 1.3 It was also noted that Councillor Paul Fisher had been erroneously omitted from the front page of the meeting agenda. It was confirmed that Councillor Fisher had received all the meeting papers, had attended the relevant site visit, and would be taking part in the meeting.

2 DECLARATIONS OF INTEREST

- 2.1 The Chair explained that a week before the meeting, all Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 All Committee Members declared that they had attended a site visit with officers in the week preceding the meeting in respect of agenda item 2.

- 2.3 Councillor Robert Rigby declared a non-pecuniary interest in agenda item 1 as he had sat on the Sub-Committee making a previous decision on the site in March 2020. Councillor Rigby also declared a non-pecuniary interest in agenda item 2 as he had met with the applicant in March 2022 as the Chair of Planning at the time. It was confirmed that he had not declared any opinion with regard to the applications.
- 2.4 Councillor Jim Glen noted that he had also previously sat on Sub-Committees making decisions with regard to the application sites on the meeting agenda.
- 2.5 Councillor Patrick Lilley highlighted that both application sites fell within his ward, West End.
- 2.6 Councillor Paul Fisher highlighted that both application sites fell within his ward, West End. Councillor Fisher also declared a non-pecuniary interest in agenda items 1 and 2 having met with the applicant for item 1 in May 2023, and the applicant for item 2 in 2022; it was highlighted that no opinions had been expressed with regard to the applications.
- 2.7 Councillor Ruth Bush noted that she had received a briefing on agenda item 1 along with the relevant Cabinet Member and confirmed that no opinions were expressed. It was also highlighted that Councillor Bush was a Trustee of the Westminster Tree Trust.
- 2.8 All Committee Members remained in the room and took part in the vote for each of the agenda items.

3 MINUTES

RESOLVED:

- 3.1 That the minutes of the meeting held on 20 February 2024 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 SITE COMPRISING 53-63 NEW BOND STREET, 5-17-17A BROOK STREET, LONDON, W1S 1RJ

Alteration and extension of the existing buildings, including partial demolition and retention and retrofit to provide a building with basement, ground and ten upper floors, setback at fifth to eighth floors with terraces, setback at ninth floor with terrace and plant, and a roof terrace with lift over run and pavilion at the tenth floor, with satellite dish, green roof and solar photo voltaic panels on its roof, and associated works, to provide for retail (Class E (a)) and office (Class E(g)(i)) uses together with associated ancillary spaces to those uses.

Late representations were received from Lazari Investments (28.03.2024).

The Presenting Officer tabled the following amendments to the recommendation and the recommended conditions:

Recommendation

1. Grant conditional permission subject to the views of the Mayor of London and subject to a S106 legal agreement to secure the following planning obligations:...

a) A financial contribution of ~~£150,480~~ **£157,280** (index linked) towards the carbon Off Set Fund (payable prior to the commencement of the development);
[rest of recommendation as set out in the report]

Revised Planning Conditions:

10 - Before any demolition or excavation is carried out at or below the level of the floor in the basement, you must:

(a) apply to us for approval of a written scheme of investigation for a programme of archaeological work **as agreed by the Greater London Archaeological Advisory Service (GLAAS)**. This must include details **of the approved methodology and** the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.
[rest of condition as set out in the report]

22 – The development shall be carried out in accordance with the approved Energy Strategy (prepared by Buro Happold; dated November 2023 and subsequent revision) and shall achieve regulated carbon dioxide emission savings of not less than 25% **22%** for emissions beyond the Target Emissions Rate of Part L of Building Regulations 2021, and of not less than 64% **63%** for emission beyond Notional specification for existing buildings. The energy efficiency and sustainability measures set out there in shall be completed and made operational prior to the first occupation of the development and retained for the lifetime of the development. (C17CA)

31 - No development (with the exception of demolition and temporary works) shall commence until hydraulic flood modelling drainage calculations, **planning drawings** and design drawings **(including any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event)** are submitted and approved by the Local Authority, to demonstrate that the proposed development will not impact upon wider drainage network.

41 Details of the ~~precise scope of the~~ **extent of the parts of the buildings to be retained and the** method for securing and lifting the retained parts of the building, including structural alterations and deconstruction etc, must be submitted for our approval before any structural demolition works commence.

Deleted condition [unnecessary with condition 24 attached]

~~23 – You must apply to us for our written approval of an independent review of the energy efficiency measures to be provided within the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods ('BREEAM'), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an~~

~~equally high standard. You must provide all the energy efficiency measures referred to in the review before you start to use the building. You must then permanently retain these features. (C44BB)~~

Additional Planning Conditions

Replacement Condition 23

You must provide the following sustainability features as shown on the approved drawings before occupation of any part of the new building:

- air source heat pumps;
- photovoltaic panels;
- allowance for connections to any future heat network in the vicinity of the site.

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)

43. The flat roof/terraced area at rear first floor level adjacent to 22 Hanover Square (excluding the side return on the south side of the site) shall not be used for sitting out or for any other purpose. You can however use the roof for maintenance purposes or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 – 2040 (April 2021).

Len Lazari, representing Lazari Investments, addressed the Sub-Committee in support of the application.

Patrick Campbell, representing Foster & Partners Riverside, addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

1. **That conditional permission be granted, subject to the views of the Mayor of London and subject to a S106 legal agreement to secure the following planning obligations:**
 - a) **A financial contribution of £157,280 (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 £257,473.50 (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) **An Employment and Skills Training Plan;**
 - e) **Travel Plan and associated monitoring costs;**

- f) **Potential Highways Works and associated costs (e.g. loading bay works, relocation of taxi bay and provision of short stay cycle parking);**
 - g) **All costs associated with stopping up parts of the highway;**
 - h) **The costs of monitoring the S106 agreement.**
2. **That if the S106 legal agreement has not been completed within six weeks of the date of this resolution, then:**
- a) **The Director of Town Planning and Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Town Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;**
 - b) **The Director of Town Planning and Building Control shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.**
3. **That the Committee authorised the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place. That the Director of Town Planning and Building Control, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders. The applicant will be required to cover all costs of the Council in progressing the stopping up orders.**
4. **That the following informatives be added:**
- a) **That the Applicant be urged to consider the use of Electric Vehicles for servicing;**
 - b) **That the Applicant make use of freight consolidation; and,**
 - c) **That the Applicant consider the introduction of a plaque in commemoration of the Fenwick's department store which previously occupied the site.**

**2 SITE 1: DEVELOPMENT SITE AT 18-20 SAVILE ROW, LONDON
SITE 2: 17 SAVILE ROW, LONDON**

Application 1 at Development site at 18-20 Savile Row

Demolition of all existing buildings, excavation to deepen existing basement, and redevelopment to provide an eight storey building plus one storey basement comprising flexible retail (Class E(a)) and/or restaurant (Class E(b)) floorspace and tailoring floorspace (Class E(a), Class E(g)(ii) & Class E(g)(iii)) at part ground floor;

and office floorspace (Class E(g)(i)) at part ground and on all upper floors; external terraces and associated hard and soft landscaping; cycle parking; replacement of commemorative plaque and other associated works.

Applications 2 and 3 at 17 Savile Row

Extension to the chimney stack at No. 17 Savile Row, underpinning of boundary wall to No. 18 and other associated works.

Late representations were received from the Savile Row Bespoke Association (25.03.2024), The Pollen Estate (27.03.2024 and 28.03.2024), Fathom Architects (28.03.2024), the Residents’ Society of Mayfair & St James’s (25.03.2024), and the Mayfair Neighbourhood Forum (20.03.2024).

The Presenting Officer tabled the following corrections to the report:

p.122

Mayfair Neighbourhood Plan Policy MR6.1 states, *“Proposals for new Creative Originals retail development in Mayfair will be encouraged”*, whilst Policy MR6.2 states, *“Proposals which involve the loss of Creative Originals floorspace should be resisted unless being replaced nearby”*.

p.139

In terms of how these figures relate to the benchmarks contained within the GLA’s WLC guidance:

- The upfront carbon emissions (i.e. Modules A1-A5) is 18.4% lower than the GLA’s WLC benchmark of 950 kg/Co2e/m2 and 29.2% above the GLA’s WLC aspirational benchmark of 600kg/Co2e/m2.
- The whole life carbon impact of the development for Modules A-C (excluding B6 and B7) is 15.1% lower than the GLA’s WLC benchmark of 1,400kg/Co2e/m2 and 26.4% **22.5%** above the GLA’s WLC aspirational benchmark of 970kg/Co2e/m2.

Given that the applicant is able to demonstrate that actions have been taken to reduce life-cycle carbon emissions from the proposed development and that the expected whole life cycle emissions are 30.0% **15.1%** lower than the GLA’s WLC benchmark, the development is compliant with London Plan Policy SI 2.

p.147

Table 4 – Cycle parking requirements and provision

Use	Policy requirement	Provision	+/-
Office (short-stay)	11	12	+1
Office (long-stay)	115	115	0
Flexible retail or restaurant / bespoke tailoring (short-stay)	32	0	-32
Flexible retail or restaurant / bespoke tailoring (long short-stay)	4	6	+2
Total	162	133	-29

Jenny Casebourne, representing The Pollen Estate, addressed the Sub-Committee in support of the application.

Mark Henderson, representing the Savile Row Bespoke Association, addressed the Sub-Committee in support of the application.

Upon a vote, application 1 was resolved with the passing of the Chair's casting vote. Applications 2 and 3 were resolved unanimously.

RESOLVED:

Application 1

That, subject to the views of the Mayor of London, the application be refused on the following grounds:

- a) **The demolition of the existing building and the erection of a replacement building failed to adhere to circular economy principles and principles of sustainable design, both of which prioritise the retention, refitting and refurbishment of existing buildings. The proposed development would therefore have failed to help transition London to a low carbon circular economy through generating unjustified waste and carbon emissions.**

Application 2

That conditional permission be granted.

Application 3

- 1) **That conditional listed building consent be granted; and,**
- 2) **That the reason for granting listed building consent, as set out within Informative 1 of the draft decision letter, be agreed.**

The Meeting ended at 10.10 pm

CHAIR: _____

DATE _____

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 14th May 2024
 MAJOR SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 24/01591/FULL West End	7 Soho Square London W1D 3QB	Phased redevelopment of the site comprising: Phase 1 - Demolition of 2-4 Dean Street and 7 Soho Square and erection of a replacement building on basement, ground and seven upper floors (increasing depth of existing basement) for retail purposes (Class E) on part basement and part ground floors, use of the remainder of the building as offices (Class E); with associated terraces at 5th, 6th and 7th floor levels; provision of roof plant/plant enclosures, cycle parking, waste storage, landscaping works, green roofs, photovoltaic panels and facade lighting; and associated alterations.	HECF Soho Limited
<p>Recommendation</p> <p>1. Grant conditional permission subject to referral to the Mayor of London and subject to a S106 legal agreement to secure the following obligations:</p> <ul style="list-style-type: none"> a) Undertaking of all highways works immediately surrounding the site, to the City Council's specification and at the full cost to the developer (highway works to be agreed prior to commencement of the development); b) A financial contribution of £268,290 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development); c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data; d) A financial contribution of £31,184 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development); e) A financial contribution of £25,000 towards the improvement of Public toilet provision within the area defined as the Soho Neighbourhood Area of the Soho Neighbourhood Plan f) Employment and Skills Plan with the following commitments to be met: <ul style="list-style-type: none"> • Provision of at least 20 x two-week work experience positions for residents within Westminster during construction, with opportunities provided to residents within Soho in the first instance; • Provision of at least 20 x apprentice positions for residents living within Westminster during construction, with opportunities provided to residents within Soho in the first instance; • Provision of at least five x two-week work experience positions per year during the operation of the building for a period of five years, with opportunities provided to residents within Soho in the first instance; • Provision of at least three end use apprenticeship positions per year during the operation of the building, for a period of five years, with opportunities provided to residents within Soho in the first instance. g) The costs of monitoring the S106 agreement. <p>2. If the S106 legal agreement has not been completed within 3 months from the date of the Committee's resolution then:</p>				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 14th May 2024
 MAJOR SCHEDULE OF APPLICATIONS TO BE CONSIDERED

- 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.

Item No	References	Site Address	Proposal	Applicant
2.	<p>RN(s): 23/06997/FULL</p> <p>St James's</p>	<p>35 - 37 Lincoln's Inn Fields London WC2A 3PE</p>	<p>Partial demolition, alterations and extension to existing building for use for non-residential education purposes (Class F1) including associated hard and soft landscaping, roof plant and associated works.</p>	<p>London School of Economics and Political Science (LSE)</p>
<p>Recommendation</p> <p>1. Grant conditional permission subject to a S106 legal agreement to secure the following planning obligations:</p> <p>a) A financial contribution of £55,288.62 (index linked) towards the Carbon Off-set Fund payable prior to the commencement of development.</p> <p>b) All costs associated with the reinstatement of redundant vehicle crossovers as footway and associated works to accommodate the Development (including alterations to drainage, lighting, signage, traffic management orders, street furniture, street trees and other highway infrastructure (including all legal, administrative and statutory processes).</p> <p>c) The costs of monitoring the S106 agreement.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution, then:</p> <p>a) The Director of Town Planning and Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Town Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Town Planning and Building Control shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
Item No	References	Site Address	Proposal	Applicant
3.	<p>RN(s): 22/07647/FULL</p> <p>West End</p>	<p>West End Central Police Station 27 Savile Row London W1S 2EX</p>	<p>Demolition of former police station building, excavation to create new basement 2 level and to enlarge existing basement 1 level, and erection of new building comprising two basement levels, lower ground, ground plus seven storeys plus a roof plant level, delivering new office (Class E) floorspace, new restaurant (Class E) floorspace at partial ground and lower ground floor, new flexible workspace (Class E)</p>	<p>Henigman</p>

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 14th May 2024
MAJOR SCHEDULE OF APPLICATIONS TO BE CONSIDERED

			and / or training (Class F1) and / or composite use comprising a workspace and training facility (sui generis) at basement 2, amenity terraces, public art, cycle parking, plant, landscaping and all associated works including enabling, highways and other ancillary works.	
Recommendation Subject to the views of the Mayor of London, refuse permission on design and conservation grounds.				

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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 May 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	2-4 Dean Street And 7 Soho Square, London, W1		
Proposal	Demolition of 2-4 Dean Street and 7 Soho Square and erection of a replacement building on basement, ground and seven upper floors (increasing depth of existing basement) for retail purposes (Class E) on part basement and part ground floors, use of the remainder of the building as offices (Class E); with associated terraces at 5th, 6th and 7th floor levels; provision of roof plant/plant enclosures, cycle parking, waste storage, landscaping works, green roofs, photovoltaic panels and facade lighting; and associated alterations.		
Agent	Gerald Eve LLP		
On behalf of	HECF Soho Limited		
Registered Number	24/01591/FULL	Date amended/ completed	5 March 2024
Date Application Received	5 March 2024		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Neighbourhood Plan	Soho Neighbourhood Plan		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to referral to the Mayor of London and subject to a S106 legal agreement to secure the following obligations:</p> <ul style="list-style-type: none"> a) Undertaking of all highways works immediately surrounding the site, to the City Council's specification and at the full cost to the developer (highway works to be agreed prior to commencement of the development); b) A financial contribution of £268,290 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development); c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data; d) A financial contribution of £31,184 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the
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Westminster Employment service (payable prior to the commencement of the development);

- e) A financial contribution of £25,000 towards the improvement of Public toilet provision within the area defined as the Soho Neighbourhood Area of the Soho Neighbourhood Plan
- f) Employment and Skills Plan with the following commitments to be met:
- Provision of at least 20 x two-week work experience positions for residents within Westminster during construction, with opportunities provided to residents within Soho in the first instance;
 - Provision of at least 20 x apprentice positions for residents living within Westminster during construction, with opportunities provided to residents within Soho in the first instance;
 - Provision of at least five x two-week work experience positions per year during the operation of the building for a period of five years, with opportunities provided to residents within Soho in the first instance;
 - Provision of at least three end use apprenticeship positions per year during the operation of the building, for a period of five years, with opportunities provided to residents within Soho in the first instance.
- g) 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

This redevelopment scheme has been submitted in response to a scheme refused in December 2023. The previous application was refused on the grounds that the bulk and mass of the new

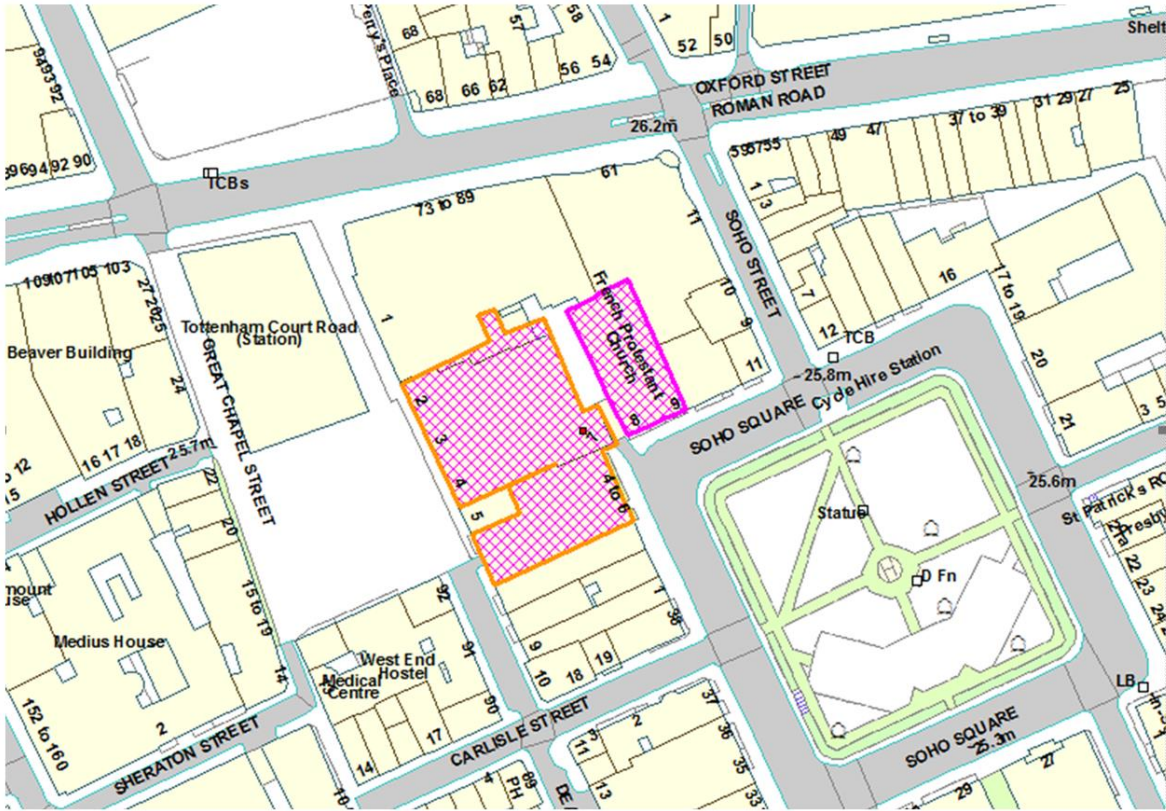
building and detailed design would result in harm to the Soho Conservation Area. In particular, in views from Soho Square, and that the public benefits of the scheme did not outweigh the less than substantial harm.

The current application seeks to address strong objections received to the previous scheme and the reason for refusal by making land use and design changes. In land use terms a double height ground floor Bazaar, which would have provided a multi-use space has been omitted from the scheme and a single retail unit is proposed which would be used a food supermarket only. In design terms minor changes have been made to the bulk and mass of the building primarily on the Soho Square frontage. Detailed design changes have also been made again primarily on the Soho Square frontage, reducing the size of window openings and changing the colour of the façade from a deep red terracotta to white (as existing).

The key issue for consideration is whether the amendments are considered to successfully address the reason for refusal.

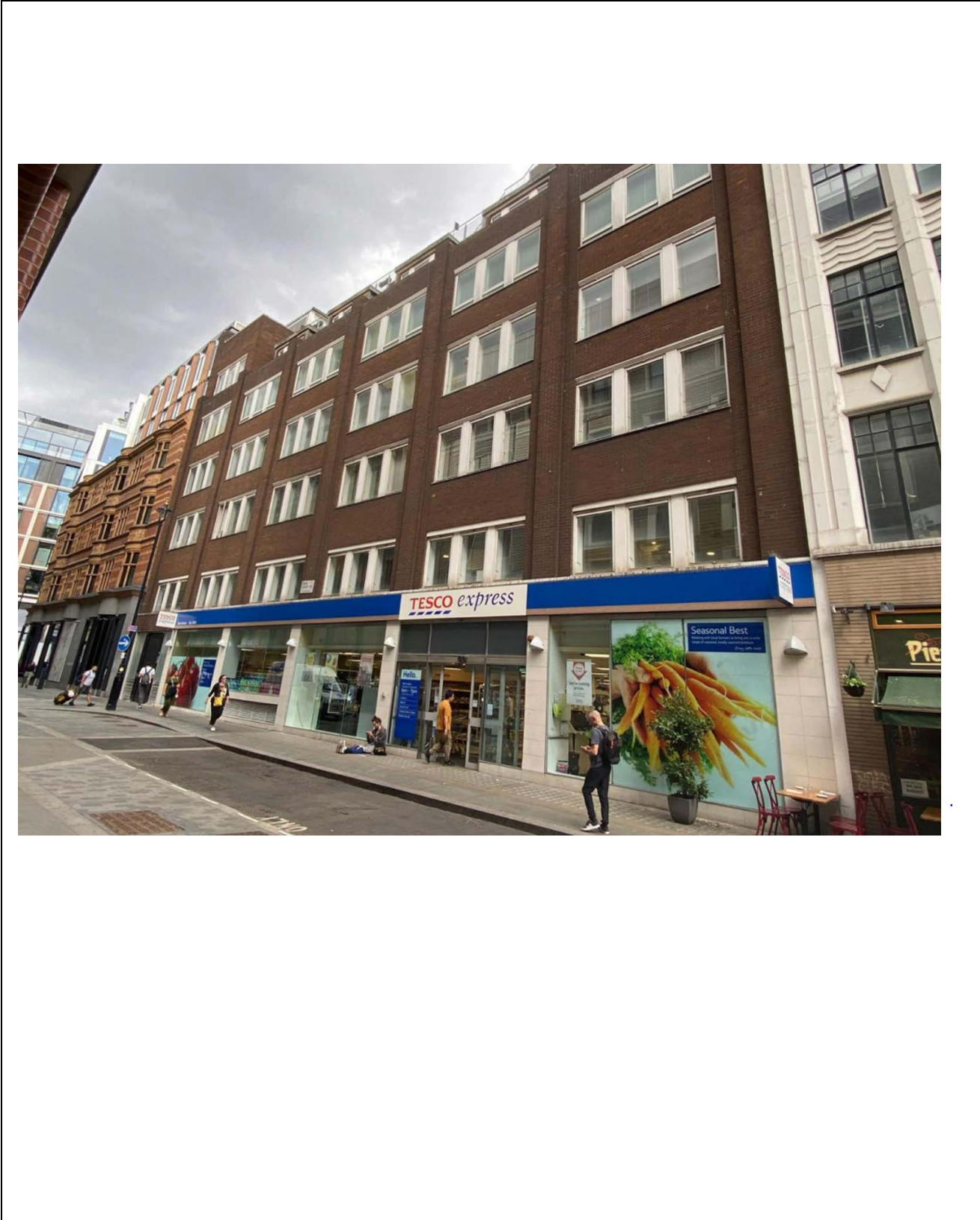
The retention of a food supermarket on the site is a significant change to the scheme and the overall land use package. The scheme is considered acceptable in land use, sustainability/ energy, amenity and highways terms. In design and townscape terms the increase in bulk of the new building would still result in some harm but this harm is considered to be at the lower end of less than substantial which is significantly outweighed by public benefits that the scheme will deliver. Subject to the views of the Mayor 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.

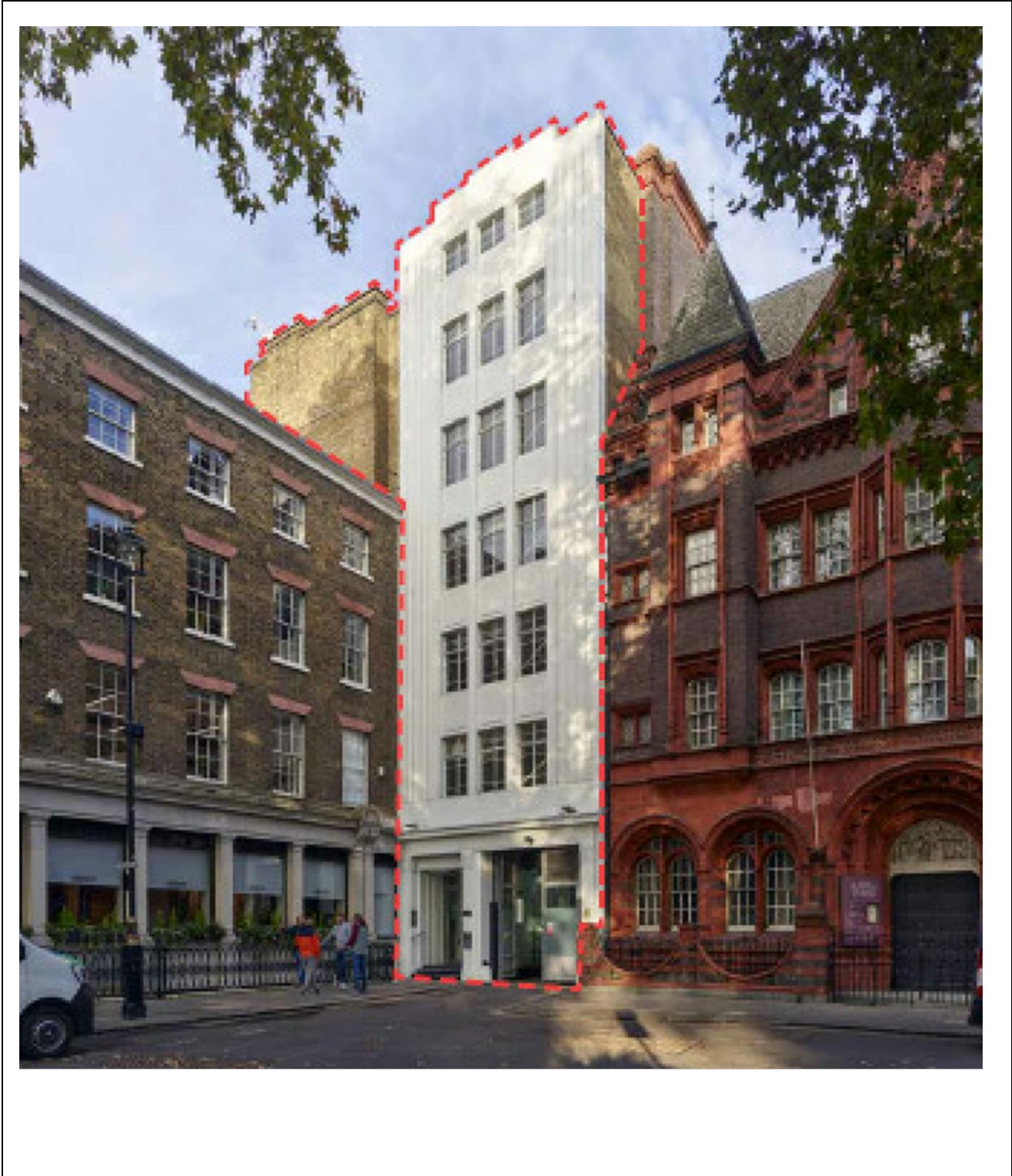
3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

5.1 Application Consultations

COUNCILLOR LILLEY

Objection, commenting as follows:

i) Requests that the Planning Committee visit the site, to fully appreciate the importance of the size of the basement that serves supermarket - to maintain the stock & sustainability of the supermarket, that provides appropriate service to the community;

ii) before and after images of the scheme should be provided, not solely comparing the refused scheme with the current proposal;

iii) the ground floor retail unit shall be used for Class E(a) food retail use only and for no other uses within Class E;

iv) prior to the consideration of other uses permitted within Class E(a) the ground floor retail unit shall be marketed for food retail use for a minimum period of 2 years post completion to shell and core at a reasonable market rent;

v) that the application reconsider deep retrofitting rather demolition.

GREATER LONDON AUTHORITY

Stage 1 response to be reported verbally.

LONDON BOROUGH OF LAMBETH

Any response to be reported verbally.

LONDON BOROUGH OF CAMDEN

Any response to be reported verbally.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

No comments made to the application.

HISTORIC ENGLAND (ARCHAEOLOGY)

Any response to be reported verbally.

CROSS LONDON RAIL LINKS LTD (1)

No objection, subject to a pre-commencement condition which requires the approval by the LPA of the detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling and any other temporary or permanent installations and for ground investigations, demonstrating no adverse impact on the Elizabeth Line structures.

CROSS LONDON RAIL 2 LINKS LTD

No objection subject to a pre-commencement condition which requires the approval by the LPA of the detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground

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level, including piling and any other temporary or permanent installations and for ground investigations, demonstrating no adverse impact on Crossrail 2 structures.

LONDON UNDERGROUND LIMITED

No objection subject to a pre- commencement condition which requires the approval by the LPA of the detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling and any other temporary or permanent installations and for ground investigations.

DESIGNING OUT CRIME

Any response to be reported verbally.

SOHO SOCIETY

Objection on the following grounds:

- Loss of the Asset of Community Value identified by the council is its letter of 20 December 2023 i.e. the development should include a full service supermarket equivalent in size to the existing
- Design and massing of the facades on Dean Street, design and massing of the facade on Soho Square
- Loss of 7 Soho Square Art Deco building
- Insufficient public benefits to outweigh the harm to the Conservation Area

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

BUILDING CONTROL

Any response to be reported verbally.

ENVIRONMENTAL SCIENCES

Any response to be reported verbally.

WASTE PROJECT OFFICER

No objection subject to a condition that requires refuse storage area and capacity to be labelled on drawings.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 154

Total No. of replies: 11

No. of objections: 6

No. in support: 5

6 objections received on some or all of the following grounds

Land Use

Loss of existing supermarket comment that Soho residents need a supermarket equivalent to the size of the current Tesco's store.

Sustainability

The existing buildings should be retained and refurbished rather than demolished and redeveloped.

Townscape and Design

The Art Deco building at 7 Soho Square should be retained.
The proposal is an overdevelopment of the site.

Construction Impact

Request that a Construction, Traffic and Management Plan (CTMT) is submitted at the assessment stage of the application (rather than post permission) to ensure that there is no adverse impact on the operation of sound recording studio at 4-6 Soho Square.

Other Issues

The current scheme is not substantially different from the refused scheme.

Adverse impact on the Grade II* French Protestant Church immediately adjacent by way of:

- Loss of Daylight and Sunlight;
- Construction impacts including basement excavations;
- Potential increase in the number of deliveries to a smaller food store;
- Insufficient detail has been provided on the treatment of the Church walls;
- Impact from the proposed roof terrace, recommend a restriction on playing amplified music.

5 letters of support on some or all of the following grounds

Land Use

Investment in Grade A offices so close to the Elizabeth Line station will lead to ongoing improvements and employment opportunities at the northern end of Dean Street and benefit the local economy within Soho;
More varied retail would be welcomed by residents;

Sustainability

The sustainability proposition is particularly well considered;

Townscape and Design

The existing building currently occupied by Tesco on Dean St has no architectural merit;
The new building will be an excellent design which will be visually more attractive;

Other issues

The developer's responsiveness to local concerns - and willingness to wholly re-work the ground floor of the building to enable the retention of the supermarket use, should be celebrated.

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:

Stakeholder meetings Date	Details
2 nd February 2024	Meeting with the Soho Society presenting updated proposals and taking feedback
8 th February 2024	Meeting with Soho Business Alliance presenting updated proposals and taking feedback
20 th February 2024	Meeting with French Protestant Church presenting updated proposals and taking feedback
26 th February 2024	Meeting with Soho Museum presenting updated proposals and taking feedback

Wider Consultation Activities	
9 th February 2024	A four page newsletter was distributed to 1204 addresses
13 th February 2024	A dedicated consultation website was launched
13 th February 2024	Launch of two social media advertisements promoting wider consultation, notifying the public exhibition drop in events and directing consultees to the feedback portal on the website.
20 th and 21 st February 2024	Public Events held at the French Protestant Church. In total 11 people attended across both days
20 th February 2024	Exhibition boards and elevation plans were made available on the website
22 nd February 2024	A 2 page flyer was distributed to 1467 addresses informing that a pop up consultation event would take place on 29 February 2024
29 th February 2024	1 pop up event took place at the Sacred Coffee Shop at 55 Dean Street (12 people attended)
29 th February 2024	Pop up exhibition boards were made available on the website
29 th February 2024	Closing of public consultation

The applicant's Statement of Community Involvement (SCI) summarises that the principal issues

raised following engagement were the proposed loss of the Tesco supermarket, the height and design of the replacement building and the demand for more high quality office space. Other factors, such as the introduction of new urban greening at upper levels and the delivery of a more accessible building, a potential art display area and the delivery of social value through the plans, including an emerging youth partnership with 2 – 3 Degrees have been positively welcomed through the dialogue.

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 continues until 25 April 2024. 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 Soho Neighbourhood Plan includes policies on a range of matters including housing, residential amenity, air quality and climate change, traffic and servicing, green infrastructure, pedestrians and cycling and waste and recycling.

It has been through independent examination and was supported by local residents and businesses in a referendum held on 2 September 2021. It was adopted on 8 October 2021. It therefore forms part of the development plan for Westminster for development within the Soho neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

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

The site forms part of a block which is bound by Dean Street to the west, Oxford Street to the north, Soho Square to the east, and Carlisle Street to the south. The application premises comprises basement, ground and six upper floors, and is partially recessed in the middle and flanked by two full height bookends. The top 6th floor pavilion is recessed on all frontages, with access to a roof terrace and rooftop plant equipment.

The building has two street frontages, to Dean Street to the west and a narrow elevation that fronts onto Soho Square to the south. The building is a mixed-use property with retail at ground and basement levels and office floorspace on the upper floors.

The building was constructed in 1920, the architect being North, Robin and Wilsdon. The Dean Street frontage comprises a late 20th Century dark brick façade. The ground floor has a large glazed shop front providing access to the retail unit. No. 7 Soho Square is a basement, ground plus six storey Art Deco style building with a white stucco exterior and is located on the north-western corner of Soho Square. There is a narrow, gated service yard adjacent to the entrance that is accessed from Soho Square.

The ground floor and part basement of the building fronting Dean Street is currently in retail use, pursuant to a personal permission to Tesco. The remainder of the site is occupied as offices (Class E).

The building is not listed but is located within the Soho Conservation Area which has its northern boundary along Oxford Street. In terms of other City Plan designations, the site lies within the Central Activities Zone (CAZ); the West End Retail and Leisure Special Policy Area (WERLSPA); the Strategic Cultural Area and the Soho Special Policy Area.

The surrounding area is an eclectic mix of uses characterised predominantly by commercial uses containing a mix of retail and restaurant uses at basement, ground and first floor levels, with offices and residential above. The closest residential use to the site are 92 flats which are part of the Tottenham Court Road Elizabeth Line over station development with an entrance on Dean Street opposite. The flats are within two blocks, known as Buildings C and D. Building C fronts Oxford Street and 69 flats were permitted at six upper levels. Building D, which is to the south, will provide 23 flats at five upper levels. There are also residential flats at 10 & 11-14 Soho Street and 10 Soho Square.

The area's townscape reflects its varied history, with buildings and streets varying in terms of height, scale, age, design and form, though Soho is characterised by narrow streets and a tight urban grain which makes a marked transition from the boundary roads around Soho.

7.2 Recent Relevant History

On 7 December 2023 permission was refused for the following development:

'Demolition of 2-4 Dean Street and 7 Soho Square and the erection of a replacement building on basement, ground and seven upper floors, (increasing depth of existing basement) for retail and/or restaurant purposes (Class E) on part basement and part ground floors, a multi- use space (sui generis)/pedestrian link between Dean Street and Soho Square on part ground floor; use of the remainder of the building as offices (Class E) with associated terraces at 5th, 6th and 7th floor levels; provision of roof plant/plant enclosures, cycle parking green roofs, photovoltaic panels and facade lighting'. RN 23/00484/FULL.

The application was refused for the following reason:

'Because of the bulk, height, massing and detailed design the replacement building would fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area and would result in less than substantial harm to the Soho Conservation Area. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). The less than substantial harm identified is not outweighed by the public benefits of the scheme.'

On 1st November 2023 listed building consent was granted for works on the boundaries at both 4-6 Soho Square (RN 23/00375/LBC) and the French Protestant Church, 8-9 Soho Square (RN 23/00373/LBC). The boundary wall works which form part of this application remain consistent with the approved listed building consent applications (refs 23/00375/LBC & 23/00373/LBC

On 20 December 2023 the ground floor Tesco's store was designated as an Asset of Community Value. The effect of this is that The owner of an ACV must inform the local authority in writing of their intention to dispose of it. This notification triggers a six week

moratorium period during which the asset cannot be sold. During this time, community groups can express interest in being treated as a potential bidder for the listed ACV.

8. THE PROPOSAL

Permission is sought for the following development:

Demolition of 2-4 Dean Street and 7 Soho Square and erection of a replacement building on basement, ground and seven upper floors (increasing depth of existing basement) for retail purposes (Class E) on part basement and part ground floors, use of the remainder of the building as offices (Class E); with associated terraces at 5th, 6th and 7th floor levels, provision of roof plant/plant enclosures, cycle parking, waste storage, landscaping works, green roofs, photovoltaic panels and facade lighting; and associated alterations.

This application is submitted in response to the scheme refused on 7 December 2023. This scheme has been revised with the aim to address the reason for refusal. Amendments have been made to the land use, bulk, height, massing, and detailed design. These changes are summarised as follows;

Land Use

The Soho Bazaar multi-use space at ground floor previously proposed has been replaced with one larger retail unit to be used as food supermarket. The applicant has confirmed that should permission be granted a condition which secures the use as a food supermarket only and for no other purposes would be acceptable.

Bulk and Massing

At sixth floor level, the massing previously proposed directly above the Soho Square façade has been set back by a further 6.5m, to reduce the level of its visibility from views within Soho Square. This results in a minor reduction in floorspace of 29 m² at this level compared to the previous scheme. The fifth-floor roof terrace facing Dean Street has been removed from the proposals and is replaced by a non-accessible green roof, meaning that balustrading at this level is no longer required, which has meant that in total the front roof edge has reduced in height by 1.45m. This would now sit below the parapet of the building immediately to the south (5 Dean Street).

Height

The floor to ceiling heights at levels 1 to 6 have reduced from 3.2m to 3.15m, meaning that the overall height of the building has reduced by 0.54m from 58.81m AOD to 58.27m AOD.

Detailed Design

The colour of the Soho Square façade has been changed to white, in contrast to the colour of the neighbouring church and match the colour of the existing building. The colour of the sixth-floor massing and facades to the rear of the main street frontages have also changed in colour tone, to soften its appearance from Soho Square.

The fenestration has also been changed on the Soho Square façade, with the solid to glazing percentage now being 76%, greater than both the previous proposal (63%), and

the existing building (74%). The shop frontage at the Dean Street façade would change from double height to single height, as part of the removal of the public space within the building which was previously proposed. Space for public art is planned into the design of the Dean Street façade and Soho Court.

The key elements of the proposal are:

- Complete redevelopment, excavating the existing basement level by 1.5m and erection of a new building of basement, ground plus seven stories with setbacks at 5th 6th and 7th floors.
- A low carbon structure is proposed using re-used steel (where possible) and timber slabs. The building will be faced in high performance concrete dark terracotta in colour on Dean Street and white on Soho Square with lighter coloured materials at the upper levels.
- In land use terms flexible office (Class E) accommodation would be provided at floors 1 to 6 measuring 7,512 m2 GIA across all floors. A single retail unit of 676 m2 at part ground, and lower ground floor levels to be used as a food supermarket (Class E).
- Landscaping improvements to the ground floor area to the rear of the 7 Soho Square frontage, including public seating.
- Provision of cycle parking and end of trip facilities at the basement level, along with a dedicated waste storage room. Terraces for use by office staff at levels five, six and seven. Green roofing and planting at level six. Plant enclosure at level seven. Rooftop PV panels and green roofing. Architectural façade lighting

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class E)	1,698	676	-1,022
Offices (Class E)	5,454	7,512	+2,058
Total	7,152	8,188	+1,036

9. DETAILED CONSIDERATIONS

9.1 Land Use

Increased Office Provision

The proposals involve increasing office floorspace. It will deliver 7,512 m2 of office floorspace, representing an uplift of approx. 2058 m2. City Plan Policies 1, 4, 13 and 14 support office growth and modernisation to provide at least 63,000 new office-based jobs in the city, alongside other forms of commercial growth.

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Policy 13 explains this new and improved office floorspace is supported in principle within parts of the CAZ with a commercial or mixed-used character.

London Plan Policies SD1, SD4 and E1 support growth of office floorspace in the CAZ and opportunity areas and the provision of new and refurbished office space which will improve the quality, flexibility, and adaptability of London's office stock. London Plan Policy E2 supports the provision of office floorspace for small to medium sized companies. The new office floorspace proposed in this location is welcomed in respect to the policies. The site is within a commercial area located opposite the Tottenham Court Road (Dean Street entrance) Elizabeth line station. It is an appropriate site for commercial growth. The uplift in floorspace will contribute towards the office-based jobs growth targets. The proposal also represents an improvement in terms of quality over the existing office floorspace, which is currently below modern standards. The proposals include providing new outdoor space for office occupiers, new landscaping and new facilities, including for cycle parking. The building will also be more energy efficient. Overall, the proposals will create a higher quality office environment and will improve the office offer. The applicant has confirmed that the building is designed to be operated so that the proposed floorspace can be let flexibly to various types of office occupiers. The proposed building's layout is such that it will be capable of providing space for small to medium size companies, letting floors or multiple floors. This is considered in line with London Plan Policy E2 which requires consideration be given to the scope to provide this type of commercial floorspace.

An unrestricted Class E use will not accord with the City Plan because a loss of office accommodation in this location will undermine the provision of an appropriate mix of uses that supports the vitality, function and character of the CAZ. Further, because Class E contains a wide variety of uses (including indoor recreation) and given the amount of office floorspace proposed and proximity to residential occupiers, conversion to other Class E uses could result in harmful impacts to amenity, local environmental quality and/ or the highway network. Therefore, a condition is recommended restricting the upper floors to offices (Class E g) and not for other uses within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended in September 2020.

An objection has been received from the Soho Society on the grounds that a proposed large foyer for the office use with access from both Dean Street and Soho Square is contrary to Soho Neighbourhood Plan policy 7 (Creating Active Frontage in New Commercial Developments). This policy states that 'proposals for new commercial developments will be supported where the ground floor includes active frontages which avoid under used space'.

The applicant argues that the size of the office reception area is 5% of the total office floorspace, which is not unusual for the West End. Furthermore, that in recent years there has been a change in the office market from having quite large open foyer areas to ones where a range of amenities and break out spaces are offered. The proposed reception area could provide break out meeting spaces and spaces for company events.

The scheme would ensure that the vast majority of the Dean Street frontage occupied by the food supermarket would be active frontage, with only a small secondary entrance to the office use on Dean Street. Given the sites location opposite the Elizabeth line station the rationale behind the provision of an office entrance in this location is understood. As

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already stated, the proposed office use accords with City Plan Policy 13 which promotes new and improved offices that meet the needs of modern working practices. Para 13.5 of the City Plan in particular refers to the opportunity for significant office growth close to the new Tottenham Court Road station.

Retail Unit

The site has a retail unit accessed from Dean Street occupying most of the ground floor along with an element of the basement. The unit has been occupied by Tesco Stores Ltd for 20 years. The unit measures 1,698 m² and is open between 6am to 11pm Mondays to Saturdays and noon to 6pm on Sundays.

Asset of Community Value (ACV)

On the 20th December 2023 the City Council designated the supermarket at the site as an Asset of Community Value (ACV) pursuant to Section 14(2) of the Asset of Community Value (England) Regulations 2012. The reason for the ACV designation is as follows: *' the use as a food supermarket selling a broad range of fresh food and basic products at competitive prices makes a significant contribution to local life and furthers the social wellbeing of the local community.'*

The effect of this is that the owner of an ACV must inform the local authority in writing of their intention to dispose of it. This notification triggers a six week moratorium period during which the asset cannot be sold. During this time, community groups can express interest in being treated as a potential bidder for the listed ACV.

Previously refused scheme

The scheme refused on 7th December 2023 proposed the loss of the single large retail unit of 1,698 m² (currently occupied by Tesco's store) and the provision of 2 new smaller retail units either side of a ground floor Bazaar. The larger retail unit included space at basement level and measured 499 m² GIA, the smaller unit of 74m² was located at part ground and first floor levels. Neither of the proposed retail units would have been suitable for use as a food supermarket.

Central to the previously refused scheme was the use of part of the ground floor fronting onto Dean Street as the Soho Bazaar. The proposed Bazaar was fully openable, double height internal space which would be a multi-use space which could be used for fashion events, art, cultural exhibitions, talks and other activities. The intention was that the space performs different functions at different times of the day. The total floorspace is 257 m² (GIA) with a maximum capacity of 301.

The applicant argued that the Bazaar should be seen as a public benefit. Strong objections were received from the Soho Society and local residents that there is no identified demand for the flexible space proposed and the Bazaar would not be a local benefit. Following comments made by the Planning Committee and concerns raised by local residents and stakeholders, the previous Soho Bazaar multi-use space at ground floor, has been replaced with one larger retail unit to be used as food supermarket.

Proposed Retail Unit

The new retail unit (Class E(a) for use as a food supermarket would measure 676 m2 in total. This comprises 454 m2 of retail space at ground floor level with 222 m2 at basement level. The applicant advises that the unit has been specifically designed so that the full width of the unit at ground floor would be tradable, 413 m2, with the rear ground floor area providing back of house space, along with the basement space.

The applicant advises that the unit has been designed with retail specialists to configure a unit so that it would provide an optimal layout and size for a food supermarket in this location. The retail unit would have internal access to the basement level plant within the building and would have its own dedicated internal waste storage and cycle storage.

Permission could not reasonably be refused on the grounds that an existing user (Tesco) may not return to the site. City Plan Policy 14 supports uses which include active frontages and serve visiting members of the public within commercial parts of the CAZ. The scheme includes the replacement of a retail unit which accords with City Plan land use policies.

Consultation Response

Objections have been received to the loss of the ACV (i.e a full service supermarket equivalent in size to the existing) from the Soho Society and individual respondents. The concern is that whilst the application proposes a replacement supermarket it would be much smaller than the existing supermarket on the site. The reduction in the size of supermarket would impact on both the range and price of products sold. The Soho Society comment that whilst the imposition of a condition which requires the new unit to be used as a food supermarket only may seem beneficial it would not protect the ACV which is not any supermarket or convenience store but a supermarket that offers a full range of goods at lower prices because of the size of the tradable floor area (750m2).

The objection from the Soho Society quotes one of the Society Members which succinctly summarises their concerns as follows

'I'm concerned about aspects of what I've read in your newsletter. The new supermarket proposed is smaller than the existing one. That is pretty important because reduced floorspace means a reduced range, and our Tesco's currently sells just enough of a range to be able to cover a weekly shop. If the range reduces much, we'll end up with (another) convenience store which is mainly aimed at buying bits and pieces but not for the main shop, and for office workers to pick up a sandwich at lunchtime. Size matters. We need a proper size supermarket.'

In granting the ACV in December 2023 the City Council's decision letter states

'It is recognised that there are other supermarkets within the vicinity. However, these supermarkets have a more limited range; the only supermarket nearby are much further away e.g. Tesco Covent Garden and St James'. The current supermarket is distinct from the others, which strengthens the case to designate it as an Asset of Community Value. These distinctions are primarily based on its central location, its size, its range and prices, and the value placed on it by the community'.

The objection from the Soho Society highlights that the Tesco's supermarket at 2-4 Dean Street is the largest supermarket within the designated Soho neighbourhood area.

At just under 750 square metres, the supermarket is more than double the size of others in the vicinity; for example, the Co-op at Berwick Street has just one-third of the gross internal area at approximately 250 square metres. This relatively larger size provides an opportunity for this supermarket to offer a significantly broader range than the others. The ability to offer more items for sale ensures that a wider variety of needs can be met.

In addition to the concerns that a smaller supermarket would reduce the range of products the objection is made on the grounds that a broader range on offer also provides access to cheaper goods. The objection refers to smaller supermarkets tending to stock one type of a given item, usually a branded type with a higher cost. Whilst larger supermarkets have the space to offer more than one type of each item, often with 'store brands' and other alternatives to the higher cost branded type available.

The objection to the loss of the existing Tesco's store is that *'the supermarket is recognised to offer the ability for local people to purchase groceries locally at cheaper prices compared to the other supermarkets in the vicinity. The supermarkets within the designated neighbourhood boundaries of Soho are high-end shops such as Whole Foods, specialty sellers, and more expensive options like Co-Op'*

Objections are also raised on the grounds that the proposed use as a supermarket is speculative with no operator identified. Concerns are raised about the lack of certainty with regards to the unit being let to a supermarket operator. The Soho Society hold the view that if the ACV is to be retained post development, the applicant should provide a reasonable degree of certainty that a full service supermarket will return.

Retail report submitted by the Applicant

Since the objections summarised above have been received the applicant has submitted a detailed retail report which gives commentary on the size and function of the existing supermarket on the site in comparison with both the proposed unit and other supermarkets in the locality.

The proposed unit would measure 676 m² in total with 454 m² sqm of retail space at ground floor level and the basement ancillary area would be 222 m². The tradable area would be at ground floor level and measure 413 m².

The applicant argues that the proposed food supermarket unit has been designed so that it:

- is of a size which would ensure that a good range of products and price points could be offered, rather than a smaller convenience only unit which caters for 'top-up' or working day needs only;
- remains desirable and marketable going forward for most supermarket operators that are currently seeking more stores in central London.

The applicant advises that discussions are ongoing with Tesco's with regards to Tesco's remaining at the redeveloped premises. Other supermarkets have also been approached and a response has been received from Sainsbury's (which forms a background paper to this report) advising that the proposed unit would be suitable for its

larger convenience store format, which it says provides for a wide range of produce and pricing. An expression of interest is made from Sainsbury’s concerning taking a lease of the unit.

Comparison of existing vs proposed supermarket configuration

The applicant has provided a study from a retail specialist (Rawls) reviewing the existing store layout and the optimum proposed layout.

The report sets out that the tradable area at the current Tesco supermarket unit is 766 m2. The Rawls study explains that the current Tesco store offers a variety of stock, however as the unit was not specifically designed for food supermarket use, the layout is inefficient, with several pinch points and columns between aisles. The report concludes that the unit is oversized for both its current in-store offer and Tesco’s typical requirements. The report concludes that whilst the proposed unit is smaller in area than the current unit the proposed space would be able to deliver an equivalent range of products to that offered currently and a space that all current mid-size operators would find suitable.

The report included a table (copied below) comparing the proposed unit with the existing unit and other selected supermarkets in the locality.

Location	Tradable Area
Co-op 104-105 Berwick Street (0.3 miles from site)	250 m2
Tesco’s 10-16 Goodge Street (0.4 miles from site)	Cico 340 m2
Sainsury’s 57-63 Charing Cross Road (0.4 miles from site	Circa 370 m2
Proposed retail unit	413 m2
Existing Tesco’s at 2-4 Dean Street	766 m2
Sainsbury’s 15-17 Tottenham Court Road (0.2 miles from site)	984

The report comments that the proposed unit would be sized to deliver a greater product range than the Co-op on Berwick Street and the Tesco at the southern end of Tottenham Court Road, which provide ‘Express’ style offers. It is also larger than the Sainsbury’s on Charing Cross Road and the recently re-opened Tesco on Goodge Street. A study concludes that these stores are well stocked with a good product range.

Price comparison between current retailer and nearby supermarkets of a similar size

In granting the ACV a comparison was made between the price of a basket of goods’ at the current Tesco and the Berwick Street Co-op on Friday 15 December 2023. It was found that that the cost of the basket was approximately 10% cheaper at Tesco.

The report submitted by the applicant refers to a price comparison being undertaken on 25 April 2024 on the price of a basket of goods at four stores, the current Tesco, Tesco at Goodge Street, Sainsbury’s at Charing Cross Road and the Co-op at Berwick Street. This report refers to this comparison test showing that the price of the basket of goods

across all four stores was very similar, ranging from £31.30 to £32.60. Items which were in both the Goodge Street Tesco and Dean Street Tesco were the same price.

Assessment /Conclusion on the proposed retail offer

Whilst there are no development plan policies that relate specifically to ACV's. The designation of the supermarket on the site as an ACV is a material consideration in determining this application. The reasoning for granting the ACV that the existing supermarket 1) provides a broad range of offer and 2) also provides access to cheaper goods is clear.

Whilst the objections from resident's and the Soho Society to the loss of the ACV are understood it is considered that the analysis in the retail report submitted in support of the application demonstrates that the proposed unit would result in the provision of a medium size supermarket that could provide a good product and price range. The applicant has submitted an expression of interest from Sainsbury's which advises it could deliver a format which provides a wide range of produce and pricing. This would be similar to a store on Charing Cross Road and the existing store on site. In the circumstances it is not considered that permission could reasonably be refused on the basis that the designated ACV would be lost. In addition, the fact that long term use of the unit as a supermarket will be secured by a planning condition where no planning restriction currently exists is seen as a benefit of the scheme. This is a factor in assessing the overall planning balance and any harm against the benefits of the scheme.

9.2 Environment & Sustainability

Sustainable Design and the Circular Economy

Summary of policy and guidance

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

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

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

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

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

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

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

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

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

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

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

This guidance adds that, “Putting the circular economy into action in Westminster’s built environment means in the first instance exploring retention and refurbishment of buildings rather than demolition and re-build. If this is not possible, then incorporating reused materials into a new development” (p.96).

Soho Neighbourhood plan

Policy 20 of the Soho Neighbourhood Plan states ‘all development proposals should incorporate measures designed to minimise and conserve heat and energy use, reduce urban heat island effects, and carbon emissions’.

Policy 21 sets out that *'in recognition of Westminster City Council's climate emergency declaration and their commitment to the city becoming carbon neutral by 2040, all major development should take every opportunity to demonstrate that it has evaluated the potential of options to sensitively retrofit and improve the sustainability of existing buildings'*.

Assessment of refurbishment against redevelopment

The applicant acquired the site in 2020. They advise that the project brief was to ensure that the most sustainable possible building was provided with circular economy principles central to all decisions. The applicant states that the initial expectation was that a refurbishment and extension scheme would be pursued. Detailed designs were worked up regarding both refurbishment and new build schemes, enabling a comparison of the different approaches.

Five scheme options were prepared and reviewed so that the benefits and disadvantages could be evaluated. The five options were light, medium and heavy refurbishment schemes, and 2 x redevelopment schemes (one with a single basement and one with a double basement).

Two of the design options were progressed through to RIBA stage 1. The 1st option (medium refurbishment) sought to remove existing poor quality upper floors and extend by 1 additional floor. The 2nd option proposed redevelopment to provide a new building, including extending the current basement by 1.5 metres.

The applicant advises that as part of the assessment process it became clear that the following fundamental aspects of the building could not be addressed through a refurbishment scheme, or would themselves require elements of work which would use significant amounts of carbon. These include the need for a replacement façade which performs significantly better in terms of thermal performance, and the replacement of the buildings mechanical and electrical equipment which is at the end of its life and would need to be replaced in full.

Challenges to refurbishment

The following points are identified as being challenges to refurbishment:

- Low floor to ceiling heights;

In terms of ceiling heights several different options to heat and cool the office element were tested to see which would allow the greatest heights. Under floor air conditioning was considered the most suitable as, although it would have a relatively high operational energy spend, it would provide the maximum floor to ceiling heights. However, these would still only be a maximum of 2.34m, which would be further reduced by lighting fixtures to 2.25m, before gradually reducing to 2.05m close to the structural columns. In comparison a new building would be able to provide improved commercial accommodation with floor to ceiling heights of 2.7m.

- The existing concrete structure is uninsulated;

The existing concrete structure is uninsulated and to insulate this to future fit performance requirements both façades would need to be removed completely with a

bay of the building on Dean Street demolished in full because of its proximity to the site boundary line. The upfront embodied carbon of these works was assessed and found to be relatively high.

- Ongoing carbon intensive refurbishment works and any additional floors would require strengthening to the existing structure, even if no additional basements are proposed;

If a refurbishment scheme were progressed, further carbon intensive refurbishment works would likely be undertaken comparatively frequently. Any uplift in floor area would require strengthening of existing structure, particularly in the basement where punctured holes appeared to have compromised the structural strength. It is also important to acknowledge that the existing structure is at least 80 years old and is considered to be at the end of its design and service life.

- Mechanical and electrical equipment would need to be replaced in full; The engineering services vary in age with services dating back over 20 years. The majority, including large plant such as AHUs and chillers are expected to come to the end of their economic and serviceable life within the short term and would need to be replaced in full.

- A low carbon heating, cooling and ventilation system could not be provided; A low carbon efficient heating, cooling and ventilation system could not be provided due to low floor to floor heights in the existing building structure and significant downstand beams.

- Inflexible column grid; There are regular columns on a tight grid which limit the potential for future office flexibility.

- Accessibility concerns; Level access from Soho Square could not be provided due to the slope across the site and the existing ground floor slab.

- Repositioning the core. Repositioning the core to give a modern efficient reception and floorplate would result in significant structural interventions.

The applicants concluded that a refurbishment and extension scheme would not be able meet modern standards due to the constraints of the existing structure and therefore is unable to provide a long-term, sustainable solution for the site. Instead, it was decided to seek to progress a new building using low carbon construction and significantly improved operational energy use.

The applicants have demonstrated a thorough investigation of the existing materials and the resulting circular economy in place is considered robust, integrating as much of the deconstructed elements as possible within the new design, while off-site reuse is also proposed, leaving less materials to be recycled. This approach follows most closely the policy requirement of showing breadth and depth of the circular economy strategy.

The proposed re-used and recycle content within the scheme exceed GLA’s minimum standard by setting bespoke targets and exceeding the business-as-usual targets as set below:

KPI	Unit	Requirement	Aspiration
Cement replacement - Cast in-situ concrete substructure	%	40%	60%
Cement replacement - Cast in-situ concrete superstructure	%	25%	50%
Cement replacement - Pre- cast concrete	%	15%	25%
Recycled content - Structural steel	%	20%	30%
Recycled content - Aluminium	%	50%	80%
Recycled content - Blockwork	%	25%	40%

Whole Life-cycle Carbon

Whole Life Carbon emissions are the total greenhouse gas emissions arising from a development over its lifetime. This includes the emissions associated with the raw material extraction, the manufacture and transport of building materials, as well as the installation / construction, operation, maintenance of the development and the eventual material disposal.

Whole Life Carbon Assessments account for all components relating to the project during all life stages, which are set out below:

1. Product Stages (module A1 to A3): The carbon emissions generated at this stage arise from extracting the raw materials from the ground, their transport to a point of manufacture and then the primary energy used (and the associated carbon impacts that arise) from transforming the raw materials into construction products.
2. Construction (module A4 to A5): These carbon impacts arise from transporting the construction products to site, and their subsequent processing and assembly into the building.
3. In-Use Stages (module B1 to B7): This covers a wide range of sources from the embodied carbon emissions associated with the operation of the building, including the materials used during maintenance, replacement, and refurbishment.
4. End of Life Stages (module C1 to C4): The eventual deconstruction and disposal of the existing building at the end of its life takes account of the on-site activities of the demolition contractors. No 'credit' is taken for any future carbon benefit associated with the reuse or recycling of a material into new products.
5. Benefits and loads beyond the system boundary (module D): Any potential benefit from the reuse, recovery and recycling potential of a building or a building project.

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A whole life carbon assessment comparing various scheme options has been submitted by the applicant in support of the scheme. The Product and Construction stages (modules A1 - A3, and A4 - 5, demonstrates that the total upfront carbon emissions for the proposed development would be 656 kg CO₂e/m² GIA, which is significantly below the GLA benchmark of 950 kg CO₂e/m² for office developments and very marginally below the previous scheme (657 kg CO₂e/m² GIA).

Whole Life Embodied Carbon (modules A - C): demonstrates that the whole life embodied carbon emissions associated with the breakdown of elements for modules A, B and C (excluding the operational phase of modules B6 and B7) is 1,051 kg CO₂e/m². This figure falls well below the GLA benchmark of 1400 kg CO₂e/m² for office developments and below the 1,107 kg CO₂e/m² figure of the previous scheme, which is because of a reduction in the end of life impact mainly driven by the reduction in the steel tonnage due to removal of the bazaar raking columns.

At this stage these figures do not capture the aspirational level of re-used content for the new development, though as part of design development which would take place at a later stage, measures are provided as part of the whole life carbon assessment which target figures which are below the GLA's aspirational benchmarks (597 kg CO₂e/m² and 969 kg CO₂e/m² respectively). A condition is proposed to capture the recycled content for all structural steel profile as well as whole life carbon assessment submissions at pre-commencement, construction, and post-completion stages, ensuring that reuse is maximised and further savings are achieved. The applicants have stated that there are processes in place to continue workshops on reuse with the contractor and design teams, bringing confidence that the team is aware of the engagement needed for meaningful circularity and emissions reductions. The table also shows the carbon figures for a 'medium refurbishment scheme' which were progressed as part of initial design work. Due to shortcomings with the current premises, this would require an element of demolition to allow the currently uninsulated internal walls to be insulated. Based on the proposal aspirations, the redevelopment scheme would result in an additional 14% carbon emissions over the whole life cycle when compared to a the 'medium refurbishment scheme'.

Table – Whole life cycle emissions of development options

	1. Medium refurbishment scheme	2. The Proposed Scheme (current figures)	3. Aspiration for the proposed scheme	4. Refused scheme (ref. 23/00484/FULL)	5. GLA aspirational benchmark	6. GLA benchmark
Upfront carbon ('cradle to practical completion') (i.e. Modules A1-A5) (kgCO2e/m2)	468	656	597	657	<600	<950
Whole life carbon ('cradle to grave') (i.e. Modules A-C (excluding B6 and B7)) (kgCO2e/m2)	850	1,051	969	1,107	<970	<1400

The table shows that the redevelopment scheme would result an additional 14% carbon emissions over the whole life cycle when compared to a the 'medium refurbishment scheme'.

Sustainability initiatives of the proposed new building

The scheme includes the following sustainability initiatives:

- Building materials have also been selected based on their environmental credentials including their recycled content. The scheme targets using 80% repurposed steel from other sites;
- The construction would use Cross Laminated Timber floor slabs and ultra high performance concrete as a facing material, providing a low-carbon design;
- Retention of 21% of basement structure;
- Energy efficient mechanical and electrical systems. Openable windows would be provided to reduce the need for air conditioning;
- Provision of renewable energy generation on-site, including PV panels and air source pumps.

Energy Performance

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

1. be lean: use less energy and manage demand during operation
2. be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
3. be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
4. be seen: monitor, verify and report on energy performance.

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

Table 3: Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	1.78	5.68%
Be Clean: Savings from heat network	0	0%
Be Green: Savings from renewable energy	2.58	8.69%
Cumulative on-site savings	4.36	13.88%
Carbon shortfall	27.1	-
	Tonnes CO ₂	
Cumulative savings for offset Payment (tonnes)	814	
Cash-in-lieu contribution	£268,290	

The baseline against which the carbon emissions savings have been calculated is Part L 2021 of the Building Regulations. The carbon intensity factors adopted for the calculations are in line with the Greater London Authority (GLA) methodology as set out in their Energy Assessment Guidance. The overall target of achieving an on-site regulated carbon emissions reduction of 35% over Part L 2021 is challenging to achieve, as acknowledged in the GLA's guidance. However, the applicant has made significant efforts to reduce emissions through the Energy Hierarchy, as set out below, and is aiming to achieve a BREEAM rating of outstanding the highest possible which is recommended to be conditioned).

Be Lean:

In the 'Be Lean' stage, the applicant has integrated passive design principles to enable the building to be less reliant on heating, cooling, ventilation and air conditioning systems and minimise dependence on artificial lighting.

The proposed development is set to achieve a 20% carbon emissions reduction through energy efficiency measures compared against the 2013 benchmark and a 5% saving measured against the 2021 benchmark.

The proposed development includes the following measures:

- Highly efficient building fabric properties with U-values and air permeability beyond the standards set out in Part L of the Building Regulations 2021;
- High-efficiency ventilation with heat recovery; and
- Energy efficient light fittings.

Be Clean

In the 'Be Clean' stage, there is no existing or potential future district heating network in close proximity to the site.

Be Green

In the 'Be Green' stage, the applicant proposes to use a heat pump system to provide heating and hot water. In addition, rooftop photovoltaic provision is included to generate renewable electricity. The inclusion of heat pumps and photovoltaic panels would result in a 37% saving against the Part L 2013 benchmark and a 6% saving against the Part L 2021 benchmark.

Net Zero

The applicant explains the proposed development would achieve an overall reduction of regulated carbon emissions savings of 11% against Part L of the 2021 building regulations.

In relation to net zero carbon, there would be a shortfall which the applicant calculates as 29.1 tonnes of carbon annually. As set out in the GLA's Energy Assessment Guidance, shortfalls must be met off site or through a payment in lieu contribution of £95 per tonne (for a 30-year period) to the Council's Carbon Offsetting Fund. The shortfall in this case is to be met through a payment in lieu contribution amounting to £82,324 which is recommended to be secured by legal agreement.

Be Seen

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

Circular Economy

London Plan Policy SI 7(B) requires referable application (such as the development proposal) to promote circular economy outcomes and aim to be net zero-waste. The policy requires that a Circular Economy Statement should be submitted to demonstrate:

- 1) how all materials arising from demolition and remediation works will be re-used and/or recycled
- 2) how the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life
- 3) opportunities for managing as much waste as possible on site
- 4) adequate and easily accessible storage space and collection systems to support recycling and re-use
- 5) how much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy
- 6) how performance will be monitored and reported.

The Mayor of London adopted the Circular Economy Statement guidance in March 2022. This guidance states, "CE [Circular Economy] statements, or elements of the statement, can be submitted as compliant or pioneering. To demonstrate the promotion of Circular Economy outcomes in line with Policy SI 7, all Circular Economy statements should aim to set out best practice, rather than recording business-as-usual activities" (Para. 3.4.1).

City Plan Policy 37(C) states, "Developers are required to demonstrate through a Circular Economy Statement, Site Environment Management Plan and/or associated Site Waste Management Plan, the recycling, re-use, and responsible disposal of Construction, Demolition and Excavation waste in accordance with London Plan targets and the council's Code of Construction Practice (CoCP)". The accompanying guidance states, "Implementing the waste hierarchy and promoting circular economy principles is key to reducing the amount of waste produced and ensuring that more materials are reused, repaired and recycled" (p. 94 of the Environmental SPD).

The Circular Economy Statement that accompanies the application sets out the applicant's strategy through the design and delivery of the scheme. The statement considers resource conservation, waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal.

New material elements have been selected based not only on their technical properties but also their environmental credentials including recycled content and ease of future reuse / disassembly. This includes using Cross-Laminated (CLT) flooring slabs, timber framed windows rather than high carbon aluminium, high percentages of cement replacement for the sub and super structure.

To ensure maximum potential in terms of re-using fabric from the current building, a Reuse Viability Audit and Pre-Demolition Audit was undertaken to understand the extent to which existing structures and materials could be retained and / or reused.

The Applicant is targeting 99.9% diversion of demolition and construction waste material from landfill with aspiration to reach 100% for all non-hazardous materials. This exceeds the minimum requirement of 95% by the GLA. The submitted Site Waste Management Plan confirms that 100% of the concrete, hardcore, mixed metals, timber plasterboard, glass and ceramic tiles will be re-used, recycled or recovered either on or off-site. 30%

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of building material elements comprise of recycled or re-used content, with an aspiration to reach 50% during technical design. This exceeds the GLA's benchmark of 20%.

In line with the updated GLA Circular Economy Statements Guidance, a post-completion report would be included within an updated Circular Economy Statement once the proposed development has been fully built out. It is recommended that this is secured by condition.

Air Quality

An Air Quality Assessment, has been submitted as part of this application which considers both the construction and operational phases of the proposed development.

The assessment of construction impacts associated with dust and fine particulate matter concludes that through good site practice and the implementation of recommended mitigation measures, the effect of dust on air quality during the construction phase would not be significant. As there are no car parking spaces associated with the proposed development, changes in vehicular trips to the site would be insignificant. The development would therefore have an insignificant impact on local air quality and would comply with the Air Quality Neutral requirements for road traffic emissions. Heating at the Site would be provided by all-electric ASHPs and there would be no on-site gas use.

The proposed development would be Air Quality Neutral and would comply with London Plan Policy SI 1, City Plan Policy 32 and Soho Neighbourhood Plan policy 19.

Flood Risk & Sustainable Drainage

The site is in Flood Zone 1 and not within a surface water hotspot and therefore has a low risk of surface water flooding from either fluvial or surface water flooding.

A Flood Risk Assessment and Surface Water Drainage Strategy have been submitted in accordance with City Plan Policy 35. This aspect of the application is considered to be acceptable.

Ventilation and Extraction

A Ventilation and Extraction Statement has been submitted as part of this application.

The office accommodation will have openable windows on each floor and an air circulation system removing pollutants. The retail unit would have high level louvre bands on the Dean Street elevation to allow for fresh air supply and extract to the outside. This accords with City Plan Policy 33(D).

Environment & Sustainability Summary

The applicant has submitted satisfactory evidence that the refurbishment and replacement of the existing building has been fully investigated.

Whole life carbon assessments for both options illustrate that whilst the option to redevelop would be the more carbon intensive option, the environmental impact is significantly minimised due to the following:

- Careful choice of building materials, in which materials with a high embodied carbon content have been discounted;
- Following very high circular economy aspirations;
- Improved energy performance of a new building.

With regards to construction materials, the proposed scheme is mainly hybrid steel and cross laminated timber, with a concrete core and ground floor slab. The biggest carbon savings will arise from sourcing recycled steel, and the applicant has engaged and committed to a supplier to ensure availability. The circular economy aspirations are commendable, imposing a strict carbon budget for each building element and aiming to be net-zero waste. The use of re-used and recycled materials will be maximised on site. The approach is welcomed. The Whole life carbon emissions (A1-C4) are calculated at 1051 kgCO₂e/m², which exceed GLA benchmarks. The carbon emissions through the operations of the new building will be improved over Building Regulation requirements, which is also welcomed.

Although retaining various elements of structure and substructure is technically possible, this would not enable the delivery of a scheme with the same public benefits including the proposed ground floor bazaar, grade A office floorspace, a new building that provides townscape improvements and improved accessibility. Furthermore, as stated the proposed redevelopment scheme would not be significantly more carbon intensive than a refurbishment option.

Objections have been received that a retro fit scheme rather than a redevelopment scheme should have been pursued. The sustainability credentials of the development including the proposed demolition were considered to be acceptable when the previous scheme was determined in December last year. This aspect of the application is again considered acceptable. Overall, it is considered that the submission demonstrates the development will result in an acceptable environmental impact, in accordance with NPPF, London Plan and City Plan policies.

9.3 Biodiversity & Greening

The application seeks to incorporate as much urban greening into the scheme as possible. An Urban Greening Factor (UGF) assessment has been undertaken and the expected score is 0.11. This is derived from 130 m² of green roofing, 35 m² of planting on terraces, 130 m² of ground floor planting (off Soho Square) and 50 m² permeable paving. This is a significant uplift in greening where there is none at present. The greening does fall short of the target of 0.3 as set out in London Plan policy G5. This is due to the extent of terraces proposed which are considered to be an important amenity facility for the office accommodation. This aspect of the application is considered to be acceptable.

London Plan Policy G6(D) requires development proposal to manage impacts on biodiversity and aim to secure net biodiversity gain. City Plan Policy 35(G) states, *“Developments should achieve biodiversity net gain, wherever feasible and appropriate. Opportunities to enhance existing habitats and create new habitats for priority species should be maximised. Developments within areas of nature deficiency should include features to enhance biodiversity, particularly for priority species and habitats”*.

The Biodiversity Impact Assessment that accompanies the application states that the current site has a biodiversity value of 0.01 and the proposal would increase this to 0.12. The proposal would achieve a net gain of 0.11 which is welcomed.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (‘the LBCA Act’) requires that “In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 66 of the LBCA Act requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

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

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

Existing Building

2-4 Dean Street is a purpose designed commercial building of 1930 located in the Soho Conservation Area. It was designed by North, Robin & Wilsdon architects. The building is six stories in height in red brick to Dean Street elevation, and a stair tower to Soho Square in white render.

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At ground floor the building has an undistinguished late twentieth century supermarket shopfront. Above this, six bays of minimally detailed red brick, with pavilions at the north and south ends, with a mansard style roof between. The façade is understood to have been altered in the 1990s.

On top of the original roof level a seventh storey roof extension dates from 2002. This is a lightweight, set back extension which, while of no architectural merit, is not discernible in either public or most private views.

The building is adjoined to the south by the six-storey 5 Dean Street, and to the north by the seven storey 1 Dean Street. The pavilions are broadly of a height with the adjoining buildings, though the southern pavilion has been built slightly taller than the northern.

On the Soho Square elevation the stair tower is adjoined by two listed buildings; the grade II* French Protestant Church and the grade II 6 Soho Square. The Soho Square portion of the site therefore forms part of the setting of these two listed buildings.

The building is considered to make a neutral contribution to the character and appearance of the conservation area.

Demolition - principle

The proposed scheme sees the demolition of both the Dean Street and Soho Square portions of the building.

The principal Dean Street portion of the building makes no positive contribution to the character or appearance of the conservation area; Its materials are poor, the fenestration is characterless and the lack of detail or ornamentation goes beyond simplicity to monotony.

The replacement of this building with one of a more considered architectural treatment has the potential to make a positive contribution to the character and appearance of this part of the conservation area,

The Soho Square element of the building is of higher architectural quality. It has simple and restrained art deco detailing; square section pilasters between steel framed windows, and crow step pediment. While the Soho Conservation Area Audit (2005) does not identify it as an unlisted building of merit (as it is only one element of the wider 2-4 Dean Street) this facade is nonetheless considered to make a modest positive contribution to the character and appearance of the Soho Conservation Area.

The demolition of this portion of the building will therefore only be acceptable if the replacement building makes an equal or greater contribution to the character and appearance of the area.

Objections have been received to the loss of this part of the building, including from the Soho Society. Based on the modest contribution of the existing building, and the quality of the proposed replacement (see below), the loss of the stair tower is considered to be

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acceptable in terms of the character and appearance of the conservation area and the setting of the adjacent listed buildings,

Demolition - French Protestant Church chimney

The demolition and rebuilding of the chimney stacks to either side of the Soho Square portion of the site (to the grade II French Protestant Church, and the grade II building at 6-8 Soho Square) has already been consented. (23/00375/LBC and 23/00373/LBC).

Bulk and mass – Dean Street

The proposed Dean Street elevation takes its height from the adjacent building to the south – 5 Dean Street. There is an increase in terms of visible mass; the recessive mansard element between the two end pavilions is replaced with a sheer storey, resulting in additional bulk at sixth floor level. Additional storeys are set back, reducing their visibility in views from the street.

The height of this element has been changed since the previous submission; in the original application the shoulder height of the façade was derived from the height of the existing end pavilion, which is slightly higher than the neighbouring building. This alteration, though modest, is considered to be an improvement.

The immediate context of the building is the new Crossrail over-station development buildings, which face the site across Dean Street, and adjoin to the north. The scale of the proposed building relates well to these newer neighbours. Buildings to the south are of a smaller scale.

Bulk and Mass – Soho Square

There is an increase in bulk visible in views from Soho Square. Three views are shown within the application materials; a close view from the northwest corner of the square, a view along the north side of the square and a longer (winter) view across Soho Square gardens.

Since the previous submission the bulk of the building has been reduced by a reduction in floor to ceiling heights. The additional bulk in the close view (rising above the listed chimneys of 6 Soho Square) is now negligible.

At sixth floor level, the massing previously proposed directly above the Soho Square façade has been set back by a further 6.5m, to reduce the level of its visibility from views within Soho Square. This also serves to break up the form compared with the previous shape.

The increased bulk will be most apparent in longer winter views across the square. The applicant has responded to concerns regarding the visibility of the upper storeys by further altering the colour of the facing material at these levels to provide a lighter, and less visually obtrusive upper elevation.

Materials

The proposed material for all for the new elevations is Ultra High Performance Concrete (UHPC). This concrete material is reinforced with filaments of metal. It is possible to achieve relatively fine detailing on the moulded panels, and the material is self-coloured using the addition of pigments. The choice of UHPC for the facades was driven by the need for a lightweight material given the proposed use of timber floorplates.

The UHPC will replace poor quality brick. While a more traditional building material, such as a higher quality brick, would be more consistent with the Soho palette of materials found to the south, the use of UHPC allows for a more sustainable building in terms of the use of CLT floor slabs and reused steel frame.

To the Soho Square elevation the use of the UHPC is comparable to the existing render in terms of the materiality. The fine details achievable using UHPC allows for a more intricately modelled detail; two different scales of dentil detailing. The final detail of the colour of the elevation remains to be fixed, and would be subject to a condition.

Design

The proposed design uses a repeated window detailing a grid system, which the architects have based upon a study of warehouse-type buildings in the area (historically the site was occupied by a Soho warehouse).

The façade grid, while superficially similar to the existing elevation, increases the number of bays from six to ten, and consequently reduces the size of those bays, resulting in a more cellular appearance.

A significant change to the elevation since the previous application is the omission of the double height arcade (or 'bazaar'), which previously cut through the plot, with a double height opening to Dean Street. Double height openings are becoming more typical of Oxford Street, but have not become established on smaller Soho streets.

The building now has a much more conventional single storey shopfront and opening which sits more comfortably within its Dean Street context.

The use of UHPC allows for a finely detailed finish; the spandrel panels and ground floor stallriser are proposed using a dogtooth moulding detail in two different scales.

On the Soho Square elevation the most striking amendment is the change in colour from a brick red to off white. The previously proposed red finish was intended to provide a neighbourly contextual colour in relation to the adjacent French Protestant Church. The currently proposed elevation reverts to the existing white finish, which breaks up the buildings in this corner of the square.

The proposed Soho Square façade has been further amended by increasing the depth of the spandrel panels and reducing the amount of glazing. The proposed elevation now has a solid-to-glazed ratio which is more consistent with other Soho Square buildings. It does not replicate the ratio in the existing façade.

The façade incorporates more fine detail than the Dean Street elevation. The dog tooth detail is used once again, in combination with deep mullions and a frame to the second

and third floors and a cornice to the fourth floor. The currently proposed design is considered to make a improved contribution to the character of the conservation area in comparison with the previous scheme. The currently proposed façade is considered to make an equal, or slightly greater contribution to the character and appearance of the conservation area than the limited contribution made by the existing building.

The windows to the proposed building are larger than the existing, resulting in a greater glazing to solid ratio. An objection from the Soho society considers that the proportion of glazing is excessive, and will not form a suitable setting for the adjacent listed buildings.

The applicant has demonstrated that other (historic) buildings in Soho Square do have a greater degree of glazing than the existing. The existing building has a relatively modest solid to glazing ratio, which can be somewhat increased without detriment to the character of Soho Square.

The elevations of the new building enclosing the lightwell to the south side of the building were shown in the original submission as a dark red colour. This has now been revised to a stock brick colour to minimise the appearance of this element above the grade II listed 6 Soho Square.

Strategic Views

The Site is located within the viewing corridor of the Parliament Hill to the Palace of Westminster panorama protected vista from assessment point 2B.1 (east of the summit), as identified in London Plan Policy HC3, and the LVMF. Heights above 56.82 metres AOD at this Site would affect the viewing corridor of this protected vista.

The top of the plant enclosure would breach the viewing corridor by 0.3 metres and the lift overrun would breach the corridor by 1.4 metres. Existing and proposed views provided by the applicant show that due to the distance from the viewing point, the relatively small increase in height and the massing already in the background of this view, that this development would not detrimentally impact the view of the Palace of Westminster.

Public Art

Public art is proposed as part of the Dean Street ground floor facade; a cast metal panels is proposed adjacent to the secondary office entrance. While the specific public art has yet to be commissioned, the intent is that the work would reflect the culture and heritage of Soho. The public art would be secured by condition.

A further proposal for art is to create a mural in the yard to the rear of the site. While a welcome contribution to the cultural offer of the scheme, a piece in this location is not considered to be public art, as it is located entirely within the private portion of the scheme, albeit accessible to the visiting public.

Harm and benefit.

The previous submission was assessed as causing less than substantial harm to the character and appearance of the conservation area, largely by reason of the increased bulk visible in views across Soho Square.

The current proposal has been amended, with a number of improvements:

- Omission of the bazaar
- Reduced parapet height to Dean Street
- Change of colour to Soho Square
- Improved detailed design to Soho Square elevation
- Change of colour to new mass at upper storeys
- Removal of bulk at sixth floor
- Reduced overall height

The loss of the Soho Square stir tower elevation and replacement with new elevation is considered to cause no harm. There is still increased bulk in views from Soho Square, which following the changes made to the scheme, now causes less harm than the original proposal. This harm is considered to be at the lowest end of less than substantial. The design and wider benefits of the scheme are considered to outweigh this harm,

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 a person who holds a BSc (Hons) in Fire Safety Engineering and a MSc in Fire Safety Engineering & Explosions. 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.

Archaeology

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest and therefore no further assessment or conditions are necessary.

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. This application proposes a slight reduction in the bulk and mass of the new building in comparison to the scheme determined in December 2023. The new building was considered acceptable in terms of the impact it would have on the amenity of the occupants of nearby properties. There has been no material change in circumstances. The assessment on the impact on amenity remains as reported under the previous application. For completeness this is again set out in full in this report.

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 includes the French Protestant Church at 8-9 Soho Square. Offices are normally artificially lit spaces and would therefore have a low expectation of natural light when compared to dwellings.

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.

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. 1 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 support of the application a daylight and sunlight study has been submitted (by GIA chartered surveyors) which assesses the impact of the development on the following properties:

- 102-103 Dean Street and 101 Oxford Street;
- 95 Dean Street,
- French Protestant Church 8-9 Soho Square,
- 11-14 Soho Street and 61 Oxford Street,
- 10 Soho Street, and
- 10 Soho Square.

The study shows that there are no breaches in BRE guidelines with regards to 11-14 Soho Street and 61 Oxford Street, 10 Soho Street, and 10 Soho Square.

There are breaches in BRE guidelines at three of the properties assessed (102-103 Dean Street and 101 Oxford Street, 95 Dean Street, and French Protestant Church 8-9 Soho Square). The impact on each of these properties is discussed below.

102-103 Dean Street and 101 Oxford Street

Daylight

The table shows the technical breaches in both VSC and NSL levels to windows and rooms at 102 Dean Street/101 Oxford Street.

Use of room	Window	VSC existing %	VSC prop %	VSC loss	VSC % loss	NSL Existing %	NSL Prop %	NSL loss M2	NSL % loss
Bed	W8/F)1	0.2	0	0.2	100%	13.9	2.6	1.5	81.4%
LKD	W9/FO1	1.3	0.4	0.9	69.2%	19.3	10.6	3	44.9%
LKD	W12/FO1	0.3	0	0.3	100%	14.3	7.4	2.8	47.9%
LKD	W15/FO1	0.2	0	0.2	100%	18.5	12.3	1.4	25%
Bed	W8/FO2	0.4	0	0.4	100%	21.9	0	2.8	100%
LKD	W9/FO2	0.4	0	0.4	100%	24.5	7.9	5.7	67.8%
LKD	W12/F02	0.5	0	0.5	100%	18.2		4.2	55.8%
LKD	W15/F02	0.2	0	0.2	100%	19.9	12.9	2.3	35%
LKD	W5/F03	4.3	3.4	0.9	20.9%	89.2	86.4	1.3	3.1%
LKD	W14/F04	0.5	0.3	0.2	40%	32.5	31	0.5	4.6%
LKD	W17/F04	1.7	0.9	0.8	47.1%	34.4	34	0.1	1.1%

This property is located to the west of the site. 96 windows were assessed of which 85 achieve compliance with BRE in terms of VSC. There are 11 windows which will experience a loss in VSC levels above the 20% guidance set out in the BRE guidance. As the VSC figures in the table above show, in the case of all 11 windows the existing VSC levels are extremely low, being 1.7% or less (significantly below the 27 % which the guidelines recognise as a good level of daylight). The existing low VSC levels to these 11 windows are attributed to undulations of the façade of the building where the windows are located under recesses. The table shows that the development will result in very minor actual reductions in VSC levels to the windows. However, the design of the windows creates a position in which very small absolute changes in light exceed the 20 % percentage reduction and technically breach BRE guidelines. All windows that are flush on the façade all achieve BRE compliance.

This is also the position with regards to the NSL assessment. In total 57 rooms have been assessed and 49 would achieve compliance. There are breaches to the guidelines

with respect to 8 rooms which are shown in the table above. Again in the case of all 8 rooms where there are technical breaches in BRE guidelines in respect to NSL figures the actual impact in terms of the area of the room where skyline would be lost is very small in all cases. Furthermore the rooms are deep rooms (one room is over 11m in depth) with recessed windows. The BRE guidelines states that 'if an existing building contains rooms lit from one side only and greater than 5m deep then a greater movement of no sky- line may be unavoidable.'

Sunlight

Of 36 windows that have been assessed 34 achieve BRE compliance. There are 2 isolated cases of losses to APSH beyond the guidance. The study shows that windows which receive APSH of 6% and 4% would be reduced to 1%. The figures show that the absolute losses are minor.

95 Dean Street

This property is also located to the west of the site, south of 102-103 Dean Street and 101 Oxford Street (discussed above). The table below shows VSC and NSL figures for 95 Dean Street.

Use of room	Window	VSC existing %	VSC proposed %	VSC loss	VSC % loss	NSL existing	NSL proposed	NSL loss M2	NSL % loss
LKD	W11/F01	11.8	9.4	2.4	20.3%	16.9	13.3	1.1	21.2%
Bedroom	W9/F02	15.9	12.7	3.2	20.1%	25.7	15.7	1.7	39.1%
Bedroom	W10/F02	16	12.2	3.8	23.8%	28.5	14.8	2.1	48.1%
LKD	W11/F02	15.9	12	3.9	24.5%	24.1	16	2.5	33.4%
LKD	W12/F02	0.2	0	0.2	100%				
Bedroom	W9/F03	20.9	16.2	4.7	22.5%	48	23.5	4.1	51.1%
Bedroom	W10/F03	21	15.4	5.6	26.7%	52.4	21.2	4.8	59.4%
LKD	W11/F03	21.1	15.1	6	28.4%	48.2	22.4	8.3	54.1%
LKD	W12/F03	1	0.2	0.8	80%				
LKD	W13/F03	1.7	0	1.7	100%				
Bedroom	W7/F04	27.4	21.1	6.3	23%	77.4	37.9	6.2	51%
Bedroom	W8/F04	27.6	20	7.6	27.5%	94.2	30	9.8	68%
LKD	W9/F04	27.6	19.4	8.2	29.7%	84.7	35.6	15.5	58%
LKD	W10/F04	1.9	0.8	1.1	57.9%				
LKD	W11/F04	4.3	0	4.3	100%				
Bedroom	W7/F05	33.8	26.3	7.5	22.2%	99.1	78.8	2.9	20.5%
LKD	W8/F05	33.4	25.5	7.9	23.7%	98.2	91.5	2.1	6.8%

The daylight/ sunlight study shows that there will be a similar minor impact on 95 Dean Street. Of a total of 68 windows that have been assessed for VSC levels 51 would achieve BRE guidance. 17 windows would experience losses of more than 20% above the BRE criteria.

Of these 17 windows, 8 windows that would experience losses between 20-30% would retain VSC values over 15 %. Retained VSC levels of over 15 % are not uncommon for central London. Of the remaining 9 windows as is the case at 102-103 Dean Street the windows all have extremely low existing VSC values of less than 4.3% from a target of 27%. This can be attributed to the fact that the windows are inset behind balconies. The balcony above the window blocks the window from receiving skylight. In such circumstances, even modest absolute changes in VSC are disproportionately high when the actual quantum of light loss is not that significant.

With regards to the NSL impact, of 37 rooms assessed 20 would achieve BRE compliance. Of the 17 rooms where the BRE criteria is breached again the absolute change is very minor but as the rooms are recessed beneath balconies which impacts on the direct skylight received.

In summary the study shows that although there will be technical breaches in both the VSC and NSL levels to windows and rooms at both No's 95 and 102-103 Dean Street in terms of percentage losses, the actual/ absolute losses are low and the impact on the residential flats at both buildings would not be significant.

Sunlight

All 12 windows assessed for APSH achieve BRE compliance.

French Protestant Church 8-9 Dean Street

The church is located to the east of the application site on Soho Square. An objection has again been made on behalf of the church on the grounds that the development would result in a material loss of light to the church.

The daylight and sunlight report assess VSC and NSL. Of 58 windows assessed 42 would achieve BRE compliance. 16 windows that would experience losses over 20%. Of these 15 windows serve the main Church Hall which is lit by a total of 37 windows. The VSC value is calculated for each window however the BRE guidance states that 'if a room has two or more windows of equal size, the mean of their VSC's may be taken'. In applying this to the main church hall, an average VSC of 12.5% would be reduced to 9.8% which would be a 21.6% reduction (in absolute terms the loss would be 2.7%). The remaining window that would also experience a loss of VSC serves a smaller hall. Again this smaller hall is lit by windows that achieve BRE guidance.

Of 13 rooms assessed for NSL all but one achieve BRE compliance. The one room that exceeds the criteria is only reduced by 20.9% (from a 20% target). The impact on the daylight to the church is considered to be minor.

Sunlight

In relation to sunlight, of the three rooms that require sunlight consideration, two will adhere to the BRE Guide. The one room that experiences a change in sunlight only sees 9% annual sunlight in the existing, which would be reduced to 3% in the proposed. This very limited level of sunlight reduction is unlikely to cause a material change in how the space is used and experienced.

Daylight and Sunlight conclusion

Although there are some small transgressions from the strict application of the BRE guidance, it is considered that the living conditions of the residential flats assessed and the Church environment would not be materially and adversely effected.

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 both higher and bulkier than the existing building on the site. The impact of the additional height of the building will be mitigated by progressive setbacks at 5th to 7th floor levels. Overall, given the setbacks and given the distance between opposing properties it is not considered that there will be a detrimental impact in terms of an increase sense of enclosure to neighbours.

Overlooking and Noise from Roof Terraces

The scheme includes roof terraces at 5th to 7th floors. There is an existing roof terrace at 6th floor level. The proposed roof terraces will be no closer than the existing terrace. Given this and that given that roof terraces will be used in connection with offices are not generally used at anti-social times, the roof terraces are unlikely to give rise to a significant impact on neighbours in terms of overlooking or noise. In order to ensure that this is the case conditions are recommended in order to ensure the roof terraces are not used at inappropriate times

Noise & Vibration from Plant Equipment and Internal Noise

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 in parts of the basement and at roof level. The application includes an acoustic report. This aspect of the application is considered acceptable subject to conditions which are recommended on the draft decision notice.

9.6 Transportation, Accessibility & Servicing

Accessibility

City Plan Policy 38 states that all development will place people at the heart of design, creating inclusive and accessible spaces and places. The current building does not have level access there are three steps up into the building from the Soho Square entrance. The steps will be replaced with a shallow ramp providing level access to the new building which is welcomed.

Servicing

City Plan Policy 29 and London Plan Policy T7 expect off-street servicing to provided in new developments. At present, the building is serviced on-street at Soho Square. The permitted servicing hours are between 7-9am or 6-11pm Mondays to Saturdays and between 7:30-9:30am or 1:30-8pm on Sundays.

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There is an under-croft at 7 Soho Square with access from the road, but this is too small to accommodate servicing vehicles off-street. It is accepted that it is not possible to undertake servicing within the site. There is currently no vehicular through route in front of the building on Dean Street and pedestrian movement is particular high in this area due to the Tottenham Court Road station entrance. At the narrow Soho Square frontage, there would not be adequate space for a servicing vehicle to enter or turn within the site, reversing vehicles in particular would also cause conflicts with the office entrance, within the pedestrianised courtyard area, and over the public footway. This was accepted in principle as part of the 2023 application.

Therefore, it is proposed to undertake servicing as per the current situation, on-street from Soho Square. Retail deliveries would be undertaken in accordance with the existing servicing regime between the hours of 7-9am and 6-11pm Mondays to Saturdays and 7-9:30am and 1.30-8pm on Sundays. The office servicing hours would be managed so that they could only take place between 7am to 6pm daily. No deliveries or servicing would be undertaken on Dean Street.

The applicant's transport statement refers to the possibility of creating an off street loading bay on Soho Square. Soho Square has double or single yellow lines which means that vehicles should not park there but can load/unload, so a formal loading bay is not required. Continuing to carry out servicing on street from Soho Square is acceptable. A condition is recommended that the development operates in accordance with an approved servicing management plan (SMP). On this basis this aspect of the application is considered acceptable.

The proposal involves removal of a dropped curb at 7 Soho Square and reinstatement of the footway. This will be secured as part of the S106 Planning Obligations.

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. A dedicated refuse room would be provided at basement level for all users of the building. This has been designed to handle two days of waste and accord with Westminster's Recycling and Waste Storage Requirements. The Waste Project Officer has confirmed that this is acceptable. It is recommended that the provision and retention of the refuse storage area is secured by condition.

Cycling & Cycle Storage

London Plan Policy T5 and Chapter 8 of the London Cycle Design Standards (LCDS) set cycle parking standards. Based on the floorspace figures the development needs to provide 111 long stay spaces and 67 short stay spaces. The development would provide 170 long stay cycle parking spaces at basement level. The cycle room would be accessed via the courtyard area off Soho Square, a lift would then provide access to the basement level from the ground floor.

The lack of short stay cycle parking is regrettable, however the applicant's argument that there is no suitable external space within the applicant's ownership to provide short stay

cycle parking, and due to the nature of the nearby streets and Soho Square, there are no opportunities to provide on-street bike racks is accepted. It is recommended that the provision of the proposed cycle parking and changing facilities are secured by condition.

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 would be minimal and consistent with City Plan Policy 27 and London Plan Policy T6.1.

9.7 Economy including Employment & Skills

Commercial areas of the city have been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their continued post pandemic recovery. The proposed development will contribute to the recovery of the CAZ in accordance with City Plan Policies 1, 4 and 13 by providing new and higher quality office floorspace, which will increase the number of office based jobs on the site, and will improve the contribution that the site makes to the local economy. As set out in City Plan Policy 18, major developments will contribute to improved employment prospects for local residents and in this case a financial contribution of £31,184 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service is recommended to be secured by a legal agreement.

A package of employment opportunities are proposed which include the following:
Provision of at least 20 x two-week work experience positions for residents within Westminster during construction, with opportunities provided to residents within Soho in the first instance;

Provision of at least 20 x apprentice positions for residents living within Westminster during construction, with opportunities provided to residents within Soho in the first instance;

Provision of at least five x two-week work experience positions per year during the operation of the building for a period of five years, with opportunities provided to residents within Soho in the first instance;

Provision of at least three end use apprenticeship positions per year during the operation of the building, for a period of five years, with opportunities provided to residents within Soho in the first instance.

9.8 Other Considerations

Construction impact

A Construction Logistics Plan prepared by Steer forms part of this application. An objection has been received on behalf of the owners of No 4,5 and 6 Soho Square and 6 Dean Street an

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adjacent property located to and south application premises. Part of this property (basement, ground and three upper floors) is occupied by Dolby Europe Ltd as their UK Headquarters. Dolby are an international firm who use 4-6 Soho Square as a recording sound production studio. The premises includes a 67 seated screen room with production and visual technological equipment.

The objection is made on to noise and disturbance during demolition and construction which is a significant concern to Dolby who specialise in precision sound engineering in their labs and studio. The objection requests that the applicant provides a Construction, Traffic and Management Plan' (CTMP) which details the period and length of construction, including construction noise levels which should be provided at application stage rather than be secured as a condition as part of any permission.

City Plan Policy 33- part F states that developments are required to minimise demolition and construction impact by complying with Westminster's Code of Construction Practice. Part G encourages modern methods of demolition and construction to minimise negative local environmental impacts.

The Soho Neighbourhood Plan Policy 17 states that any new development should demonstrate how any impacts on traffic and amenity will be mitigated. The assessment must comply with the Council's Code of Construction Practice.

Permission could reasonably be withheld due to the impact of construction. The NPPF is clear that planning decisions should be made on assessment of the proposed resulting development rather than the processes such as construction which is subject to environmental health controls.

This is set out in Para 183 of the NPPF as follows.' The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities'

The Code of Construction Practice (COCP) is agreed and monitored and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 1 development. Level 1 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. Enforcement of the SEMP will be undertaken by the Environmental Inspectorate.

A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the construction process is carefully managed. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction process to ensure that neighbours' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance.

The applicant is committed to carrying out the development in accordance with the City Council's Code of Construction Practice and in accordance with the Council's requirements they have completed appendix.

The objection on behalf of 4-6 Soho Square includes an acoustic report (from KP Acoustics) providing noise and vibration levels within studio space which they stipulate that they should not be breached during construction, as well as initial alert thresholds (both 'soft' and 'hard' limits). These noise and vibration criteria apply to internal levels within rooms inside 4-6 Soho Square. The applicant advise that they are committed to undertaking construction works in a way which protects neighbouring tenants and buildings, having engaged in consultation with both the neighbouring building owner and church for a significant period. However, at this stage, the recommended noise and vibrations levels set out by KP Acoustics on behalf of the neighbouring building owner cannot be agreed as the applicant is not able to know:

- what construction noise levels would breach these requested limits;
- the current ambient noise level within the neighbouring rooms from current building services and the Elizabeth Line tunnel below; and
- what acoustic treatment is already provided for noise and vibration sensitive rooms.

The applicant has confirmed that in addition to the COCP a pre-commencement planning condition for a bespoke Construction Noise and Vibration Management Plan is acceptable. As part of this:

- construction noise and vibration level thresholds would be agreed with WCC and the neighbouring properties;
- agree action protocol for exceedance of amber/soft and red/hard thresholds;
- the applicant would seek to undertake a baseline noise and vibration survey within the sensitive rooms of 4-6 Soho Square and, where practicable, undertake trial measurements to determine the levels of noise and vibration arising in the sensitive rooms.
- install noise and vibration monitors at agreed locations with real time/live triggers sent to the site manager and project acousticians if agreed thresholds are breached. The agreed action protocol would then be followed.
- liaise with the landlord of the neighbouring building to identify periods when sensitivity of the studios is reduced. Where practicable works likely to cause the highest levels of noise and vibration will be undertaken the during these times

In the light of this in addition to the normal condition which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) a further pre-commencement condition is recommended which will require a Construction Noise and Vibration Management Plan to be approved.

Basement Excavation

Basement Excavation City Plan Policy 45 relates to basements and it seeks to make sure that basement developments are appropriately designed and constructed. In relation to the extent and depth of the basement, Policy 45 states basement developments of a single storey will be supported and in this case the basement is a single storey, modestly extending the existing single storey basement by 1.5 m2. The application has been supported by a structural statement. Conditions are recommended to ensure that the developer adheres to the Code of Construction Practice and suitable hours of building works. This will ensure the impacts that arise are mitigated appropriately.

Impact on Crossrail and London Underground

In response to consultations both Crossrail 1 and 2 and Transport for London (TfL) raise no objection but have requested that permission is subject to a pre-commencement condition which requires the approval by the LPA of the detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling and any other temporary or permanent installations and for ground investigations, demonstrating no adverse impact on the Elizabeth Line, Crossrail 2 structures and London Underground tunnels. These conditions are recommended.

Public Toilets

With regard public toilets, these were included within the Soho Bazaar as part of the consultation version of the previous proposals. Due to the lack of support for these and an objection from the Designing Out Crime Officer, these were removed from the final proposals. As there is no longer any public space within the building, public toilets cannot be provided at the site.

Policy 13 of the Soho Neighbourhood Plan states that development proposals which incorporate additional public toilet provision within the Soho Neighbourhood Area will be supported in order to ensure that adequate facilities are available for users of new developments, particularly those in the food, drink and entertainment sectors. The reasoned justification sets out that the contribution may be a financial one. The scheme does not include an entertainment use but would increase the commercial office floorspace by 2000 m². A financial contribution of £25,000 is offered towards Public Toilet improvements in the Soho Neighbourhood Area. This is welcomed and will be secured by S106 legal agreement.

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.

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

- Carbon Offset Contribution - £268,290. This has been calculated based on an annual shortfall of 27.1 tonnes of carbon against a net zero baseline, charged at £330 per cubic tonne (given the building will be fully electric) for a period of 30 years;

- Inclusive Local Economy and Employment Contribution - £31,184. This has been calculated by multiplying the increase in floorspace (sqm GIA), 1,036 sqm, by the £30.10 per sqm office tariff;

- Employment and Skills Plan with the following commitments to be met:

Provision of at least 20 x two-week work experience positions for residents within Westminster during construction, with opportunities provided to residents within Soho in the first instance;

Provision of at least 20 x apprentice positions for residents living within Westminster during construction, with opportunities provided to residents within Soho in the first instance;

Provision of at least five x two-week work experience positions per year during the operation of the building for a period of five years, with opportunities provided to residents within Soho in the first instance;

Provision of at least three end use apprenticeship positions per year during the operation of the building, for a period of five years, with opportunities provided to residents within Soho in the first instance.

- All highway works immediately surrounding the site required for the development to occur, including filling in the pavement in front of the existing servicing gates at 7 Soho Square, or alternatively the City Council designing and carrying out these highway works;

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

- A financial contribution of £25,000 towards the improvement of public toilet provision within the area defined as the Soho Neighbourhood Area.

- The costs of monitoring the S106 agreement.

The estimated Community Infrastructure Levy (CIL) payment is:

Westminster CIL: £ 290,000

Mayoral CIL: £ 230,000

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 conditions to secure the following:

- Evidence to demonstrate the development will be bound by the Code of Construction Practice.
- A Construction Noise and Vibration Management Plan
- Submission of a written scheme of investigation relating to archaeology, including a programme and methodology of site evaluation.
- Updated Whole Life-cycle Carbon Assessments.
- Updated Circular Economy Statement.
- Submission of details assessing impact and explaining safeguarding measures relating to Crossrail and London Underground.

The applicant has agreed to the imposition of the conditions.

9.11 Assessment of Planning Balance

As set out within Section 9.4 of this report, the proposal is considered to cause less than substantial harm to the character and appearance of the Soho Conservation Area. The harm would be caused by the height of the proposed new building viewed from Soho Square. The level of harm caused would be at the at the lower end of less than substantial.

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

When undertaking this weighing exercise, the Sub-Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 9.4 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

Although a development of this scale generates a number of public benefits, the following are considered to be the most significant:

- The provision of a food retail supermarket (secured by a planning condition), retaining the ACV on the site;
- Provision of an additional 2,058 m² GIA of modern, flexible, Grade A office accommodation located within the CAZ, to help meet identified commercial growth and jobs targets;

- A well resolved modern new building, an improvement in architectural terms on the existing 1920's building. The new building would enhance the appearance of the Soho Conservation Area.
- An exemplar new building in terms of sustainability using timber slabs and re-purposed steel;
- Introduction of a semi- public area with public seating and greening off Soho Square;
- Level access throughout the building;
- Provision of public art on the Dean Street façade;
- A commitment to provide jobs and skills training for local residents within Westminster;
- A financial contribution of £25,000 towards the improvement of public toilet provision within the area defined as the Soho Neighbourhood Area.

The public benefits summarised above would be significant. Consequently, they are considered to be sufficient to outweigh the less than substantial heritage harm, in compliance with paragraph 202 in the NPPF. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. There is clear and convincing justification for the harm caused to the designated heritage assets, in compliance with paragraph 200 of the NPPF.

10. Conclusion

As set out in this report, the development is acceptable in land use terms. The City Plan and London Plan support growth of office floorspace in the CAZ. The scheme will retain a supermarket on the site secured by a recommended planning condition. A retail report concludes that the medium size unit would provide a good product and price range. This is considered to address the objections received to the loss of the Asset of Community Value. In terms of sustainability and energy, a WLC assessment the lifetime of the building shows that emissions for this redevelopment scheme would be greater than an alternative refurbishment/ extension scheme. However, the proposed redevelopment scheme will deliver significant public benefits and the WLC emissions for this scheme will be below the baseline benchmark over its lifetime. The principle of redeveloping the site was previously considered acceptable when the previous scheme was determined in December 2023 and this remains the position.

In terms of design, townscape and heritage impacts, the proposed development will enhance the contribution made by the building to the appearance of the streetscene the less than substantial harm as a result of the increase in height is outweighed by the public benefits that the scheme will deliver.

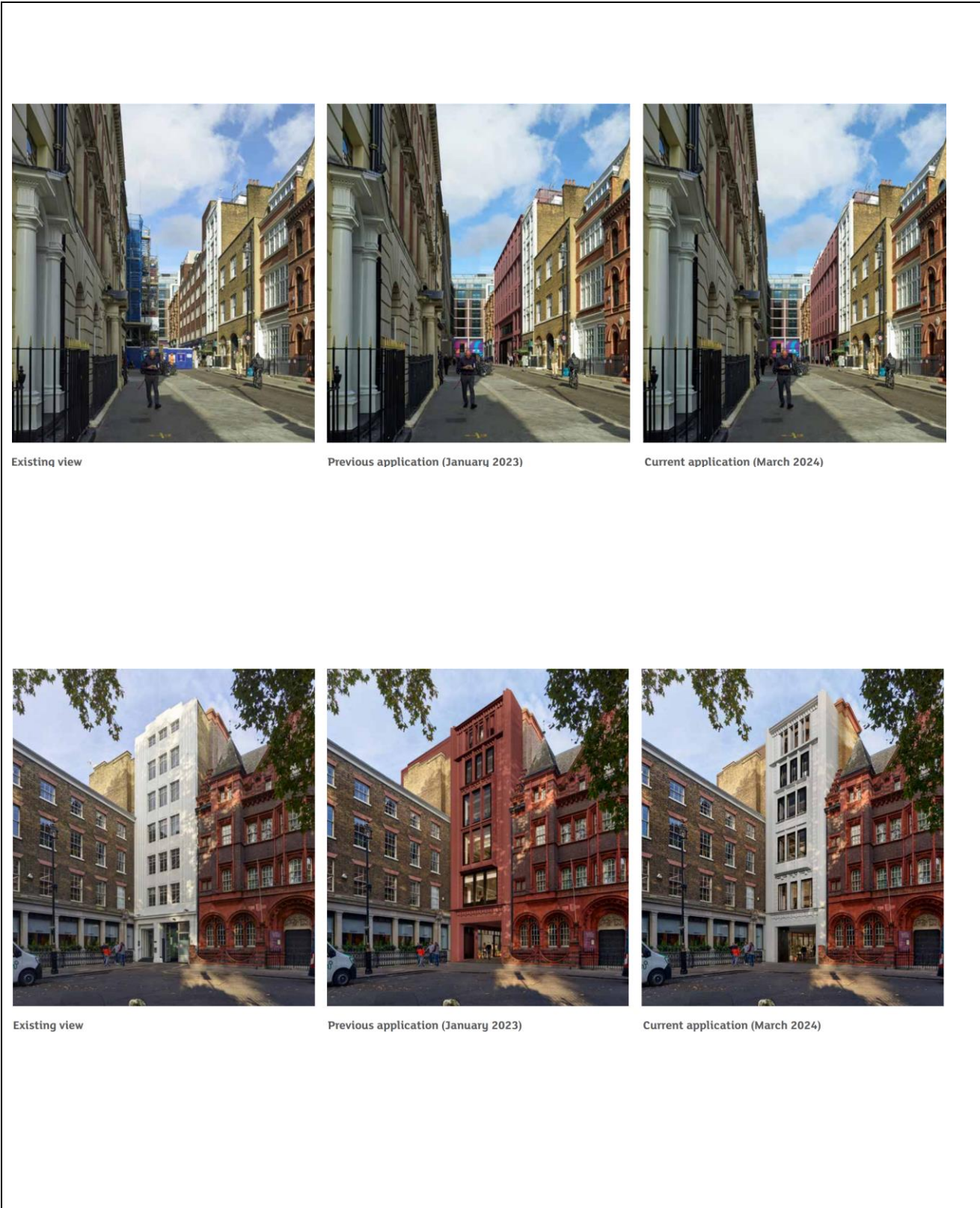
As such, the proposal is considered acceptable, mindful of policies within the development plan and therefore, a recommendation to grant conditional permission will be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Item No.
1

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

11. KEY DRAWINGS





Existing view



Previous application (January 2023)



Current application (March 2024)



Existing view



Previous application (January 2023)



Current application (March 2024)



Item No.
1

DRAFT DECISION LETTER

Address: 7 Soho Square, London, W1D 3QB

Proposal: Demolition of 2-4 Dean Street and 7 Soho Square and erection of a replacement building on basement, ground and seven upper floors (increasing depth of existing basement) for retail purposes (Class E) on part basement and part ground floors, use of the remainder of the building as offices (Class E); with associated terraces at 5th, 6th and 7th floor levels; provision of roof plant/plant enclosures, cycle parking, waste storage, landscaping works, green roofs, photovoltaic panels and facade lighting; and associated alterations.

Reference: 24/01591/FULL

Plan Nos: Demolition drawings , SOS-ORM-ZZ-01-DR-A-12851 C01,, SOS-ORM-ZZ-02-DR-A-12852 C01,, SOS-ORM-ZZ-03-DR-A-12853 C01,, SOS-ORM-ZZ-04-DR-A-12854 C01,, SOS-ORM-ZZ-05-DR-A-12855 C01,, SOS-ORM-ZZ-06-DR-A-12856 C01,, SOS-ORM-ZZ-RF-DR-A-12857 C01,, SOS-ORM-ZZ-B1-DR-A-12859 C01, , Proposed Drawings, SOS-ORM-ZZ-00-DR-A-12300 C01, SOS-ORM-ZZ-01-DR-A-12301 C01, SOS-ORM-ZZ-02-DR-A-12302 C01, SOS-ORM-ZZ-03-DR-A-12303 C01, SOS-ORM-ZZ-04-DR-A-12304 C01, SOS-ORM-ZZ-05-DR-A-12305 C01, SOS-ORM-ZZ-06-DR-A-12306 C01, SOS-ORM-ZZ-07-DR-A-12307 C01, SOS-ORM-ZZ-RF-DR-A-12308C01, SOS-ORM-ZZ-B1-DR-A-12399 C01, SOS-ORM-ZZ-AA-DR-A-12400C01, SOS-ORM-ZZ-BB-DR-A-12401 C01, SOS-ORM-ZZ-EA-DR-A-12453 C01, SOS-ORM-ZZ-NO-DR-A-12452 C01, SOS-ORM-ZZ-SO-DR-A-12450 C01 , SOS-ORM-ZZ-WE-DR-A-12451 C01, SOS-ORM-ZZ-ZZ-DR-A-12470 C01, SOS-ORM-ZZ-ZZ-DR-A-12471 C01

Case Officer: Mike Walton

Direct Tel. No. 020 7641
07866039922

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

Reason:

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

- 5 You must not put structures such as canopies, fences, loggias, trellises or

satellite or radio antennae on the roof terrace. (C26NA)

Reason:

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

- 6 You must apply to us for approval of details of the following parts of the development:, (a) Typical facade details, (b) Gates to entrance Soho Square (1:20), (c) Typical details of the roof storeys, (d) Shopfronts, (e) Roof plant enclosure, , 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 Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 You must apply to us for approval of a scheme of public art at ground floor level. , , You must not start work on the public art until we have approved in writing what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. , , You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AC)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 8 Except for the areas labelled ' Retail unit at ground and basement floors coloured light blue on approved drawings numbered SOS-ORM-ZZ-B1-DR-A-12399_C01 and SOS-ORM-ZZ-00-DR-A-12300_C01 you must use the premises only as offices (Class E g). You must not use them for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended in September 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted Class E use because a loss of office accommodation in this location would undermine the provision of an appropriate mix of uses that support the vitality, function and character of the Central Actives Zone. The office accommodation also contributes to meeting the business and employment needs of the City. An unrestricted Class E could also harm the amenity of neighbouring occupiers, local environmental quality and the highway network. This would not meet Policies 1, 2, 4, 13, 16, 28, 29 and 33 of

the City Plan 2019 - 2040 (April 2021).

- 9 You must use the ground and basement unit coloured light blue on plan refs SOS-ORM-ZZ-B1-DR-A-12399_C01 and ORM-ZZ-00-DR-A-12300_C01 only as a food supermarket and no other use, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) or any equivalent class in any order that may replace it.'

Reason:

To ensure that the Asset of Community Value is retained on the site.

- 10 No music shall be played on the roof terraces.,

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). (R13BD)

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

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

Reason:

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

- 12 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)

- 13 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number SOS-ORM-ZZ-B1-DR-A-12399_C01 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

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

- 15 You must apply to us for approval of a Servicing Management Plan prior to the occupation of the building hereby approved. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. The approved Servicing Management Plan shall be adhered to thereafter 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)

- 16 All areas for servicing within the building, including holding areas, access corridors and the service lift in the loading area, must be retained for this purpose for the life of the development and used for no other purpose.

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)

- 17 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 1 March 2024 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

- 18 The development shall be carried out in accordance with the approved Energy Strategy Statement (prepared by Ramboll). 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. The development shall achieve regulated carbon dioxide emission savings of no less than 13 % against the Target Emissions Rate of Part L of Building Regulations (2021) as set out in the approved Energy and Sustainability Statement. Within 3 months of first occupation of the development a post completion verification report shall be submitted to and approved in writing by us to confirm that the above minimum standard has been achieved and that all of the approved energy efficiency and sustainability measures have been implemented.,

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

- 19 The development hereby approved shall achieve a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of energy performance and sustainability. Within six months of first occupation of the development, you must submit to us a post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the required BREEAM rating.

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)

- 20 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 656kgCO₂e/m² and Whole Life Carbon (A1-C4) excluding B6 and B7 above 1051 kgCO₂e/m², which are the benchmarks established by your application stage Whole Life Carbon assessment, you must identify measures that will ensure that the additional carbon footprint of the development will be minimised. Notwithstanding any changes to the design, procurement or delivery of the approved development at least 30% of all structural steel shall have recycled content, at least 80% of all standard structural steel sections shall be sourced from existing re-used sections on the secondary market, at least 80% of all aluminium elements shall be derived from products with recycled content, all concrete elements shall have at least 40% cement replacement content, and all cross laminated timber (CLT) elements shall be designed for disassembly., , 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). ,

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).

- 21 Pre-Commencement Condition, (a) Prior to commencement of any works on site including works of 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..,

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).

- 22 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs to include construction method, layout, species and maintenance regime., , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

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

23 You must carry out the measures included in your Fire Statement dated 1 March 2024 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).

24 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 a Construction Noise and Vibration Management Plan. Thereafter the development must be carried out in accordance with approved plan.

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)

25 No demolition or development other than demolition to existing slab level shall take place until:-, , (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start any below grade work until we have approved what you have sent us. , , (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST. , , (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme.

Reason:

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

26 Prior to installation any external lighting, you must apply to us with details of an external lighting scheme, including hours of operation, showing how light spill is avoided and visual amenity is protected.

Reason:

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 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 27 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either: , (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or, (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building. , You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 28 Pre-commencement condition , Notwithstanding the details submitted with the application none of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling and any other temporary or permanent installations and for ground investigations, have been submitted to and approved in writing by the Local Planning Authority which:- , (i) Accommodate the Elizabeth line infrastructure, including any temporary works associated , with the Elizabeth line (formerly known as Crossrail),, (ii) Mitigate the effects on the Elizabeth line, of ground movement arising from the development. The development shall be carried out in all respects in accordance with the approved design and method statements., (iii) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works., (iv) Accommodate ground movement arising from the construction thereof., (v) Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures, , All structures and works comprised within the development hereby permitted which are required by paragraphs (i),to (v) of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on the existing Elizabeth Line and Crossrail 2 transport infrastructure, in accordance with Policy T3 of the London Plan (March 2021).

- 29 Pre commencement condition, , , Before the pre-commencement/Site formation/Demolition stage begins, no works shall be carried out until the following, in consultation with TfL Infrastructure Protection, have been submitted to and approved in writing by the local planning authority., , a. provide an overview of the overall development including both design on temporary and permanent works, b. provide demolition details, , c. accommodate the location of the existing London Underground structures, , d. provide a Conceptual Design Statement explaining the construction methodology for the overall development , e. accommodate ground movement arising from the construction of the overall development thereof, , f. provide an impact assessment on TfL assets for the

overall development, which should determine if monitoring work on TfL asset is required. If yes, instruments are required to be installed on TfL assets with sufficient baseline readings before the start of demolition phase, , g. mitigate the effects of noise and vibration arising from the adjoining operations within the structures by providing a noise , and vibration assessment., h. provide details on the use of tall plant/scaffolding for the demolition phase , , 2. Before the sub-structure construction stage begins, no works shall be carried out until the following, in consultation with TfL Infrastructure Protection, have been submitted to and approved in writing by the local planning authority., a. prior to commencement of each phase of the development provide details of foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), , , 3. Before the super-structure construction stage begins, no works shall be carried out until the following, in consultation with TfL Infrastructure Protection, have been submitted to and approved in writing by the local planning authority., , a. provide details on the use of tall plant/scaffolding,

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy T3 of the London Plan (March 2021). ,

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 In relation to condition the written schemes of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is , exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 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.
- 4 For advice on BREEAM, including appointment of a licensed assessor and how to obtain a post completion certificate, please visit the Building Research Establishment (BRE) website: <https://bregroup.com/products/breem/>. (I15AB)
 - 5 The pre-demolition audit and Circular Economy Statement required by Condition 21 must accord with the guidance set out in the London Plan Guidance 'Circular Economy Statements' (2022). The demolition audit should follow best practice and include how the value of existing building elements or materials can be recovered, the amount of demolition waste (cross-reference the Recycling and Waste reporting table - refer to section 4.9 for further details), a schedule of practical and realistic providers who can act as brokers for each of the reclaimed items, and target reuse and reclamation rates. The Circular Economy Statement should include a Pioneering Bill of Materials which includes reused and recycled content by volume and mass. For reused and recycled content calculations should be submitted as accompanying supporting evidence. , , In addition to submitting the information required by parts (a) and (b) of the condition to the Council, where the original application was referable to the Mayor of London you should also submit the details to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the requirements of the Mayor's guidance. (I16AB)
 - 6 In relation to the assessment required pursuant to part (c) of Condition 20, the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance: LPG document template (green) (london.gov.uk). To support the results provided in the template, the following minimum evidence requirements should also be submitted: , , (a) site energy (including fuel) use record, , (b) contractor confirmation of as-built material quantities and specifications, , (c) record of material delivery including distance travelled and transportation mode (including materials for temporary works), , (d) waste transportation record including waste quantity, distance travelled, and transportation mode (including materials for temporary works) broken down into material categories used in the assessment, , (e) a list of product-specific environmental product declarations for the products that have been installed. , , The data collected must demonstrate compliance with the Whole Life Carbon Assessment approved at application stage, as updated pursuant to parts (a) and (b) of the condition, and will provide an evidence base that informs future industrywide benchmarks or performance ratings for building typologies. In addition to submitting this information to the Council pursuant to the requirements of part (c) of the condition, where the original application was referable to the Mayor of London you should also submit the post-construction assessment to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the requirements of the Mayor's guidance. (I17AB)

- 7 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.
- 8 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to, , a) Undertaking of all highways works immediately surrounding the site, to the City Council's specification and at the full cost to the developer (highway works to be agreed prior to commencement of the development); , b) A financial contribution of £268,290 (index linked) towards the Carbon O Set Fund (payable prior to the commencement of the development); , c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data; , d) A financial contribution of £31,184 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development); , e) A financial contribution of £25,000 towards the improvement of Public toilet provision within the area defined as the Soho Neighbourhood Area of the Soho Neighbourhood Plan , , f) Employment and Skills Plan with the following commitments to be met: , , o Provision of at least 20 x two-week work experience positions for residents within Westminster during construction, with opportunities provided to residents within Soho in the first instance; , , o Provision of at least 20 x apprentice positions for resident

- living within Westminster during construction, with opportunities provided to residents within Soho in the first instance;, , o Provision of at least five x two-week work experience positions per year during the operation of the building for a period of five years, with opportunities provided to residents within Soho in the first instance;, , o Provision of at least three end use apprenticeship positions per year during the operation of the building, for a period of five years, with opportunities provided to residents within Soho in the first instance., , g) The costs of monitoring the S106 agreement.
- 9 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 10 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 11 In relation to the green roof condition No 22, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature: www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.
- 12 Conditions 11 and 12 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do

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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.

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.

Agenda Item 2

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CITY OF WESTMINSTER			
PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE	Date 14 May 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	35 - 37 Lincoln's Inn Fields, London, WC2A 3PE		
Proposal	Partial demolition, alterations and extension to existing building for use for non-residential education purposes (Class F1) including associated hard and soft landscaping, roof plant and associated works.		
Agent	Lichfields		
On behalf of	London School of Economics and Political Science (LSE)		
Registered Number	23/06997/FULL	Date amended/ completed	22 March 2024
Date Application Received	9 October 2023		
Historic Building Grade	Unlisted		
Conservation Area	Strand		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following planning obligations:</p> <ul style="list-style-type: none"> a) A financial contribution of £55,288.62 (index linked) towards the Carbon Off-set Fund payable prior to the commencement of development b) All costs associated with the reinstatement of redundant vehicle crossovers as footway and associated works to accommodate the Development (including alterations to drainage, lighting, signage, traffic management orders, street furniture, street trees and other highway infrastructure (including all legal, administrative and statutory processes) c) The costs of monitoring the S106 agreement <p>2. If the S106 legal agreement has not been completed within six weeks of the date of Committee's resolution, then:</p> <ul style="list-style-type: none"> a) The Director of Town Planning and Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits
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listed above. If so, the Director of Town Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;

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

2. SUMMARY & KEY CONSIDERATIONS

The existing building is a late 1950s unlisted building of merit which sits between the Grade II* listed Royal College of Surgeons (RCS) and the Grade II listed former Land Registry Building on the south side of Lincoln's Inn Fields (Grade II Registered Park and Garden). Originally part of the RCS, the building is now owned by the London School of Economics (LSE).

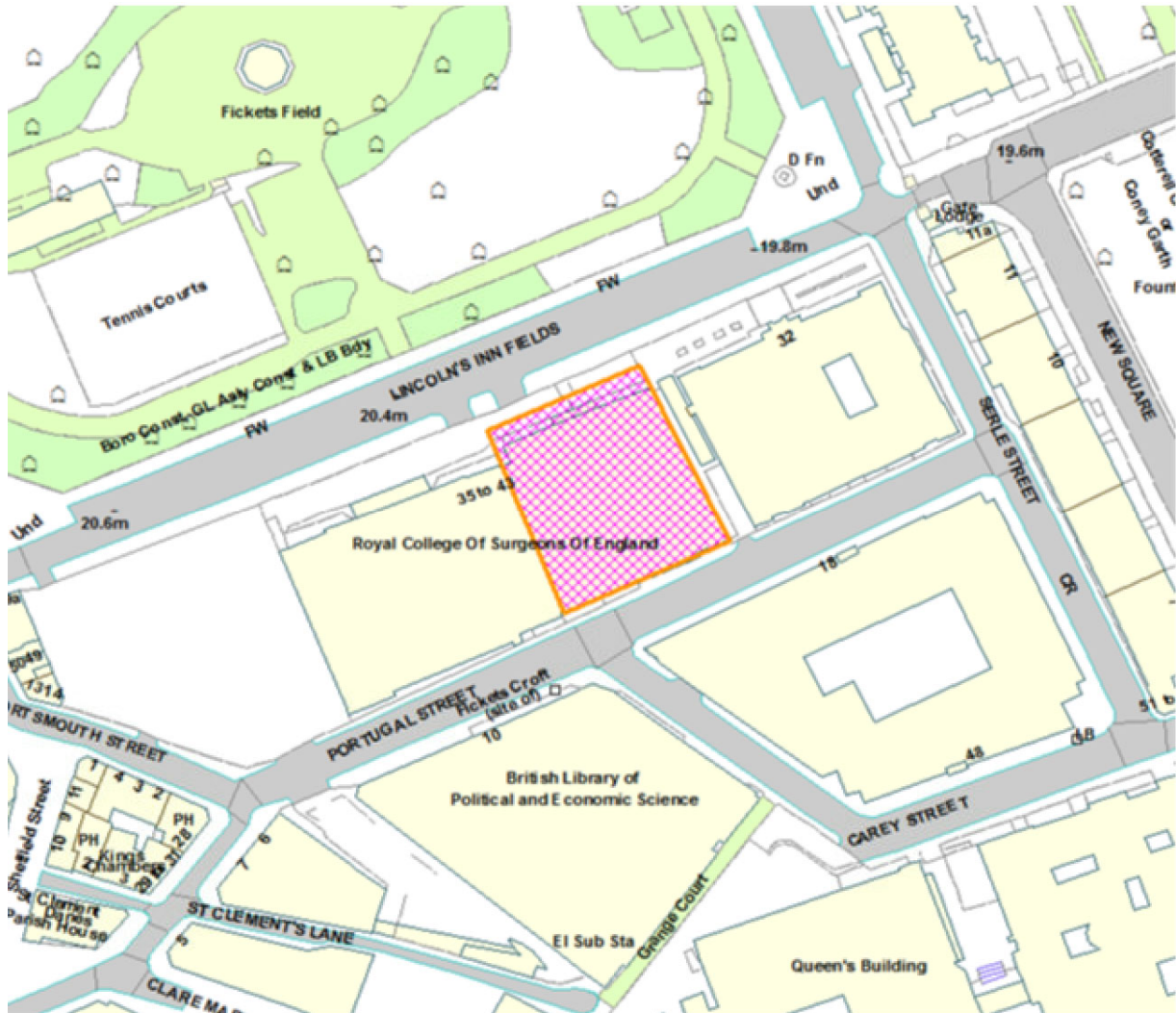
Permission is sought for alterations and extensions to the building to create the LSE's new Firoz Lalji Institute for Africa together with accommodation for other faculties on the upper floors. The proposed scheme takes a retrofit approach with up to 60% of the existing building retained. The existing top three floors and roof plant enclosure are to be demolished and replaced by a new extension which, on the Lincoln's Inn Fields façade, would spring directly from the retained cornice line at fourth floor level.

The key considerations in this case are:

- The proposed design of the building
- The impact of the proposed building on the character and appearance of the Strand Conservation Area and on the setting of other nearby designated heritage assets
- The impact on residential amenity
- The acceptability of cycle parking and servicing provision

Notwithstanding concerns expressed by Historic England, the proposal is considered to cause less than substantial harm to the significance of designated heritage assets and the harm caused is considered adequately balanced by the public benefits of the scheme particularly the sustainability credentials of the proposals, which are a clear public benefit in addressing the climate emergency and the provision of new world class educational facilities for the LSE. Other material planning issues relevant to the application including comments received in response to public consultation are assessed in full in the report below.

3. LOCATION PLAN



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4. PHOTOGRAPHS

35-37 Lincoln's Inn Fields



View of front elevation from Lincoln's Inn Fields

5. CONSULTATIONS

5.1 Application Consultations

HISTORIC ENGLAND

Have no in-principle issue with retrofitting and extending the existing building. Concerned, however, by the loss of the 'characterful Neo-Georgian frontage' of the building and the visual dominance and encroachment on the historic streetscape created by the projection and extension of the upper portion of the building which would cause harm to the Strand Conservation Area and the listed buildings on either side. Position unchanged following minor amendments to the design of the building exterior.

HISTORIC ENGLAND (ARCHAEOLOGY) (GLAAS)

Conditions recommended to ensure that groundworks are carried out in accordance with the submitted archaeological watching brief and to secure an appropriate programme of on-site public heritage interpretation.

CITY OF LONDON

No objection

LONDON BOROUGH OF CAMDEN

Any response received to be reported verbally by officers

HIGHWAYS PLANNING

The removal of the existing non-residential car parking spaces from the front forecourt and the existing vehicle access from Lincoln's Inn Fields is welcomed. The reinstatement of the redundant vehicle crossover as footway would need to be secured by S106 legal agreement.

144 cycle parking spaces are proposed in total which falls short (by 55 spaces) of the London Plan policy requirement for cycle parking for higher educational use.

The development will be serviced from on-street as is the existing situation. A temporary ground floor holding area is proposed at rear (Portugal Street) ground floor level but otherwise there is limited internal space provided to support servicing activity. Concern therefore remains that servicing of the site could have an adverse impact on pedestrians and other highways users. Recommend conditions are imposed to restrict the use of the building to educational use only and to ensure that the submitted Operational Management Plan is followed for the lifetime of the development.

The outward opening doors on the Portugal Street façade are not acceptable for highway safety reasons.

WASTE (PROJECT OFFICER)

No objection subject to a condition to secure the continued provision of the storage facility for waste and recyclable materials.

ENVIRONMENTAL SCIENCES TEAM

No objection subject to conditions to control building/construction work, plant noise emission levels and implementation of remediation measures should (unexpected) land contamination be discovered.

ARBORICULTURAL SECTION

No objection subject to conditions to secure final details of soft landscaping, soil crating/soil volumes, irrigation, blue/green roofs and management plan for all areas of soft landscaping.

LEAD LOCAL FLOOD AUTHORITY

Object. Require details of infiltration rate testing, an impact assessment of pump failure during instances of power outage and a CCTV drainage survey to be included in the Flood Risk Assessment (FRA) and Drainage Strategy.

THAMES WATER

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 223 No. of replies: 3
No. of objections: 1 No. of comments: 2

Issues raised:

DESIGN

- Impact of increased height and mass on adjacent listed buildings and conservation areas
- Impact of increased height and mass on private views from 18 Portugal Street

AMENITY

- Overlooking and loss of privacy
- Loss of light
- Noise from plant
- Noise and disruption during construction and once occupied

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

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

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Leaflets distributed to 306 addresses prior to public exhibition	End of April 2023		Advertised public exhibition
Public Exhibition	9 th to 10 th May 2023	80	Display boards/model of scheme and 3D brail and tactile model
Staff/student Exhibition	11 th to 12 th May 2023		As above
Dedicated consultation website	April/May 2023	Accessed by 60 people	
Staff/student workshops	On-going	14 LSE stakeholder groups	
Liaison with Royal College of Surgeons	On-going		
Meetings with WCC officers	February 2023 to September 2023		Design, townscape/visual impact, sustainability, landscaping, transport/servicing

In summary, across the range of engagement undertaken by the applicant the principal issue raised was the general support for the architectural and sustainability approach to the new building.

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.

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 continues until 25 April 2024. 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

35 Lincoln’s Inn Fields is an eight storey brick building located on the south side of Lincoln’s Inn Fields. The building dates from 1954-1957 and was part of the post World War II reconstruction of the adjacent Royal College of Surgeons, of which it originally formed part. The building is now owned and occupied by the LSE.

The building is an unlisted building of merit within the Strand Conservation Area and is located between the Grade II listed former Land Registry Building (now the LSE’s Sir

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Arthur Lewis Building) at 32 Lincoln’s Inn Fields and the Grade II* listed Royal College of Surgeons at 43 Lincoln’s Inn Fields. The principal elevation of the building fronts onto Lincoln’s Inn Fields which is a Grade II Registered Park and Garden of Special Historic Interest and also part of the Bloomsbury Conservation Area (LB of Camden). The building is located within the Lundenwic and Strand (Tier 1) Archaeological Priority Area and within the Central Activities Zone.

7.2 Recent Relevant History

35 Lincoln’s Inn Fields (also known as the Nuffield Building) originally formed part of the Royal College of Surgeons (RCS) at 35-43 Lincoln’s Inn Fields. The unlisted Nuffield Building was internally linked to the adjacent Grade II* listed Barry Building.

In January 2017 planning permission and listed building consent were granted for the partial demolition and redevelopment of the rear (1950’s reconstructed) part of the RCS Barry Building at 39-43 Lincoln’s Inn Fields (16/09110/FULL and 16/09111/LBC). The RCS and the Hunterian Museum are now consolidated into the new Barry Building and the Nuffield Building (now disconnected from the Barry Building) owned and occupied by the LSE.

In 2022, following an international design competition, the LSE selected David Chipperfield Architects to design the LSE’s first net zero building at 35 Lincoln’s Inn Fields.

8. THE PROPOSAL

The proposed development involves partial demolition of the existing building with up to 60% of the existing structure retained. Alterations to the existing floorplates, including a new ground floor and partial first floor slab, would facilitate level access into the building from both Lincoln’s Inn Fields and Portugal Street. An extension at sixth and seventh floor levels would create new floorspace for educational use.

The building will house LSE’s Firoz Lalji Institute for Africa, the Data Science Institution, Executive Education and the Department of Mathematics and Statistics in a range of flexible teaching spaces (lecture halls and seminar rooms), with breakout areas, ancillary offices, a dining area, external terrace, ground floor café and a flexible multi-purpose teaching/debating space (250 seat agora) at ground floor level below the central atrium.

The main entrance to the publicly accessible ground floor of the building would be from Lincoln’s Inn Fields. The existing car parking spaces are to be removed from the front (Lincoln’s Inn Fields) forecourt and the area landscaped with new trees planted. The existing vehicle crossover is to be re-instated as footway. An existing UKPN substation (in the front north-eastern corner of the basement) and external stair access to this from the forecourt is required to be retained as part of the development. Cycle parking plus changing rooms, showers and locker facilities and mechanical plant is proposed at basement level with other new mechanical plant, green/blue roofs and photovoltaic (PV) panels proposed on the roof.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Non-residential education use (Class F1)	9856	11848	+1992

9. DETAILED CONSIDERATIONS

9.1 Land Use

Educational Use

London Plan Policy S3 (C) requires that development proposals should ensure that there is no net loss of educational facilities unless it can be demonstrated that there is no ongoing or future need.

City Plan Policy 18 (B) supports the improvement and expansion of Westminster's world-class higher educational institutions in recognition of the economic benefits they provide to Westminster, London and the UK.

Paragraph 18.3 of the City Plan identifies that: *'The presence of world-class higher educational institutions, including the London School of Economics, Imperial College London and King's College London, form an integral part of the character of central London. They provide a significant source of employment, contribute towards a highly skilled workforce, support the clustering of the knowledge economy and are internationally recognised for their research reputations'.*

The City Plan also recognises (at paragraph 18.4) that: *'To maintain and enhance their international standing, and continue to attract the best talent to London, higher educational institutions are likely to need to upgrade and/or provide additional teaching and research facilities over the Plan period. Such investments are supported in principle in recognition of the benefits this will bring to the wider economy.'*

The continued educational use of the site and the provision of improved teaching and research facilities for the LSE is therefore appropriate and supported by London Plan and City Plan policy.

9.2 Environment & Sustainability

Sustainable Design

City Plan Policy 38 (A) requires new development to incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage. Policy 38 (D) expects development to 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. Paragraph 38.11 of the City Plan advises that *'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...'*

Guidance on the meaning of 'sustainable design principles' is found in the 'Retrofitting and Sustainable Design' chapter of the City Council's Environmental Supplementary Planning Document (SPD) (February 2022). The SPD states that *'The upgrade and reuse of existing buildings is a sustainable approach and can help by avoiding the higher carbon footprint associated with constructing new buildings'* (p. 104) and that *'Where all or part of the existing building can be retained and demolition can be avoided, this will help conserve resources, reduce embodied carbon, minimise waste and avoid dust and emissions from demolition.'* (p.87).

Although not a requirement for this development, a Whole Life Cycle Carbon Assessment and a Circular Economy Statement have been submitted. The proposed development would retain up to 60% of the existing building and minimise structural interventions to reduce the need for demolition and reconstruction. A minimum of 50% of building materials would be retained, re-used or recycled. The retention of a substantial part of the building together with the partial removal and re-use of the building fabric is welcomed. This approach to the design of the proposed development – to retrofit, refurbish and extend the building, is considered compliant with City Plan Sustainable Design and Waste Management policies (Policies 38 and 37).

The development is targeting a BREEAM rating of 'Outstanding'. Conditions are recommended to ensure that the completed development achieves not less than the total credits identified for each of the Energy, Materials and Waste categories in the BREEAM Pre-Assessment.

Energy Performance

London Plan Policy SI 2 requires major development to be net zero-carbon, with a minimum reduction in regulated emissions (i.e. those associated with heating, cooling, ventilation, hot-water and lighting) of 35% beyond Part L of the Building Regulations 2013 (or, if updated, the policy threshold will be reviewed). Residential development should achieve 10% and non-residential development should achieve 15% through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified and delivery is certain.

National building regulations were updated to enhance energy performance standards for new buildings through Part L 2021 which came into force on 15 June 2022. The Mayor of London's updated Energy Assessment Guidance states that an on-site carbon reduction of at least 35% beyond Part L 2021 of building regulations should be achieved.

City Plan Policy 36(B) requires major development to be net zero carbon. Part (C) of Policy 36 states: *'Where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment secured by legal agreement'*.

The Energy Statement submitted by the applicant has been reviewed in accordance with

City Plan Policy 36 and London Plan Policy SI 2. The proposed development targets energy efficiency improvements and carbon emission reductions for the building.

The Baseline (the Target Emissions Rate) against which the carbon emissions savings have been calculated is based on Part L 2021 of the Building Regulations. For the refurbished parts of the building, the scheme was assessed under Part L 2021 and following a Notional specification for existing buildings as outlined within Appendix 3, Energy Assessment Guidance (June 2022). The newly built parts of the building were assessed under Part L 2021 and following a Notional specification for new buildings as given in the 2022 National Calculation Methodology. Regardless of the baseline and methodology used, the above energy policies all require development proposals to achieve the maximum possible operational regulated carbon savings, with the aim to be zero carbon.

The table below is a summary of the regulated carbon dioxide savings for the overall development.

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

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	22.8	36%
Be Clean: Savings from heat network	0.0	0%
Be Green: Savings from renewable energy	3.7	6%
Cumulative on-site savings	26.5	42%
Carbon shortfall		-
	Tonnes CO ₂	
Cumulative savings for offset payment (new build element only)	168	
Cash-in-lieu contribution	£55,288.62	

An overall on-site regulated carbon emissions reduction of 35% over Part L 2021 has been achieved for the development as a whole and for the refurbished and newly built areas separately. It should be noted that the applicant is targeting the Passivhaus standard which is the best approach in terms of minimising operational carbon emissions.

Be Lean

As illustrated in the submitted Energy Statement, to maximise the energy efficiency of the development and thereby reduce energy demands, several key design principles

have been incorporated. The strategy involves optimising the building envelope's performance and reducing the proportion of glazed surfaces to limit solar heat gain while still ensuring ample natural light (thereby reducing the need for artificial lighting and cooling). The design also features articulated facades that incorporate shading solutions and windows with openable panes in all orientations, facilitating mixed-mode ventilation and thereby decreasing reliance on heating, ventilation and air-conditioning (HVAC) systems. These design choices are supported by the building's compact floor plans and the achieved percentage of openable area, enhancing overall energy efficiency. Moreover, the development would be built to Passivhaus standard which is a recognised energy efficiency protocol which minimises the use of energy for heating and cooling purposes.

Be Clean

While the possibility of a site-wide heating system was explored, this option was deemed unviable as there are currently no district heat networks (DHN) within the vicinity of the application site and therefore no scope for carbon savings through connection to a heat network at the present time. In line with London Plan and City Plan requirements, the applicant has therefore future proofed the development by allowing extra space within the plantroom for equipment which could be used to connect to a DHN should this become available in the future.

Be Green

The development aims to minimise carbon emissions by prioritising on-site renewable energy sources. The heating and cooling strategy for the building includes the use of air source heat pumps (ASHPs) within a central heating and cooling system that efficiently manages heat exchange between its heating and cooling components. Additionally, thermal storage is used to manage energy load during peak hours. The development also includes 123sqm of photovoltaic (PV) panels, which would generate 26.15kWp of nominal power and a high-efficiency heat recovery ventilation system which will help to reduce on-site carbon emissions.

The energy strategy for the proposed development is considered acceptable and officers are satisfied that the carbon savings proposed are the maximum that could be achieved. The carbon off-set payment of £55,288.62 will be secured by S106 agreement and conditions are recommended to secure the proposed energy efficiency measures.

Air Quality

The City Council is committed to improving air quality in the city and has issued an Air Quality Manifesto 2018 and an Air Quality Action Plan 2019-2040. City Plan Policy 32 expects development to reduce exposure to poor air quality and to maximise opportunities to improve it locally without detriment to air quality in other areas. Part D of this policy requires that applications for major developments are accompanied by an Air Quality Assessment report.

The submitted Air Quality Assessment report demonstrates that the proposed development would be Air Quality Neutral which means that the development would not contribute to air pollution beyond allowable benchmarks for Building Emissions and

Transport Emissions (the two main sources of air pollution from new development) as defined by London Plan Guidance.

Flood Risk & Sustainable Drainage

Paragraph 169 of the NPPF confirms that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

London Plan Policy SI 12(C) requires development proposals to ensure that flood risk is minimised, mitigated and the residual risks are addressed. Developments should aim to achieve greenfield run-off rates by maximising the use of above ground Sustainable Urban Drainage Systems (SuDS) in line with Policy SI 13 of the London Plan. Proposals should follow the drainage hierarchy set out at part B of the policy.

City Plan Policy 35 requires that all development proposals take flood risk into account and new development should reduce the risk of flooding. Part J of the policy requires new development to incorporate SuDs to alleviate and manage surface water flood risk. Developments should aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken.

A Drainage Strategy and a Flood Risk Assessment (FRA) have been submitted in support of the application. The FRA confirms that the site is located within Flood Zone 1, which generally indicates a low likelihood of fluvial/tidal flooding. The proposed development is located within an area of increased potential for elevated groundwater. However, with the proposed waterproofing, the FRA concludes that the risk of groundwater flooding is considered to be Low.

The proposed SudS attenuation features comprise blue/green roofs and an above ground attenuation tank located within the basement. Due to constraints on the roof loading for blue roofs and available space within the existing basement for an attenuation tank, the greenfield run-off rate (0.79 litres/sec) and 130m³ of storage will not be achievable. However, it is proposed to reduce the runoff to 5 litres/sec in line with the DEFRA / EA guidance which requires approximately 80 m³ of storage. Water for the new soft landscaping will be supplied from a combination of rainwater harvesting and the attenuation tank to reduce water consumption. It is proposed to discharge waste water into the existing public sewer by reusing the existing connection to the sewer in Portugal Street.

The Council's Lead Local Flood Authority (LLFA) consultant advisors have objected to the application on the grounds that the FRA and Drainage Strategy contain insufficient information. In their most recent response, the LLFA require details of infiltration rate testing, an impact assessment of pump failure in the event of a power outage and a CCTV drainage survey. It is recommended that the submission and approval of these further technical details is secured by condition.

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

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potentially contaminated.

The development site is located within an area that has had a potentially contaminated past including potential radioactive contamination and a nearby landfill site. The excavation proposed within the basement would also require a radon assessment.

The Environmental Sciences Team are concerned that the soft landscaping proposed could provide a pathway for contamination and have requested a pre-commencement condition requiring the investigation, assessment and remediation of potential contamination of the land.

The applicants have responded by providing Phase 1 (desk top study) and Phase 2 (site investigation) reports which partially address the requirements of the land contamination pre-commencement condition. These reports also indicate that no remediation is required. However, the Environmental Sciences Team advise that due to the *'residual risk of contamination being found that it is unexpected or has not been encountered during investigation or other siteworks'* a Phase 3 (remediation strategy) and a watching brief are required in case unexpected contamination is discovered. Confirmation that any required remediation has been implemented (or if no unexpected contamination is found) would need to be documented in a Phase 4 (validation report) on completion of development and before the building is occupied.

A pre-commencement condition requiring the submission and approval of Phase 3 and Phase 4 land contamination reports is therefore recommended.

9.3 Biodiversity & Greening

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

London Plan Policy G5 (B) requires Boroughs to develop an Urban Greening Factor (UGF) to identify an appropriate amount of urban greening required in new developments. In the interim, the Mayor recommends a target UGF score of 0.3 for major developments which are predominantly commercial. London Plan Policy G6 (D) requires development proposals to manage impacts on biodiversity and to aim to secure biodiversity net gain.

City Plan Policy 34(G) requires development to achieve biodiversity net gain, wherever feasible and appropriate.

Biodiversity Net Gain (BNG) is an approach to development and/or land management that aims to leave the natural environment in a measurably better state than it was before. BNG became a mandatory requirement under Schedule 7A of the Town and Country Planning Act 1990 (inserted by Schedule 14 of the Environment Act 2021) on 12 April this year. A BNG of at least 10% is now a mandatory requirement for major applications (received from February 2024 onwards).

The existing building and hard standing to the front forecourt is of low ecological value.

The Landscape Strategy for the proposed development introduces new trees under planted with shrubs to the front forecourt and soft planting and/or biodiverse green roofs at second, sixth, seventh and roof top level of the new building. The applicant has calculated the Urban Greening Factor (UGF) score of the proposed development as 0.3 which meets the London Plan target and a BNG of 100% which exceeds the 10% minimum biodiversity net gain requirement.

9.4 Townscape, Design & Heritage Impact

35 Lincoln's Inn Fields, designed by Alner W Hall of Young and Hall Architects with Sir Edward Maufe, was constructed in two phases during the 1950s. A lightweight additional storey was added to Portugal Street in the 1970s. Formerly known as the Nuffield Building, the building originally formed part of the Royal College of Surgeons.

Unlisted, the building lies within the Strand Conservation Area which encompasses the area from the river Thames through to the southern end of Kingsway and Lincoln's Inn Field and abuts with the London Borough of Camden and the City of London. The Bloomsbury Conservation Area, which lies within the London Borough of Camden and incorporates Lincoln's Inn Fields is immediately to the north.

Legislative & Policy Context

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

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

Section 102 of the Levelling Up and Regeneration Act 2023, inserted Section 58B to the Town and Country Planning Act 1990 which requires that *"In considering whether to grant planning permission...for the development of land in England which affects a relevant asset or setting, the local planning authority or (as the case may be) the Secretary of State must have special regard to the desirability of preserving or enhancing the asset or its setting."* Definition of 'relevant asset' includes at Section 58B (3) (a) *"a garden or other area of land included in a register maintained by the HBMC for England."*

Furthermore Chapters 12 and 16 of the NPPF (2023) require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Key consideration is also given to policy 38, 39, 40 and 43 of Westminster's City Plan 2021.

Policy 38 Design Principles (A) states that new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design....(B) respond to Westminster's context by positively contributing to Westminster's townscape and streetscape.

Policy 39 Westminster's Heritage: With regards to Part (K) Conservation Areas, states that development will preserve or enhance the character and appearance of Westminster's conservation areas. (L) goes on to states that there will be a presumption that unlisted buildings that make a positive contribution to a conservation area will be conserved.

Policy 40 Townscape and Architecture, states that (A) Development will sensitively be 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. (B) goes on to state that: Spaces and features that form an important element in Westminster's local townscapes or contribute to the significance of a heritage asset will be conserved, enhanced and sensitively integrated within new development.

Part (D), states that alterations and extensions will respect the character of the existing and adjoining buildings, avoid adverse visual and amenity impacts and will not obscure important architectural features or disrupt any uniformity, patterns, rhythms or groupings of buildings and spaces that contribute positively to Westminster's distinctive townscape.

Site

The site forms part of the setting of Lincoln's Inn Fields, a Grade II listed Registered Park and Garden, and is within proximity to many listed buildings which front the Square, as well as structures within it. Of most relevance are the adjacent Royal College of Surgeons at 39-43 Lincoln's Inn Fields (Grade II*) and the former Land Registry Building and its railings at 32 Lincoln's Inn Fields (Grade II).

The site forms part of the south side of Lincoln's Inn Fields, a Grade II listed large public square which was initially laid out in the 1630's and developed around its perimeter during the late seventeenth century. The garden in its current form opened in 1895. The south side of the Square is characterized by institutional buildings, of varying architectural styles, scale and quality; including Charles Barry's classical façade of the Royal College of Surgeons (Grade II*), the neo-Jacobean Land Registry Building (Grade II), the striking contemporary addition of the Marshall Building, and the application building, which exhibits a muted neo-Georgian style.

The current building stands at 52m AOD, and comprises basement, ground floor and seven upper floors; the three uppermost floors are set back behind bottled balustrading. At roof level, the building features a centrally positioned brick enclosure and telecommunications equipment. The main body of the Lincoln's Inn Fields façade, which projects forward of the Royal College of Surgeons, has a muted classical quality. The building is constructed in dark brick with stone dressings, including a stone frieze and bottle balustrading at fourth floor level as well as window dressing, quoins and above the

entrance a three bayed balcony at first floor level. The setback connection adjacent to the Royal College of Surgeons, and the recessed top three floors, are constructed in unadorned brick work and are visually more subdued. The second phase of the building, fronting Portugal Street, is more austere and almost defensive in its manner with limited articulation, particularly at street level. Also, constructed in dark brick, the building expresses a much more utilitarian character.

Whilst architecturally the building is of limited significance, and has a lowkey quality, it is a building which due to its form, scale and details respects its more prestigious neighbours, the listed Royal College of Surgeons and former Land Registry Building. The building which is identified within the Strand Conservation Area Audit as being an unlisted building of merit is considered to, modestly but positively, contribute to the character and appearance of the conservation area.

Proposal

The proposals seek the partial demolition, alterations, and extension of the existing building including associated hard and soft landscaping, roof plant and associated works to provide a new faculty for the LSE.

The scheme demonstrates a strong commitment by the LSE and the Architects towards sustainable development to meaningfully address the Climate Emergency. A retrofit first approach is proposed, with the development also aspiring to meet Passivhaus standard, WELL certification and BREEAM outstanding; ambitious and commendable aspirations for a retention and extension scheme. As a sustainability led scheme, the design is uncompromising and raises challenges from a townscape, design, and heritage perspective.

Standing at 53m AOD, the proposal presents a modest increase in height, comparable to the existing building, which currently sits marginally above the Royal College of Surgeons (Grade II*) and the Former Land Registry Building (Grade II). As such the height of the development is considered broadly comfortable in townscape terms, particularly in the varied context of the south side of Lincoln's Inn Fields and the dominance of the Marshall Building, which towers over the Royal College of Surgeons. The proposals do however present an increase in scale and mass which does raise some concern in terms of the impact upon the setting of neighbouring listed buildings and the townscape generally.

The top three floors and roof top enclosure of the building are to be demolished and replaced by a new extension. The façade of the new element would spring up directly from the retained cornice line above fourth floor level. Extending vertically for two storeys, then set back at seventh floor level, the extension would conclude with an open loggia supported by deep brick pillars, which emerge from the vertical components expressed in the facade below.

The composition and scale of the Lincoln's Inn Fields facade; namely the visual dominance expressed by the top three floors, is visually challenging. Built directly off the existing retained structure below, the new façade will be insulated to form a high performing and consistent thermal line, faced with a brick cladding. As such the new facade would project forward of the retained façade below, giving the impression of

leaning forward and out from the retained building. This perception is further amplified by the increasing proportions of the fenestration ascending the façade, which departs from the diminishing hierarchy and classical order commonly expressed in traditional buildings of this style. Amendments have been made to modify the facade to tackle some of the design concerns raised and advice provided by Westminster's Design Review Panel (see background papers), including the fenestration and façade build-up. However, the form and design of the extension is largely determined by its assembly which minimises invasive, carbon intensive interventions and construction methods, which would be required to achieve a more visually comfortable arrangement.

Whilst the majority of the Lincoln's Inn Fields façade is retained, its appearance will be modified. The building's classical details, such as the pediments above three first floor doors are to be removed and the fenestration pattern simplified. The first floor balcony with its bottled balustrade will be replaced by a full width balcony delineated by simple balustrading. Modifications to the ground floor are largely to facilitate level access and remove the defensive lightwell, which is beneficial. The remodelled facade incorporates a new off centre expanded entrance with more glazing and a contemporary aesthetic. Cumulatively, to a degree, these façade changes dilute the neo-Georgian character and symmetrical arrangement expressed by the current building.

In contrast with the Lincoln's Inn Field's façade, Portugal Street is more austere and defensive in character. The adaptations and alterations proposed would create a more active and accessible frontage and improve its aesthetic appeal. The alterations to Portugal Street are considered to present notable improvements which are hugely beneficial from a design and townscape perspective.

As part of rejuvenating and refreshing the building's appearance, a unifying treatment is to be applied to the entire brick façade. A lime-based slurry (Schlamme) will be brush applied to the brick and will have an off white but warm tone. The coating is intended to maintain the textured finish of the masonry, whilst masking imperfections to refresh the façade. It will be applied to the proposed extension, retained part of the Lincoln's Inn Fields facade and Portugal Street façade. Whilst this would present a striking tonal change to both sides of the building, the overall finish is considered appropriate.

As an unlisted building of merit, the wholesale loss of the existing building would be resisted and as such, the general approach being taken to minimise demolition, retrofit and extend the existing building, is strongly supported. This is an ambitious scheme, seeking an exemplary, highly sustainable building to Passivhaus standard and BREEAM outstanding, however a degree of compromise is necessary to support what is a challenging design.

Assessment of Harm

The key designated heritage assets considered affected by the proposals, are the Royal College of Surgeons, the former Land Registry Building, the registered park and garden that is Lincoln's Inn Fields, and the Strand Conservation Area.

Being directly adjacent to the Royal College of Surgeons (Grade II*), the development does assert itself on the immediate setting of the building, and to some extent dominates the RCS in a number of views. The appreciation and prominence of the RSC is

diminished causing a moderate level of less than substantial harm to its setting.

Similarly, the building lies adjacent to, but largely detached from, the Grade II listed former Land Registry Building. Whilst the extended building will assert itself more prominently in views towards the former Land Registry Building, there is still an element of space between the two buildings which allows the listed building and its characterful roof form to be appreciated. The harm to the setting of the former Land Registry Building is considered to be on the low side of less than substantial.

The Strand Conservation Area incorporates the area from the river Thames through to the southern end of Kingsway and Lincoln's Inn Field. LSE campus extends north of the Aldwych through to the south side of Lincoln's Inn field. The character of the area is varied though the area occupied by the site is undoubtedly institutional and characterised by large scale institutional buildings. Due to its unconventional design approach, and assertive appearance, the development is considered to cause a low level of less than substantial harm to the character and appearance of the Strand Conservation Area.

Similarly, the impact on the setting of Lincoln's Inn Fields is considered on the low side of less than substantial. This is largely given the evolving and varied institutional character and scale already exhibited on its south side of the square.

Para 208 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this instance the harm to designated heritage assets is considered adequately balanced by the compelling sustainability credentials of the proposals, a clear public benefit in addressing the climate emergency as well as providing improved facilities for a world class educational institution and public access to some areas of the new building.

35 Lincoln's Inn Fields is considered to make a low but positive contribution to the Strand Conservation Area, and the proposals would dilute its neo-Georgian architectural character. The proposals present a more imposing architecture which asserts itself on the retained part of the building and the townscape, causing some low-level harm to what is an undesignated heritage asset.

Para 209 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The overarching planning and sustainability benefits of the scheme are considered to adequately outweigh the harm to this undesignated heritage asset.

Landscaping

City Plan Policy 34 (B) encourages new development to, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain

gardens and other green features and spaces into the design of the scheme.

The Landscaping Strategy for the proposed development introduces planting to the front (Lincoln's Inn Fields) forecourt, the stepped terraces at the rear of the building on Portugal Street and the roof.

Seven new trees are proposed to the front forecourt: three single stem Alders and four multi-stemmed Cornelian Cherry trees. The hard surfacing to the forecourt would be predominantly permeable and laid over a soil crating system to ensure that there is adequate natural drainage and gaseous exchange to support tree root growth and to promote soil biodiversity. A new tree is also shown to be planted in the pavement in front of the building. The intention is to provide a permeable frontage, continuity of landscaping and also a link to the open space in the centre of Lincoln's Inn Fields thereby 'extending the urban forest'. However, there may be below ground constraints to tree planting in this location and so details would need to be the subject of the S106 legal agreement for highways works.

Soft landscaping is proposed at levels 2, 6 and 7 of the building. The success of planting at these levels will be dependent on the quality and volume of the growing substrate, species choice and maintenance and irrigation. Plant species should be low water demand and trees should be planted at a modest size to ensure that they have a reasonable life span. The various green roofs and blue roof are welcomed. Conditions are recommended to secure final details of landscaping, soil crating/ soil volumes, irrigation, blue and green roofs and details and funding of the new street tree in the pavement on Lincoln's Inn Field, secured by S106 legal agreement.

Archaeology

Where development involves excavation or ground works within Westminster's Archaeological Priority Areas, City Plan Policy 39 (parts O and P) require that applicants properly evaluate the archaeological potential and significance of the site and that any archaeological remains found are fully investigated and recorded, with an appropriate level of publication and archiving, including public display and interpretation where appropriate.

The site is located within the Lundenwic and Strand Tier 1 Archaeological Priority Area. The applicant has submitted an Archaeological Desk Based Assessment which has identified a high archaeological potential for the remains of footings associated with a C17th tennis court/theatre and early C18th Theatre Royal. There is also low to moderate potential for archaeological remains dating to the Roman, Saxon and Medieval periods and low archaeological potential for pre-historic finds.

Although it is likely that the existing basement levels of the building have significantly reduced the archaeological potential of the site, the applicant has submitted a programme for archaeological monitoring (Written Scheme of Investigation for an Archaeological Watching Brief) during excavations within the basement (lift pits and pad foundations) and forecourt (for tree planting).

Historic England (GLAAS) are satisfied that the most sensitive part of the site (the former tennis court/theatre) will not be impacted by the new development and that, given the

depth of the existing basements, the impact of further localised excavation beneath the existing basement slab would be mitigated by the proposed watching brief. Conditions are therefore recommended to require the ground works to be carried out in accordance with the submitted written scheme of investigation and to secure the programme of on-site heritage interpretation offered by the applicant.

9.5 Residential Amenity

City Plan Policy 7(A) requires development to be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking. City Plan Policy 7(B) and Policy 33 (A) seek to ensure that development does not adversely affect local environmental quality.

The proposed extension to the upper parts of the building would result in an increase in height (0.85m on the Portugal Street facade) and bulk at new sixth and seventh floor levels. On Portugal Street, the existing step back of the facade at second floor level is to be retained and there would be further step backs at new sixth and seventh floor levels in order to reduce the impact on townscape views from Portugal Street and from 18 Portugal Street opposite.

Comments have been received from two residents of flats in 18 Portugal Street who are concerned that the increased height and bulk of the building will cause a loss of light and loss of privacy/overlooking to their flats. 18 Portugal Street is a recently completed residential development comprised of 221 residential flats. The two residents who have commented on the proposed development live in flats located in the West block of 18 Portugal Street, facing the application site – one in the middle section of the third floor and the other at eighth floor/ roof top level.

Daylight and Sunlight

The applicant has undertaken an assessment of the potential impact of the development on daylight and sunlight to windows in flats in 18 Portugal Street. There will be no loss of daylight to windows in the flats of the two residents who have commented/objected to the application. There will however be losses of daylight (in excess of the BRE recommended guideline of 20%) to windows to seventeen habitable rooms (at first to fifth floor levels) ranging from losses of 21% to 27% to affected windows at second to fifth floor levels and losses of between 21% to 55% to affected windows (six habitable rooms/four flats) at first floor level.

The most significant impact of the proposed development would be on daylight to rooms served by pairs of recessed narrow windows (particularly those at first floor level) which sit under projecting bays positioned immediately above them. Thus the design of the building at 18 Portugal Street itself already has a significant impact on the amount of daylight which can penetrate the affected rooms. If these windows had been flush to the façade, the impact of the proposed development on daylight to these rooms would be less noticeable. In these circumstances, it would not therefore be reasonable to withhold planning permission.

35 Lincoln's Inn Fields is located immediately to the north of 18 Portugal Street and so

there would be no material impact on sunlight to windows in this building as a result of the proposed development.

Privacy

The refurbished and extended building would continue to be used for educational purposes by the LSE. The main entrance to the building would be from Lincoln's Inn Fields but like the LSE's Marshall Building at 44 Lincoln's Inn Fields, the ground floor would be publicly accessible from both Lincoln's Inn Fields and Portugal Street. There are existing window openings in the rear (Portugal Street) façade of the building; additional window openings would be created at all levels of this façade as a result of the proposed development. The windows on the upper floors would serve various teaching spaces, lecture halls, seminar rooms and offices. The proposed roof terrace at new sixth floor level and the dining room and open loggia at new seventh floor level are positioned on the eastern and northern sides of the building respectively and would not therefore cause overlooking or a loss of privacy to residential flats in 18 Portugal Street.

Noise & Vibration

City Plan Policy 33 (C) seeks to prevent adverse effects of noise and vibration and improve the noise environment in compliance with the Council's Noise Thresholds, this includes minimising noise from plant machinery and internal activities.

Comments have been received from two residents of 18 Portugal Street concerned about potential noise nuisance from mechanical plant, use of the building and during demolition/construction work.

New mechanical plant is proposed to be installed in the basement and on the roof of the building, mainly to the front (Lincoln's Inn Fields). PV panels and a green roof would cover much of the rear (Portugal Street) roof area. The Council's Environmental Services Team are satisfied that the applicant's amended noise assessment report demonstrates that the new mechanical plant is capable of complying with the Council's noise thresholds. Conditions controlling plant noise emission levels are recommended.

The building would continue to be used for higher educational purposes with most of the interior space at upper floor levels used for teaching and quiet study purposes. The main visitor entrance to the agora, which is located at ground floor level within the centre of the building beneath the atrium, would be from Lincoln's Inn Fields. The elevations of the building would not be highly glazed; the proposed window openings are relatively small and any new external amenity spaces would be located away from the Portugal Street frontage of the building. The use of the building is therefore unlikely to have a detrimental impact on the amenity of residents of 18 Portugal Street.

The Council's Code of Construction Practice (CoCP) (February 2022) is intended to help developers manage and minimise the environmental impacts of demolition and construction activities and applies to substantial refurbishment and development projects. The CoCP requires site specific mitigation measures to be set out in a Site Environmental Management Plan (SEMP).

The Environmental Sciences Team have requested that (should permission be granted)

a pre-commencement condition requiring adherence to the Council's CoCP be attached. This condition requires the applicant (prior to commencement) to submit evidence in the form of a signed and completed Appendix A CoCP checklist approved by the Environmental Sciences Team to demonstrate that implementation of the scheme will be bound by the Council's CoCP.

The applicant has confirmed their intention to sign up to the CoCP and has sought to avoid a pre-commencement condition by submitting a SEMP and Construction Management Plan (CMP) with the planning application. However the SEMP/CMP are approved and monitored by the Council's Environmental Sciences Team separately to the planning process and there is a fee payable for this service. It is therefore recommended that, as requested by the Environmental Sciences Team, the pre-commencement CoCP condition is attached as well as a condition controlling the hours during which noisy building works can be carried out.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The application site is well located and accessible via various modes of sustainable transport e.g. walking, cycling and public transport (buses and tube). Trip generation figures have been provided for the AM and PM peaks based on a total capacity of the building of 931 (staff and students). In reality however, student arrivals and departures are likely to be distributed across the day according to differing lecture schedules and activities. Visitors to the agora for lectures/events may result in localised congestion (vehicles and pedestrians) at certain times which may have a limited impact on the operation of the local highway. However it is accepted that the majority of trips associated with the development (excluding servicing activity) would be via public transport or other sustainable modes of travel (e.g. walking and cycling). Given the site location and the proposed higher (university/college) educational use, a Travel Plan is not required for the proposed development but a condition is recommended to restrict the use to non-residential educational use because other Class F uses including schools, nurseries and medical uses would require further assessment and a travel plan specific to that use.

Servicing and Waste & Recycling Storage

The City Council strongly supports the provision of consolidated facilities for freight, servicing and deliveries. City Plan Policy 29 requires that servicing, collection and delivery needs should be fully met within a development site. Policy 37 (B) of the City Plan requires all new development to provide appropriate storage of separate waste streams.

The proposed servicing figures rely on a reduction of 50% through freight consolidation across the campus. While this would be welcomed and the wider campus operation is noted, it is questionable whether this significant level of reduction is practical and achievable given the limited information provided.

The proposed development would be serviced, including waste collection, from on-street from Portugal Street; no off-street servicing is proposed. Goods would be received and

transferred through the ground floor to the goods lift to be taken to the upper floors. However, it is unlikely that waste and other deliveries would be moved through the ground floor space when the agora is in active use. The scheme has been amended to include a temporary ground floor holding area to assist in enabling deliveries to be moved off-street, which will benefit pedestrians. Concern remains, however, that goods could be left on the highway before being transferred to the internal storage area. The proposed ground floor waste storage area meets the Council's requirements for segregated waste storage.

The applicant has submitted a Servicing Management Plan and an Operational Management Plan which is a simplified document of the processes to be followed and, if followed, would minimise the impact of the proposed development on the highway network. A condition is therefore recommended requiring that the Operational Management Plan is followed and maintained for the lifetime of the development.

Cycling & Cycle Storage

City Plan Policy 25 requires development to promote sustainable transport by prioritising walking and cycling in the city. Part (D) 3 of the policy requires development to meet London Plan standards for cycle parking and cycle parking facilities. The London Plan cycle parking requirement in this case would be 1 space per 4 staff and 1 space per 20 students (university/college).

The maximum capacity of the proposed development would be 931 (310 staff and 621 students/visitors). The policy compliant long stay cycle parking requirement is therefore 110 spaces (78 spaces for staff plus 32 for students/visitors) plus a requirement for a further 89 short stay cycle parking spaces (199 cycle parking spaces in total).

24 cycle storage spaces are proposed in the front (Lincoln's Inn Fields) forecourt and a further 120 spaces in the basement accessed via a cycle stair ramp from Portugal Street (144 cycle parking spaces in total) plus end of trip facilities (showers and lockers).

The proposed scheme would meet the minimum London Plan policy requirement for long stay cycle parking but, although it is acknowledged that short stay cycle parking is available at other locations across the campus, there would still be an overall shortfall of 55 cycle storage spaces for this development. To address this, the applicant has offered to accept a condition requiring them to monitor cycle use during the first 12 months following occupation. This is considered to be a particularly limited solution given that the cycle parking standards are intended to cover the life of the development and it is unclear, if demand did increase, how this demand would be met if there is currently no space to deliver this. However, in the overall assessment of this application, this is a relatively minor matter which is not considered sufficient reason to withhold planning permission.

Highway interventions

City Plan Policy 27 supports the reduction in off-street car parking. The loss of the existing off-street non-residential car parking (six spaces from the front forecourt) is therefore welcomed. The removal of the existing vehicle access from Lincoln's Inn Fields is also welcomed but the cost of reinstating the redundant vehicle crossover as footway

would be required to be paid for by the developer and secured by S106 legal agreement as would the other essential highway works including those to Portugal Street.

The proposed development has been designed with outward opening doors at ground floor level which would create a highways safety issue for pedestrians on the Portugal Street frontage. The applicant has declined to amend the doors so that they do not open out across the pedestrian footway stating that these form part of the emergency escape strategy for the building (emergency doors always open outwards). Whilst doors which open outwards across the highway would not normally be acceptable, because they impede the safe movement of pedestrians contrary to City Plan Policy 25, this would be insufficient reason to refuse permission for the entire development.

9.7 Economy including Employment & Skills

City Plan Policy 18 (B) supports the improvement and expansion of Westminster's world-class higher educational institutions in recognition of the economic benefits they provide to Westminster, London and the UK. Paragraph 18.4 of the City Plan notes that investment in higher educational institutions brings benefits to the wider economy.

The proposed development would generate economic benefits during the construction phase, through construction jobs and expenditure. Once operational, 47 new jobs (FTE) including academic, research, professional, support services and graduate teaching assistants would be created and 150 (FTE) jobs would be transferred to the building from other parts of the LSE estate. These new and transferred jobs would have wider local economic benefits through direct and indirect spending.

9.8 Other Considerations

None.

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:

- a) A financial contribution of £55, 288.62 (index linked) towards the Carbon Off-set Fund payable prior to the commencement of development
- b) All costs associated with the reinstatement of redundant vehicle crossovers as footway and associated works to accommodate the Development (including alterations to drainage, lighting, signage, traffic management orders, street furniture, street trees and other highway infrastructure (including all legal, administrative and statutory processes)
- c) The costs of monitoring the S106 agreement

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 the following pre-commencement conditions: requirement to adhere to the Council's Code of Construction Practice during the demolition/excavation and construction phases of the development; requirement to submit contaminated land Phase 3 (remediation strategy) and Phase 4 (validation) reports. The applicant has agreed to the imposition of these conditions.

9.11 Assessment of Planning Balance

As set out within Section 9.4 of this report, the proposal is considered to cause less than substantial harm to the character and appearance of the Strand Conservation Area, the Grade II registered Lincoln's Inn Fields park and garden, the Grade II* listed Royal College of Surgeons and the Grade II listed former Land Registry Building and their settings. The harm would be caused by the design approach and assertive appearance of the building. The level of harm caused would be at the low to moderate end of less than substantial.

Paragraph 208 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public to be genuine public benefits.

When undertaking this weighing exercise, the Sub-Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 9.4 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

Although a development of this scale generates a number of public benefits, the following are considered to be the most significant:

- provision of enhanced educational facilities allowing the LSE to continue to provide world class education within Westminster
- publicly accessible ground floor and agora which would widen the LSE's public event programme
- creation of 47 (FTE) new jobs and the transfer of 150 (FTE) jobs from elsewhere within the LSE estate and wider local economic benefits through direct and indirect spending
- retention of up to 60% of the existing building to create a highly sustainable building
- provision of a landscaped forecourt and greening of the building which would create new habitats for wildlife and enhance the ecological value of the site

The public benefits summarised above would be significant. Consequently, they are considered to be sufficient to outweigh the less than substantial heritage harm detailed in Section 9.4 above, in compliance with paragraph 208 in the NPPF. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. For these reasons, clear and convincing justification has been demonstrated for the harm caused to the designated heritage assets, in compliance with paragraph 206 of the NPPF.

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 and has also considered the weight to be attributed to the public benefits and harm that would arise from the scheme.

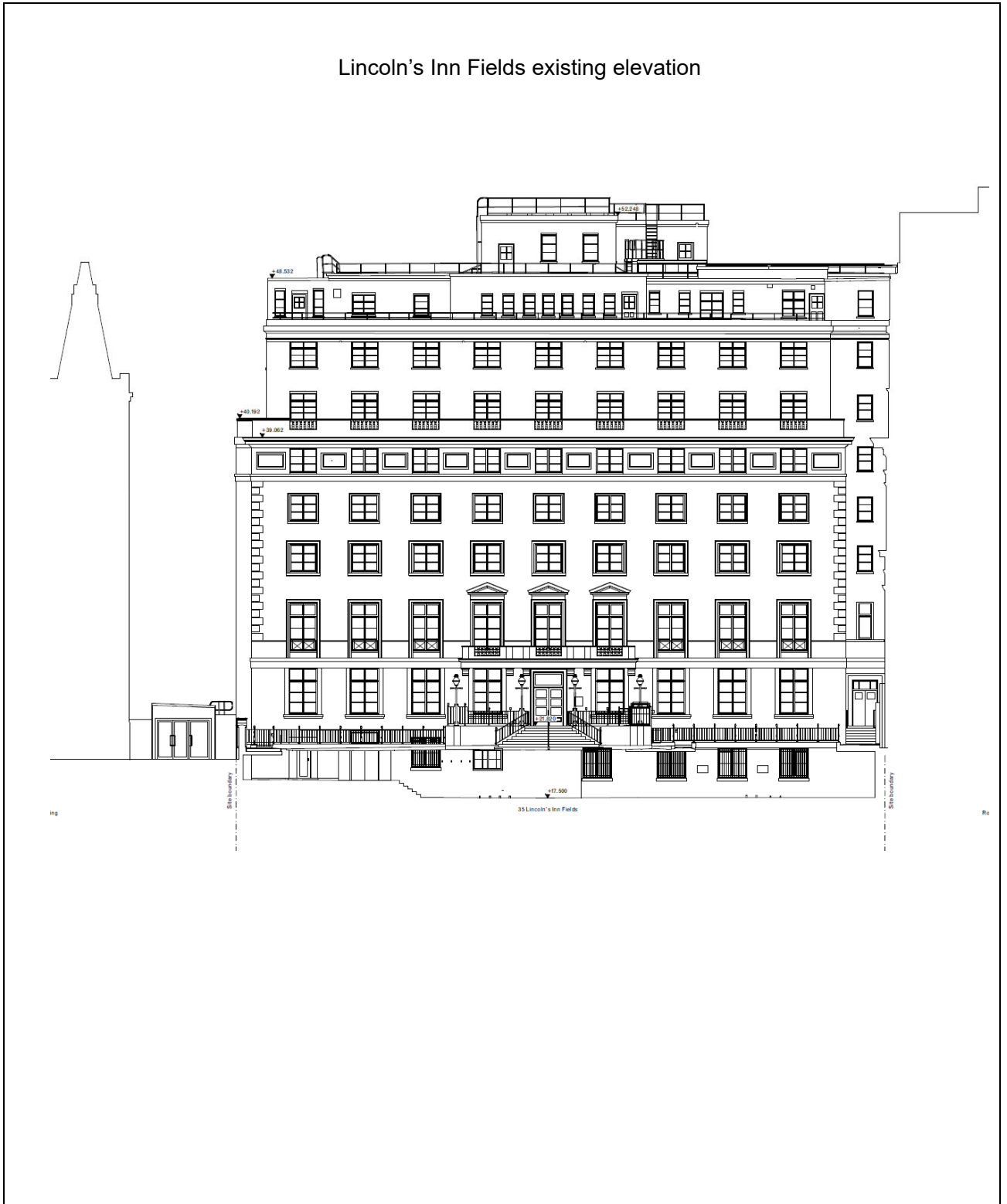
Having regard to this assessment, it has been found that the proposed development would be consistent with the relevant policies in the City Plan 2019-2040, the London Plan 2021, the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is recommended that planning permission is granted, subject to the conditions listed at the end of this report and completion of a Section 106 agreement to secure the obligations identified in Sections 1 and 9.10 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: AMANDA JACKSON BY EMAIL AT ajackson@westminster.gov.uk

11. KEY DRAWINGS

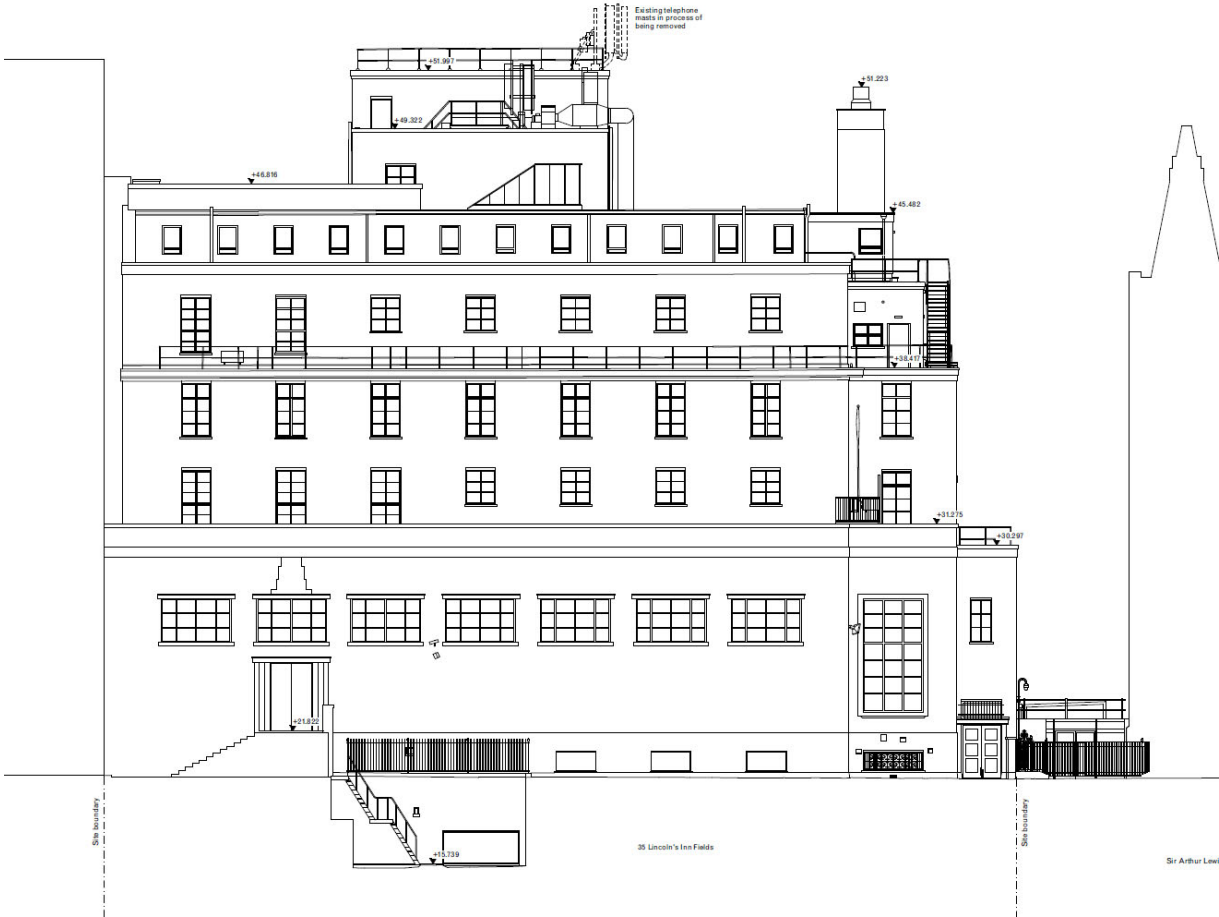
Lincoln's Inn Fields existing elevation



Lincoln's Inn Fields proposed elevation



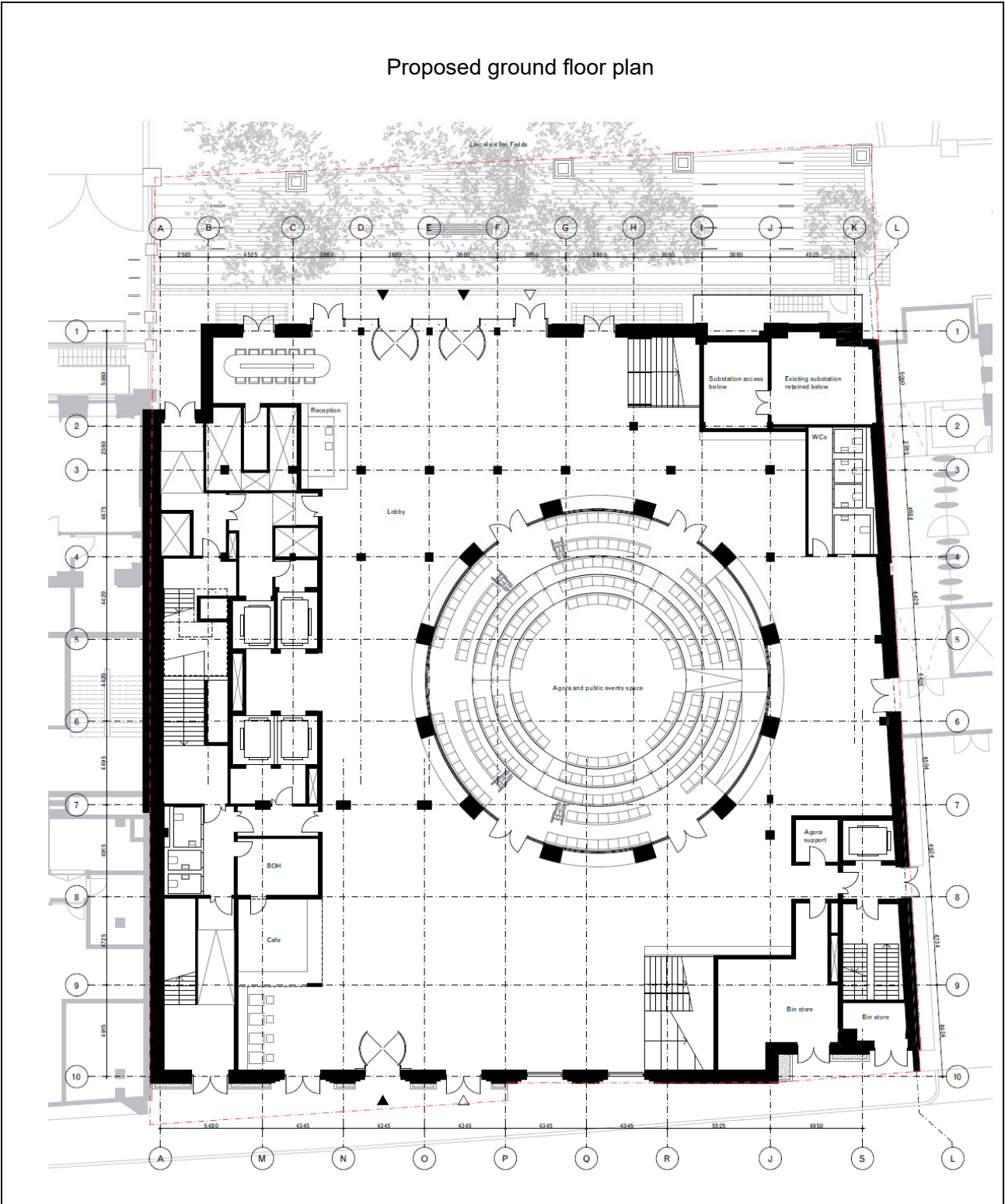
Portugal Street existing elevation



Portugal Street proposed elevation



Proposed ground floor plan



DRAFT DECISION LETTER

Address: 35 - 37 Lincoln's Inn Fields, London, WC2A 3PE,

Proposal: Partial demolition, alterations and extension to existing building for use for non-residential education purposes (Class F1) including associated hard and soft landscaping, roof plant and associated works.

Plan Nos:

LIF-DCA-91-XX-DR-A-91001 03
LIF-DCA-91-XX-DR-A-91002 02
LIF-DCA-91-XX-DR-A-91004 02
LIF-DCA-91-XX-DR-A-91008 03
LIF-DCA-91-XX-DR-A-91010 03
LIF-DCA-91-B2-DR-A-91908 01
LIF-DCA-91-B1-DR-A-91909 01
LIF-DCA-91-01-DR-A-91910 01
LIF-DCA-91-01-DR-A-91911 01
LIF-DCA-91-02-DR-A-91912 01
LIF-DCA-91-03-DR-A-91913 01
LIF-DCA-91-04-DR-A-91914 01
LIF-DCA-91-05-DR-A-91915 01
LIF-DCA-91-06-DR-A-91916 01
LIF-DCA-91-07-DR-A-91917 01
LIF-DCA-91-08-DR-A-91918 01
LIF-DCA-91-XX-DR-A-91920 01

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LIF-DCA-91-XX-DR-A-91933 01
LIF-DCA-91-B2-DR-A-91958 01
LIF-DCA-91-B1-DR-A-91959 01
LIF-DCA-91-00-DR-A-91960 02
LIF-DCA-91-01-DR-A-91961 01
LIF-DCA-91-02-DR-A-91962 01
LIF-DCA-91-03-DR-A-91963 01
LIF-DCA-91-04-DR-A-91964 01
LIF-DCA-91-05-DR-A-91965 01
LIF-DCA-91-06-DR-A-91966 01
LIF-DCA-91-07-DR-A-91967 01
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 LIF-DCA-91-03-DR-A-91114
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 LIF-DCA-91-06-DR-A-91117
 LIF-DCA-91-07-DR-A-91118
 LIF-DCA-91-08-DR-A-91119
 LIF-DCA-91-RF-DR-A-91120

1437-JLG-ZZ-00F-DR-L-01000	P02
1437-JLG-ZZ-00F-DR-L-01400	P02
1437-JLG-ZZ-00F-DR-L-01402	P02
1437-JLG-ZZ-02F-DR-L-01002	P02
1437-JLG-ZZ-00F-DR-L-01601	P02
1437-JLG-ZZ-06F-DR-L-01006	P02
1437-JLG-ZZ-07F-DR-L-01007	P02
1437-JLG-ZZ-09F-DR-L-01009	P02
1437-JLG-ZZ-ZZ-DR-L-01100	P02
1437-JLG-ZZ-ZZ-DR-L-01300	P02
1437-JLG-ZZ-ZZ-DR-L-01301	P02
1437-JLG-ZZ-ZZ-DR-L-01302	P02

Preliminary investigation report from Soil Technics reference STV6060-R01 Rev C dated November 2023;
 Ground Investigation Report from Soil Technics reference STV6060-R02 Rev A dated November 2023;
 Delivery and Servicing Management Plan dated 8 March 2024;
 Operational Management Plan (Operations Plan) dated 8 March 2024;
 Written Scheme of Investigation for an Archaeological Watching Brief dated December 2023;
 Energy Statement dated October 2023 and Energy addendum report dated 21 March 2024;

For information only:

Design and Access Statement dated October 2023 and Addendum dated February 2024;
 Landscape Strategy dated November 2023;
 Planning Statement dated October 2023;
 Drainage Strategy (including Flood Risk Assessment) dated September 2023 and addenda reports dated December 2023 and February 2024;
 Sustainability Statement dated October 2023 and Sustainability Approach dated February 2024;
 Air Quality Assessment dated September 2023;
 Noise Impact Assessment dated January 2024;
 Preliminary Ecological Appraisal dated September 2023;
 Daylight and Sunlight Report dated September 2023;
 Fire Statement dated September 2023;
 Townscape and Visual Appraisal dated October 2023 and Addendum dated February 2024;
 Heritage Impact Assessment dated October 2023 and Addendum dated February 2024;
 Archaeological Desk Based Assessment dated September 2023;

Biodiversity Net Gain Report dated September 2023;
 Statement of Community Involvement dated September 2023;

Transport Statement dated October 2023;
Ventilation and Extraction Statement dated October 2023;

Case Officer: Amanda Jackson

Direct Tel. No. 07866038919

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

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

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

Reason:

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

- 5 Pre Commencement Condition. You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must carry out the development in accordance with the following Phase 1 and Phase 2 investigation reports:

Soil Technics Preliminary Investigation report, ref: STV6060-R01 Rev C dated November 2023
Soil Technics Ground Investigation Report ref: STV6060-R02 Rev A dated November 2023

You must apply to us for approval of the following investigation reports:

You must apply to us and receive our written approval for Phase 3 before any demolition or excavation work starts, and for Phase 4 when the development has been completed but before it is occupied.

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

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18BB)

- 6 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number LIF-DCA-91-00-DR-A-91110 Rev 03 and in accordance with the Waste Management Strategy as set out in the Delivery and Servicing Management Plan LIF-ARP-XX-XX-RP-Y-0006 dated 8 March 2024 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building.
(C14FC)

Reason:

To protect the environment 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)

- 7 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter no less than 110 long stay cycle spaces and no less than 34 short stay cycle spaces and the associated facilities for cyclists shall be provided and retained and the space used for no other purpose for the lifetime of the development. (C22FC)

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 8 You must use the servicing holding areas and access corridors shown on the approved plans only for those purposes for the lifetime of the development.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 9 Servicing and deliveries must be carried out in accordance with the submitted Operational Management Plan LIF-OP prepared by Arup dated 8 March 2024 for the lifetime of the development.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 10 You must only use the building for non-residential educational purposes. You must not use the building for any other purposes, including any other use within Class F1 of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use within Class F1 because it would not meet Policies 24 and 25 of the City Plan 2019-2040 (April 2021) and because of the special circumstances of this case.

- 11 Any structure located over a vehicle carriageway, or over a pedestrian footway but within 1 metre (measured horizontally) from the edge of a vehicle carriageway, shall be fixed so that no part of the structure is within 5.3 metres of ground level. Any structure located over any other part of a pedestrian footway more than 1 metre (measured horizontally) from the edge of a vehicle carriageway shall be fixed so that no part of the structure is within 2.6 metres of ground level.

Reason:

In the interests of public safety and to ensure that the building is not hit by high sided vehicles in accordance with Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24CB)

- 12 The development must retain a minimum vertical depth below the footway or carriageway of 900mm between the highway surface and the top of any below ground structure.

Reason:

To ensure that sufficient space is retained for services in the highway in accordance with Policy 45 of the City Plan 2019-2040 (April 2021).

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

Reason:

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

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

- all new external windows and doors - sections and elevations, materials and colour.

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

15 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Strand Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

16 You must submit a detailed specification for the soil within the planters on the balconies and terraces, including plan and section drawings showing the soil depth across each area and the drainage layer and confirming total soil volumes in each area. You must include a specification for the soil in these areas and a methodology for importing and laying the soil. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the submitted details.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Strand Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

17 You must submit details of the soil crating system to be installed beneath the forecourt to include a detailed specification for the soil to be used within the crating system. You must also include a methodology for installing the soil and drainage layer without causing contamination or compaction. You must not start any work on this part of the development until we have approved what you have sent to us. You must then install the crating system and the hard surfacing according to the approved details

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Strand Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 18 Details of a management plan for all areas of soft landscaping shall be submitted to and approved by us prior to occupation of the building. The areas of soft landscaping as approved shall be maintained according to the management plan thereafter.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Strand Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

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

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

Reason:

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

- 20 You must apply to us for approval of details of the proposed Blue Roof to include construction method, layout and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must then install the blue roof according to the approved details and you must not remove this feature.

Reason:

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

- 21 You must carry out the groundworks and archaeological work in accordance with the requirements for on-site investigation specified in the submitted RPS written scheme of investigation (WSI) for an archaeological watching brief dated 14 December 2023. All archaeological work must be undertaken by a suitably qualified person or organisation.

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

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

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 22 You must submit details of a programme of on-site public archaeological heritage interpretation. You must not occupy the development until we have approved what you have sent us. You must then carry out and permanently retain the programme of heritage interpretation according to the approved details.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the

City Plan 2019 - 2040 (April 2021). (R32BD)

- 23 The development shall be carried out in accordance with the approved Energy Strategy (prepared by Arup dated October 2023) and Energy Statement Addendum (dated 21 March 2024) and shall achieve regulated carbon dioxide emission savings of not less than 41% 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)

- 24 Prior to commencement of superstructure works, an updated Cooling Hierarchy shall be submitted to and approved by us in writing. The updated Cooling Hierarchy must include details of the following:

- 1) Passive measures included in the design to mitigate against overheating including. Passive measures may include, but not limited to, external shading, insulation, exposed thermal mass, provision of green infrastructure, windows specification and design to achieve G-values in line with or lower than the Notional Building specification as set out in the relevant Building Regulations.
- 2) Details of measures that would be installed to prevent overheating in common areas with communal heating pipework in line with objective 3.9 of CIBSE CP1.
- 3) Details of any management strategies required to control overheating and information that will be supplied to occupants to support the strategy.
- 4) Where the methodology informing the updated Cooling Hierarchy differs from that set out in the Energy Statement submitted at application stage, updated dynamic modelling, in line with requirements of the Mayor of London's Energy Assessment Guidance (June 2022) (or any guidance that may supersede it) shall be carried out to demonstrate that the measures proposed are appropriate to control overheating and minimise the need for mechanical cooling (required only where passive measures set out under (1) are insufficient to prevent overheating).

The Cooling Hierarchy we approve shall be implemented prior to first occupation of the development and thereafter be permanently retained and maintained in accordance with the manufacturer's recommended maintenance regime for the passive and mechanical elements of the hierarchy. (C17FA)

Reason:

To ensure the development is designed and operated to minimise the risk of internal overheating and is an energy efficient building in accordance with Policy SI4 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). (R17EA)

- 25 The development hereby approved shall achieve Passivhaus certification. Post completion Passivhaus certification, issued by an independent third-party assessor, that confirms that the development has been completed in accordance with all Passivhaus performance criteria shall be submitted to us for our approval within three months of first occupation of the development. (C44FA)

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 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)

- 27 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

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

- 28 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)

- 29 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)

- 30 No development (with the exception of demolition and temporary works) shall commence until the following details have been submitted and approved by us as Lead Local Flood Authority (LLFA):
- a) BRE365 percolation testing,
 - b) CCTV drainage survey
 - c) impact assessment in event of pump failure/emergency procedures
 - d) surface water infiltration calculations

You must then carry out the work and occupy the building in accordance with the approved details.

Reason:

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

(April 2021).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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.

- 3 Condition 5 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.
- 4 The term 'clearly mark' in condition 6 means marked by a permanent wall notice or floor markings, or both. (I88AA)

- 5 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.

- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).

- 7 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)

- 8 With reference to Condition 15:

When you apply to us for approval of the hard and soft landscaping details you should ensure that the single-stemmed trees are a maximum size of 20-25cm girth at the time of planting.

- 9 Conditions 28 and 29 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)

- 10 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.

- 11 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
- * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 12 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 13 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
- Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;

* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 14 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email districtsurveyors@westminster.gov.uk.
- 15 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) A financial contribution of £55,288.62 (index linked) towards the Carbon Off-set Fund payable prior to the commencement of development
 - b) All costs associated with the reinstatement of redundant vehicle crossovers as footway and associated works to accommodate the Development (including alterations to drainage, lighting, signage, traffic management orders, street furniture, street trees and other highway infrastructure (including all legal, administrative and statutory processes)
 - c) The costs of monitoring the S106 agreement
- 16 With reference to Condition 5:
- the Phase 3 (remediation strategy) required by this condition must explain the reason for use of the guideline level for public open space in the Phase 2 (investigation) report. The submission should also confirm that a watching brief would be in place and that if unexpected contamination is discovered full details will be provided including sampling, required remediation and confirmation that the required remediation has been implemented and will be included in the Phase 4 (validation) report.

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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE	Date 14 May 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	Former West End Central Police Station, 27 Savile Row, London W1S 2EX		
Proposal	Demolition of former police station building, excavation to create new basement 2 level and to enlarge existing basement 1 level, and erection of new building comprising two basement levels, lower ground, ground plus seven storeys plus a roof plant level, delivering new office (Class E) floorspace, new restaurant (Class E) floorspace at partial ground and lower ground floor, new flexible workspace (Class E) and / or training (Class F1) and / or composite use comprising a workspace and training facility (sui generis) at basement 2, amenity terraces, public art, cycle parking, plant, landscaping and all associated works including enabling, highways and other ancillary works.		
Agent	DP9		
On behalf of	Henigman		
Registered Number	22/07647/FULL	Date amended/ completed	28 November 2022
Date Application Received	9 November 2022		
Historic Building Grade	Unlisted		
Conservation Area	Regent Street		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

Subject to the views of the Mayor of London, refuse permission on design and conservation grounds.

2. SUMMARY & KEY CONSIDERATIONS

The application site comprises an unlisted building located within the Regent Street Conservation Area and immediately abutting the Mayfair Conservation Area. The site is also located within the

Savile Row Special Policy Area and the Central Activities Zone (CAZ).

The building was constructed as a purpose-built police station in 1940 and became vacant in 2021 following the consolidation of the policing functions for the West End at the Charing Cross Police Station on Agar Street.

Planning permission is sought to demolish the building, excavate an enlarged basement 2 level and erect a replacement building for use as: (i) Offices on the upper floors with a ground floor entrance the Savile Row frontage; (ii) A restaurant at lower ground and ground floor levels, mainly fronting onto Boyle Street but also with frontages on Savile Row and Old Burlington Street; and (iii) A flexible workspace (Class E) and / or training (Class F1) and / or composite use comprising a workspace and training facility (sui generis) at basement 2 intended to be occupied by the London Academy of Bespoke, let at peppercorn rent and benefitting from subsidised service charges.

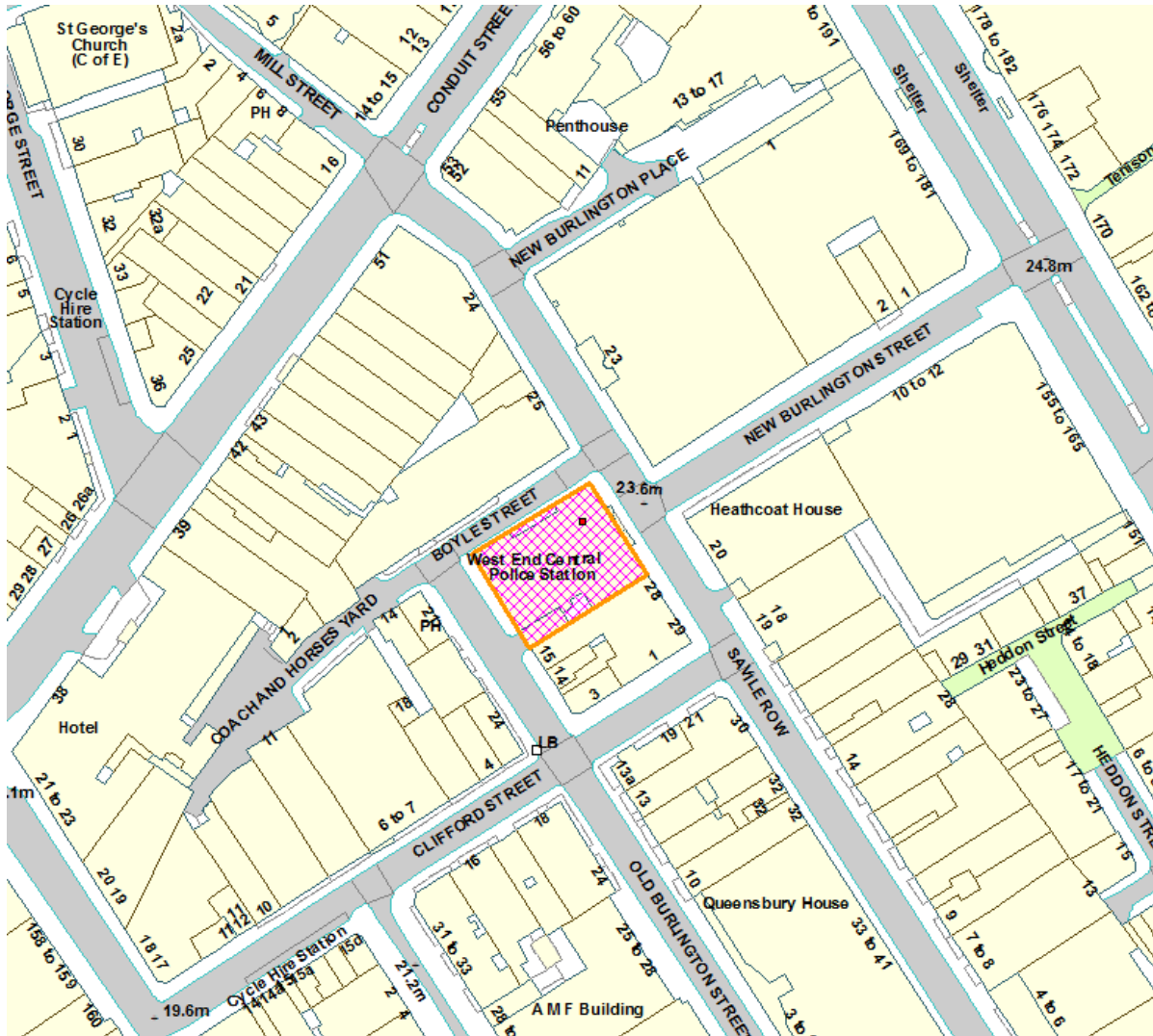
The key considerations in this case are:

- Whether the demolition of the existing building is justified from a circular economy and sustainability perspective.
- Whether the proposed building is an acceptable replacement for the existing building in respect to its scale, height, form, massing, detailed design and impact upon the character and appearance of the Regent Street Conservation Area and the setting of the Mayfair Conservation Area.
- Whether the public benefits of the development proposal outweigh the less than substantial harm the replacement building would cause to the character and appearance of the Regent Street Conservation Area and the setting of the Mayfair Conservation Area.

Given the physical constraints of the former police station and that the retention and adaptation of the building would not result in significant upfront embodied carbon and waste savings, the demolition and replacement of the existing building is justified from a circular economy and sustainability perspective.

However, the demolition of the existing building and the proposed replacement building's scale, height, form, massing and detailed design would result in a development that would cause a low to moderate level of less than substantial harm to the character and appearance of the Regent Street Conservation Area and the low level of less than substantial harm to the significance of the Mayfair Conservation Area, through failing to preserve or enhance its setting. Whilst the development proposal will generate public benefits, cumulatively these would not outweigh the less than substantial harm caused to the significance of these two designated heritage assets. The development proposal fails to accord with London Plan Policy HC1, City Plan Policies 38, 39 and 40, and Mayfair Neighbourhood Plan Policy MD3. It is accordingly recommended that permission be refused.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Savile Row elevation:



Old Burlington Street elevation:



5. CONSULTATIONS

5.1 Application Consultations

MAYOR OF LONDON:

- Satisfied that the closure of the West Central Police Station was part of an
- Metropolitan Police Service's transformation plan, and no strategic objections is raised to the site's development for a non-social infrastructure uses.
- Support for the provision of new high-quality office development within the CAZ, subject to further information in terms of its flexibility, adaptability and affordability of the floorspace.
- The provision of commercial uses at ground floor level is supported and its ability to activate all three sides of the building is a very welcome improvement.
- The provision of affordable workspace / training facility at basement 2 level may be a public benefit but can be afforded only limited weight in the planning balance due to its very small size relative to the overall scheme and its relatively low quality.
- The existing building contributes to the significant of the Regent Street Conservation Area, being substantially intact and a successful design by a well-known police architect of the period. It has strong aesthetic value, particularly the formality of the Savile Row elevation, the way in which the building and its central entrance provides a strong termination to the view along New Burlington Street from Regent Street itself. The loss of this building would result in less than substantial harm to the Regent Street Conservation Area, at the lower end of the scale, and no harm to the setting of the Mayfair Conservation Area.
- The proposed overall height, scale, massing, appearance and material palette of the proposed replacement building is generally considered to be acceptable, although the deep overhang and depth of roof edge at level 5 gives a heaviness to this element and the additional height of the development in views from Regent Street would result in some harm to the significance of the Regent Street Conservation Area and to the setting of the listed buildings at Nos. 1 and 2 New Burlington Street. It is suggested that changing this overhang element to make it slimmer and including a setback at level 5 on the Boyle Street façade should be explored.
- It is requested that two additional view studies are required: (i) From Conduit Street to assess the impact on the setting of the Grade II listed buildings at Nos. 42-43 and Nos. 46, 47 and 48 Conduit Street); and (ii) From Clifford Street to assess the impact on the setting of the Grade II listed buildings at No. 22 and 23 Old Burlington Street and at Nos. 4 and 5 Clifford Street.
- Concludes that, although it seems likely that the public benefits, including provision of new high-quality office space; activation of the street scene; public realm enhancements/a new shared surface (if delivered) and affordable workspace, would be sufficient to outweigh the harm, the GLA reserves its position in relation to the overall heritage impacts, level of harm, and balance against public benefits until the above additional views are provided and the application has been referred back to the Mayor of London at Stage 2.
- Confirmation is requested that at least one lift is a fire evacuation lift to allow safe and dignified emergency evacuation for all building users.
- The submitted access statement is comprehensive and demonstrates that inclusive access has been given thorough consideration.
- It is requested that a financial contribution of £22,500 is secured to increase provision of cycle hire in the area and mitigate the site-specific impacts of the

- development.
- The Energy Strategy needs to be further refined and additional information is requested.
 - The sustainability impacts of a full demolition proposal need to be weighed in the planning balance and in view of the benefits of the scheme.
 - Detailed comments on the adherence of the proposed development to circular economy principles will follow.
 - A planning condition should be secured requiring the submission of detailed plans demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure.
 - The applicant should provide quantitative evidence that the proposed development secures a net biodiversity gain.
 - The applicant should prepare an Ecological Management Plan to support long-term maintenance and habitat creation.
 - The proposed development presents a well-considered approach to integrating green infrastructure and urban greening. However, the applicant should seek to improve the quality and quantity of urban greening to increase the application's Urban Greening Factor.
 - The surface water drainage strategy for the proposed development is not policy compliant. Calculations showing how greenfield runoff rates have been obtained should be provided. The inclusion of rainwater harvesting should be prioritised and further commitment should be provided at this stage.
 - The proposed development will be air quality neutral.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

- Objection on the following grounds:
 - o It is perfectly possible to save the historic face of the building and comply with Westminster's guiding principles on retrofit and sustainability; whilst still offering tailoring business space.
 - o Total demolition - even if it now involves 're-using' an (unspecified) amount of stone - is pollutant, and not sustainable; disregards the heritage of this building and its sympathetic scale and context with the surrounding buildings; and is contrary to Westminster's new guiding principles on retrofit.

MAYFAIR NEIGHBOURHOOD FORUM:

- The internal layout of the building is compromised and too difficult to convert into decent alternative accommodation from the previous use as a police station. As such, the applicant has made the case to justify the demolition of the building.
- However, objects to the development proposal on the following grounds:
 - o The existing façade is of merit and makes a positive contribution to the character of this part of the Regent Street Conservation Area. It is considered the loss of the façade and whole building will cause substantial harm to the Regent Street Conservation Area and the adjacent Mayfair Conservation Area. To justify the loss, the replacement building must be to a very high design that fits in with the conservation area. The public benefits alone do not justify the loss of the existing building.
 - o It is not considered the design of the new building is a suitable replacement when compared to the existing façade. In particular, the amount of horizontal glazing and unresolved clumsy roof additions dominate local views (from Regent Street in particular) and neither preserves nor enhances the two

conservation areas. As such the Forum considers the case has not been made to justify the loss of the existing façade.

MAYFAIR RESIDENTS GROUP:

- Any response to be reported verbally.

TRANSPORT FOR LONDON:

- TfL recommends that a Healthy Streets financial contribution is agreed with the City Council.
- Requests that a financial contribution of £22,500 be secured to cover the additional costs of redistributing cycle hire bicycles as a result of the additional demand arising from the proposed development for about a year.
- The City Council should secure, enforce, monitor, review and ensure the funding of the full Travel Plan through the S106 agreement to ensure conformity with Policy T4 of the London Plan, 2021. The Travel Plan should provide measures to maximise the proportion of trips by active travel.

HIGHWAYS PLANNING MANAGER:

Unacceptable transportation issues:

- The failure to meet the servicing needs of the development proposal on-site is contrary to City Plan Policy 29(B). Given the site current has existing off-street car parking spaces and service bay there would appear to be no reason not to provide improved off-street servicing provision to reduce the impact of servicing on highway users.
- The reliance on on-street servicing removes this highway space for able to be used by other vehicles, including operational emergency vehicles which still use this space to support operations in the West End or for the Highway Authority to allocate space to support all highway users.
- The servicing approach for the development is not considered robust, given it relies on space outside of the control of the applicant. Conversely, if the delivery bay is in use by others, it is unclear how the proposed development would then function without having an increased adverse impact on other highway users.
- The lack of off-street servicing provision also limits the ability to support sustainable and net zero servicing.

Supported transportation issues:

- The quantum of cycle parking provision and associated showers, changing rooms and lockers.
- Removal of on-site vehicular parking.
- The amendments to the development proposal so that the canopies on the Boyle Street frontage are now at least 1.0m back from the existing kerb line.

BUILDING CONTROL:

- No objection.

ENVIRONMENTAL SCIENCES:

- No objection on environmental noise or nuisance grounds, subject to the imposition of appropriate conditions.

WASTE PROJECT OFFICER:

- No objection.

HISTORIC ENGLAND:

- The loss of the former West End Police Station would cause harm to the significance of the Regent Street Conservation Area by removing a pre-war building of architectural interest that makes a positive contribution to the character of the surrounding Regent Street Conservation Area.
- Even following the amendments made to the development proposal, the proposed replacement building would introduce a scale of development that is beyond that of the prevailing townscape, resulting in an overall scale of development that would be overbearing and visually intrusive, particularly from the view from Regent Street.
- The harm to the Regent Street Conservation Area through the loss of the existing building and the scale of the replacement building would be in the low-to-middle part of the spectrum of 'less than substantial harm'. Any such harm needs to be given great weight and requires clear and convincing justification. The City Council also needs to be satisfied that this harm could not be avoided or minimised by a different form of development. It is for the City Council to weigh this harm against the public benefits flowing from the development proposal.
- The policy thrust of the emerging Local Plan and adopted Environment SPD clearly emphasises and encourages the upgrade and reuse of existing buildings, with particular emphasis on sensitively adapting and upgrading historic buildings. It also clearly resists demolition in favour of retrofit. We support this draft policy and believe that retaining and upgrading the significant parts of the exterior of the former police station building would result in a more sustainable form of development, as promoted by the NPPF.

SAVILE ROW BESPOKE:

- The proposed development of the West Central Police Station presents an opportunity to transform the northern end of Savile Row and bring it into step with the thriving southern part of the street.
- Brings a vacant and obsolete building back into use, represents a high quality, sustainable scheme.
- The proposals will create a mixed used building consisting of world-class office space and a new restaurant, bringing life, commerce, and footfall to the northern part of this iconic street.
- Welcomes the introduction of much needed affordable workspace for apprentice training and start-up opportunities that will nurture the next generation tailoring talent right in the heart of the industry it serves.

HISTORIC ENGLAND (ARCHAEOLOGY):

- No further assessment or conditions are necessary.

THAMES WATER UTILITIES LTD:

- Request that a condition be imposed to ensure that no damage is caused during piling to the strategic sewer.
- No objection to the proposed development in respect to the capacity of the combined waste water network infrastructure.

METROPOLITAN POLICE SERVICE:

- No objection but detailed comments provided on the potential alteration to the highway in terms of kerb heights and concern raised about the detailed design of any planters.
- Accepts that Secure by Design principles are being considered in the design of the proposed replacement building but sees no reason why the building cannot achieve a Secured by Design Accreditation. Request that this be a condition of any planning approval.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 219

Total No. of replies: 105

No. of objections: 4

No. in support: 101

PRESS NOTICE/ SITE NOTICE – Yes.

Summary of objections to the development proposal

Objections from two neighbouring properties on the following grounds:

Design and Conservation:

- The considerable increase in scale and massing of the proposed replacement buildings will have an imposing impact on the streetscene. The sets backs and building form are insufficient and ineffective to reduce the dominating and overpowering effect of these additional upper floors, particularly in views looking north along Old Burlington Street from the junction with Clifford Street. The overall scale and form of the proposed building does not respect the Victorian architecture and proportions of the existing buildings on Old Burlington Street, including the setting of the Grade II listed building at Nos. 22-23 Old Burlington Street.
- The off-set staggered nature of the upper terraces upsets the balance of the building and is not conducive to retaining the consistent rhythmic block pattern of buildings in the area.
- Whilst the provision of an active frontage around the whole building is welcomed, the design approach is limited in its success, particularly on the Old Burlington Street corner. An attempt at masking the raised floor level on this corner has been made through the provision of a series of planted containers around the building. The planters appear as “add-ons” and have not been sufficiently incorporated into the building design to have any meaningful effect or purpose, failing to hide the elevated position of the ground floor level above pavement level. It is likely that further measures will be required to facilitate the privacy of the occupants of the ground floor, such as obscure glazing, contrary to the aims of creating the open frontage. The ground floor level should therefore be lowered internally to ensure level access from this entrance, and an appropriate plinth created around the base of the building.
- The gold panelled frontage and service doors to the right of the Old Burlington Street frontage are also somewhat alien in Old Burlington Street and the floor-to-ceiling glazing used in the first five floors is not proportionate to the Victorian proportions evident in Old Burlington Street.

Amenity:

- Overlooking – there will be direct views into the living accommodation of a nearby flat.
- Light pollution from all of the windows.

Other:

- Disruption during the course of construction and impact on operation and viability of a nearby public house.
- There may be a need for a Party Wall Agreement.
- Would much prefer the existing building is retained and put to good use.

One objection from another resident on the following grounds:

- The loss of this fine building which forms a natural and particularly pleasing relationship with the fine contemporary (i.e. 1930s) building on Boyle Street and Savile Row. There are few outstanding late 1930s building surviving in the West End, and to consider the destruction of a particularly fine one on Savile Row is an unacceptable loss.
- Objects strongly to the destruction of the existing building and its replacement with bland repetitive architecture.

Objection from SAVE Britain's Heritage on the following grounds:

- The proposed development would cause substantial harm to the Regent Street Conservation Area through the irreversible loss of a non-designated heritage asset. The loss of this building would cause unnecessary and unjustified harm to a designated heritage asset, contrary to NPPF Para. 206 that states, "*Any harm to, or loss of, the significance of a designated heritage asset... should require clear and convincing justification*".
- The total loss of the existing building, which SAVE Britain's Heritage's considers to be a non-designated heritage asset, would contribute to the ongoing loss of historic buildings within the Regent Street Conservation Area, adding to the continued erosion of historic buildings along Savile Row. The loss of the existing building is contrary to national policy and City Plan Policy 39 (Part R) that states, "*Non-designated heritage assets (including local buildings of merit...) will be conserved*".
- The proposed replacement building would cause substantial harm to the character and appearance of the Regent Street Conservation Area and the setting of surrounding Grade II and Grade II* listed building due to its increased scale and disruptive imposition upon the building's historic setting. The revisions made to the development proposal are relatively minor in the context of the overall scheme and do not alter the fundamental nature of the application.
- The demolition proposed is not sustainable development in environmental terms. The NPPF states that, '*at the heart of the Framework is a presumption in favour of sustainable development*'. This environmental objective is one of three overarching objectives of the NPPF. The demolition of the existing building would have an unnecessary negative carbon cost, contradicting para. 157 of the NPPF, which sets out that the planning system should, "*...encourage the reuse of existing resources, including the conversion of existing buildings...*". Considers that there has been an been entirely inadequate consideration of the possibility of re-use of this building. The examination of alternative uses, as set out in the Design and Access Statement, is primarily based upon an inadequate desktop study using highlighted thumbnail images and does not sufficiently explore the possibility of a more discreet extension.

Retaining and retrofitting historic buildings like these is of paramount importance if Westminster City Council is to comply with national policy requirements and its own commitment to be carbon neutral by 2030, as declared on 18th September 2019, as well as the guidance set out within the Environmental SPD (adopted 2022). Whilst SAVE note the applicant's commitments to reducing construction waste and material reuse, these fall far short of mitigating the overall embodied carbon cost of the proposal.

Summary of support for the development proposal

Support from the London Academy of Bespoke on the following grounds:

- The provision of affordable workspace will be of enormous community benefit, being that the London Academy of Bespoke are the only trade approved training centre, fostering and nurturing the next generation of bespoke tailors, cutters and master tailors. Furthermore, as the London Academy of Bespoke works with the tailors of Savile Row, many of whom teach our students, the proximity of workspace to their tailors, being close by, would be a game changer and greatly increase its future impact.
- The development proposal will comprise a sustainable mixed-use building consisting of a world-class office space, a new restaurant, and affordable workspace/training floorspace along with much-needed public realm improvements, to bring life and commerce to the northern part of this important street, supporting the many tailors of Savile Row.
- The proposal is a sensitively designed and the office space and restaurant offer will bring more visitors to the street - contributing to the economic vitality of Savile Row and the wider West End.

Support from the New West End Company on the following grounds:

- Redeveloping the former police station on Savile Row will provide much-needed investment for the northern end of the street, which has not shared the success of the southern end. High-quality office space along with new restaurant space on the ground floor will provide welcomed activation and increased footfall to the area.
- The proposed public realm improvements, as well as making an aesthetic improvement to the streetscape, will make the experience around the building more amenable for visitors, local businesses and residents alike.
- Pleased to see included in the proposals, allocation of affordable workspace for training and apprenticeships within the tailoring profession. Supporting tailors along Savile Row is an important aspect of keeping the heritage and allure of the street that has made it internationally acclaimed.

Support from nearby tailors, employees of tailors, other businesses, existing students at the London Academy of Bespoke, and other individuals on the following grounds:

- There is an opportunity to sustainably develop the site into a mixed-use building consisting of a world-class office space, a new restaurant, and affordable workspace/training floorspace along with much needed public realm improvements, to bring life and commerce to the northern part of this important street and support the many tailors of Savile Row.
- Consider the proposals to be sensitively designed, improving the street scene.

- The Grade A office space and destination restaurant offer will bring more visitors to the street - contributing to the economic vitality of Savile Row and the wider West End.
- The existing building is vacant, obsolete, and not fit for office, residential or retail use, and no longer makes a positive contribution to Savile Row. The existing building is not suitable for being retrofitted – a new build is the only viable option.
- The allocation of rent-free affordable workspace for training and apprenticeships within the tailoring profession is welcome.
- The re-use of 95% of the existing stone façade of the building is welcome in sustainability terms.
- The public art on the building's façade will celebrate the heritage of Savile Row.
- The provision is a street-level display to the rear on Old Burlington Street for the affordable workspace/training floorspace is welcome.

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 below:

- Tours of the building with key stakeholders.
- Meeting with a current West End ward councillor.
- Meetings with local business and community groups.
- The creation of a consultation website, containing information and updates on the progress of the scheme (www.27savilerow.co.uk).
- An interactive survey on the consultation website to gather feedback on the scheme.
- An in-person public exhibition with members of the project team on hand to answer questions.
- A virtual webinar hosted on Zoom, featuring a presentation from the project team and a moderated Q&A session.
- Notification of the consultation through letter drop, social media adverts and a poster displayed prominently on the entrance door of the Site at 27 Savile Row, and door knocking to further bring awareness of the consultation to the local community.
- Meeting with the Cabinet Member for Planning and Economic Development.

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

- Concerns were raised about the proposed height of any new building and the quantity of glass.
- Some questioned if other uses had been explored and if there was justification for additional office space in the West End, considering the impact of Covid-19 on working patterns.
- Concern about the demolition of the existing building.

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:

- Increase in the solidity of the facade by incorporating additional vertical columns on each facade on typical floors.
- Incorporation of greening to act as a screen, with fixed timber planters on all ground floor elevations.
- Green roofing and brown roofing are integrated into the proposed scheme to enhance biodiversity.
- Incorporation of a blue roof for rainwater attenuation.
- Reduction in height by 2.41m.
- Reuse of existing building stone has been incorporated into the design.
- Affordable workspace with training opportunities is now proposed at basement level 2.
- Reduction in the width of ground floor canopies.

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.

An emerging local plan is not included within the definition of "development plan" within ss.27 and 54 of the Town and Country Planning Act 1990 and 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:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) 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
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

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 continued until 25 April 2024. The Partial Review includes updated policies for affordable housing, retrofitting and site allocations. The

Partial Review of the City Plan remains at a pre-submission stage and therefore having regard to paragraph 48 of the NPPF the policies within it will generally attract limited if any weight at all at this stage.

6.2 Neighbourhood Planning

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The site comprises an unlisted building located within the Regent Street Conservation Area, the West End Retail and Leisure Special Policy Area, the Savile Row Special Policy Area, the Great Estates Archaeological Priority Area and the Central Activities Zone. The site is readily visibly visible from the Mayfair Conservation Area. The site is located within 'East Mayfair' for the purposes of the Mayfair Neighbourhood Plan. To the south and south-west of the site are Nos. 24A Old Burlington Street and 18 Clifford Street (Grade II* listed) and No. 22 and 23 Old Burlington Street (Grade II listed), respectively.

The building was purpose-built as a police station known as the West End Police Station and this was the building's last use. It is understood that the police vacated in early 2021. It is arranged over a small basement 2 level, basement, lower ground, ground, six upper floors, and plant above. The lower ground floor contains off-street car parking for up to four vehicles, accessed from Old Burlington Street to the rear of the site.

Records indicate that the nearest residential units are located to the rear of the site at No. 21 Old Burlington Street (third floor level) and at Nos. 22-23 Old Burlington Street (basement level).

7.2 Recent Relevant History

None.

8. THE PROPOSAL

Planning permission is sought to entirely demolish the existing building on site (with the exception of the retained basement walls), excavate to provide a full basement 2 level, and to erect a replacement building comprising two storeys of basement, a lower ground floor level, a ground level, seven upper storeys, and a recessed roof top plant level.

The upper floors of the building are proposed to be used as offices (Class E) accessed from a ground floor reception on the Savile Row frontage. Terraces associated with this office floorspace are proposed at fifth, sixth and seventh floor levels.

A restaurant (Class E) is proposed at part ground and part lower ground floor level, mainly fronting onto Boyle Street but with smaller frontages on Savile Row and Old Burlington Street. There are proposed to two access points to this restaurant – at the Boyle Street / Savile Row corner and at the Boyle Street / Old Burlington Street corner.

Plant, waste storage, cycle parking (access from Old Burlington Street), a UKPN sub-station and associated end-of-trip facilities, and other back-of-house facilities makes up the majority of the two basement levels.

In addition, an area at Basement 2 level accessed from the Old Burlington Street frontage is proposed to be used as: (i) Some kind of workspace (Class E); or (ii) A training space for bespoke tailoring; or (iii) A composite use comprising a workspace and training facility (*sui generis*). The result would be that, if permitted, this floorspace could be used as a workspace, or for training, or a mixture of both for a period of ten years from the date of the permission. The actual use after ten years would then become the lawful use of this part of the building. A window display associated with this workspace / training facility is proposed at ground floor level on the Old Burlington Street frontage. It is understood that the current intention is that this will provide a space for a mannequin to display items of clothing.

The applicant is committed to providing a 10-year lease for this space to the London Academy of Bespoke (a private bespoke tailoring school) on a peppercorn rent and a 50% discount on the service charge. The applicant is committed to offering this floorspace at a peppercorn rent for a total term of 40 years so that, should the London Academy of Bespoke vacant, it could be occupied by another training facility or as affordable workspace by another user.

Alterations to the public highway surrounding the site are proposed. However, were permission to be granted, the detailed design of these highway works is a matter for the City Council in its capacity as Highways Authority.

Table 1: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Police station (Sui Generis)	5,571	0	-5,615
Office (Class E)	0	6,583	+6,583
Restaurant (Class E)	0	790	+790
Flexible workspace (Class E) and / or training (Class F1) and / or composite use comprising a workspace and training facility (sui generis)	0	141	+141
Substation	44	120	+120
Total	5,615	7,634	+2,019

All of the supporting information is based on the above distribution of uses within Class E and therefore the application has been assessed on this basis.

The application was amended in January 2024. The amendments to the application included the following:

1. Reduction in massing and creation of additional area of terrace at fifth floor level on the Boyle Street frontage. Reduction in massing at sixth and seventh floor levels on the Savile Row and Boyle Street frontages. Cumulatively, reducing the proposed office floorspace by 134 sq.m GIA.
2. Design amendments, including: (i) Alteration to building line and reduction in projecting canopy on Boyle Street; (ii) Re-use of existing building crest on Savile Row frontage; and (iii) Alterations to the upper level of the proposed building.
3. Commitment to re-use between 75% and 95% of the existing facade material in the replacement building.

As a result of these amendments, notification letters were sent to:

- The Mayfair Residents Group
- The Mayfair Neighbourhood Forum
- The Residents' Society of Mayfair and St. James's
- Historic England
- The owners / occupiers of neighbouring properties that were originally notified of the application, as were those that had already provided comments on the application where an address had been provided.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of the former West End Police Station

The West End Central Police Station was closed and decommissioned in 2021, following the earlier closure of the front desk to the public in 2017.

City Plan Policy 17(C) provides protection for existing community facilities and floorspace except in certain circumstances. However, paragraph 17.1 sets out the specific type of uses that are considered to be community infrastructure and facilities. The list does not include police stations. On this basis, the replacement of the West End Central Police Station does not engage City Plan Policy 17.

Notwithstanding that the development proposal does not engage City Plan Policy 17, London Plan Policy S1(G) states, *'Redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation Plan.'* The definition of 'social infrastructure' includes policing facilities, such as the West End Central Police Station. However, the West End Central Police Station is identified within The Mayor's Office for Policing and Crime and Metropolitan Police Service Public Access Strategy (November 2017) for closure and the building disposed of, with the policing functions for the West End consolidated at the Charing Cross Police Station on Agar Street. Given that the loss of this social infrastructure is part of a wider public service transformation plan, there is no conflict with London Plan Policy S1.

Finally, whilst the definition of 'social and community facilities' within the Mayfair Neighbourhood Plan is wide and would include a police station, Policy MSC 1 does not specifically identify the West End Central Police Station as a use warranting protection. As such, it is concluded that the loss of this social and community facility does not represent a policy breach in respect to the Mayfair Neighbourhood Plan.

Provision of office floorspace and job capacity

London Plan Policy SD4(B) states, *"The nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values"*. London Plan Policy E1(B) states that increase in the current stock of office should be supported in various locations, including the CAZ, whilst London Plan Policy E1(C) states, *"The unique agglomerations and dynamic clusters of world city businesses and other specialist functions of the central London office market, including the CAZ... should be developed and promoted"*. London Plan Policy E2(B) states, *"Development of B Use Class business uses should ensure that the space is fit for purpose having regard to the type and use of the space"*.

City Plan Policy 1 outlines how growth will primarily be delivered through the intensification of the CAZ, the West End and the town centre hierarchy in order to provide at least 63,000 new office-based jobs. City Plan Policy 2 seeks significant job growth through a range of commercial-led development through the intensification of the West End Retail and Leisure Special Policy Area. City Plan Policy 13 reiterates the new jobs target set out within City Plan Policy 1 and provides support for new and improved office floorspace that meets the needs of modern working practices within the parts of the CAZ with a commercial or mixed-use character (which includes the application site), enabling the continued growth and clustering of the creative, knowledge and research-based sectors. City Plan Policy 14 supports the intensification of town centres, high streets and the CAZ.

Policies MSG1, MGS2 and MC1 of the Mayfair Neighbourhood Plan all support growth within Mayfair and, in particular commercial (including office) growth within Central and East Mayfair.

The proposed development would provide 6,583 sq.m of high-quality office floorspace in the CAZ and in East Mayfair. This is supported by London Plan Policies SD4, E1 and E2(B), City Plan Policies 1(B)(1), 2(A), 13(A) and 14(A), and Policies MC1, MSG1 and MSG2(e) of the Mayfair Neighbourhood Plan.

Based on an employment density of 1 employee per 11.6 sq.m (the average density of the general office sub-sectors¹), the proposed increase in office floorspace will add capacity for 295 FTE office-based jobs. This is based on the existing site containing zero jobs given that there is no prospect of the building's lawful use as a police station resuming. This will contribute to the target of providing capacity for at least 63,000 new office-based jobs over the Plan period (i.e. 3,000 jobs per annum), as set out within City Plan Policy 13.

In terms of the flexibility of the proposed floorspace, the building could be let to different occupiers by floor, providing a degree of flexibility for small and medium sized enterprises (SMEs). This is in accordance with London Plan Policy E2.

Affordable workspace / training facility

London Plan Policy E1(G) requires development proposals relating to new or existing offices to, "...take into account the need for a range of suitable workspace including lower cost and affordable workspace". Furthermore, London Plan Policy E2(A) supports boroughs working up policies, "...that support the provision, and where appropriate, protection of a range of B Use Class business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises and to support firms wishing to start-up or expand", and Part D states, "Development proposals for new B Use Class business floorspace greater than 2,500 sq.m. (gross external area), or a locally determined lower threshold in a local Development Plan Document, should consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprises".

These supportive general policies for the provision of affordable workspace are complemented by London Plan Policy E3 that sets out a number of circumstances where planning obligations may be used to secure affordable workspace at rents maintained below market rates for specific social, cultural or economic development purposes. These circumstances are where there is affordable workspace currently on site or where boroughs have identified specific locations where affordable workspace should be protected or provided and have worked up detailed policies accordingly.

There is no affordable works space currently on-site and, although City Plan Policy 13(C) provides general support throughout the City for proposals that involve the

¹ Employment Density Guide (3rd edition), November 2015.

provision of affordable workspace, it does not contain an overt policy requirement for affordable workspace provision.

Part of the basement level 2 (141 sq.m) is proposed to be (i) A workspace for bespoke tailors (Class E); or (ii) A training space for bespoke tailoring; or (iii) A composite use comprising a workspace and training facility (*sui generis*). Since the submission of the application, discussions between the applicant and a potential occupier have progressed and the applicant is now committed to providing a 10-year lease for this space so that it can be occupied by the London Academy of Bespoke on a peppercorn rent with a 50% discount on service charge. The London Academy of Bespoke is a private bespoke tailoring school currently based nearby at 66-68 Greener House, Haymarket SW1. The space would be delivered to Category B status (i.e. including partitions, power, lighting and finishes – a fully functional and tailored working environment). The London Academy of Bespoke would only be responsible for providing furniture, fixtures and equipment.

There are other providers of training in London, including the Savile Row Bespoke Academy based at the first floor of 9-10 Savile Row. The London Academy of Bespoke's intention is for this training facility to provide aspiring tailors with a high skill set so that they are capable of securing apprenticeships in bespoke tailors on Savile Row. It is understood that all members of the Savile Row Bespoke Association are obliged to employ at least one apprentice.

The applicant contends that relocating the London Academy of Bespoke to Savile Row would be beneficial as:

- Locating a training facility in the midst of the trade it supports will enable the London Academy of Bespoke to more readily support the bespoke tailoring businesses with trade integrating at every level to assess core training principles and ensure the high standards of industry training continues.
- Candidates requiring upskill training from existing Savile Row businesses can use their time efficiently whilst being close to their employer.
- Independent start-up tailors who graduate from London Academy of Bespoke and set themselves up as freelance makers will benefit from workspace at the Academy at a key stage early on in their career under mentorship of the London Academy of Bespoke teaching team. There are grants available, but as Savile Row is an area that is financially out of reach for most candidates, the rent-free workspace would enable this emerging talent to be supported.

The provision of this facility is strongly supported by the City Council's Economy and Skills Team who state that the London Academy of Bespoke's presence at the application site would not only be a strategic fit for the Savile Row Special Policy Area, but also a significant step in nurturing the future of the tailoring craft. They note that the tailoring industry faces significant skills challenges, notably the need for fresh talent in the heritage craft of bespoke tailoring. They argue that:

- This proposal, by fostering a symbiotic relationship between the London Academy of Bespoke and the tailoring community at Savile Row, seeks to directly address these challenges.

- It will facilitate the training and development of new talent, ensuring the industry's resilience and growth by equipping individuals with skills crucial for the future of bespoke tailoring, thereby sustaining the craft and its associated cultural heritage
- The provision of a permanent, affordable workspace for the London Academy of Bespoke in the heart of Savile Row, with substantial rent and service charge discounts, would enable them to offer bursaries for tailoring courses and create opportunities for apprentices and start-ups.
- This initiative aligns with the City Council's Fairer Economy commitments of supporting growth and building resilience within key sectors, whilst increasing employment opportunities and pathways.

The City Council's Economy and Skills Team have met and discussed the proposal with the London Academy of Bespoke and are confident the space provision is sufficient and aligned with their needs, representing an increase in area when compared to their current and past temporary spaces and ensuring the service charge (at 50% reduction), business rates, and utilities bills are manageable.

The City Council's Economy and Skills Team proposes that the following are secured in order to ensure maximum benefit:

1. 40-year commitment to affordable workspace at peppercorn rent and 50% reduction in service charges
2. 10-year lease to the London Academy of Bespoke and Category B fit-out
3. Requirement to inform the City Council's Economy Department should the London Academy of Bespoke end its lease and proactively market and seek an alternative tenant – with approval sought from the City Council before entering into a lease with new tenant.
4. Annual reporting on the impact of training programmes, particularly in terms of employment outcomes locally
5. That a minimum number of bursaries are made available annually for Westminster residents for tailoring courses

The London Academy of Bespoke is committed to providing bursaries to support four students through its beginner tailoring courses to a value of £10,000. It is not clear whether this offer is every year or just a one-off, whether it is a total value of £10,000 or £10,000 for each student, and how eligibility for any bursary will be decided.

The proposal teaching space is also supported by the Savile Row Bespoke Association.

The provision of this space is supported by City Plan Policies 13(C) that provides general support for affordable workspace throughout the commercial areas of the city. In providing rent free space, the development proposal would also assist the operation of the London Academy of Bespoke which would, through training aspiring bespoke tailors, complement and enhance the Savile Row Special Policy Area's continued role as an international centre of excellence for bespoke tailoring, in accordance with City Plan Policy 23(A).

New restaurant

There is no objection to the principle of a new restaurant that delivers active frontages on all three sides of the building, with City Plan Policy 2 supporting job growth and an improved retail and leisure experience within the West End Retail and Leisure Special Policy Area, City Plan Policy 14(B) requiring uses that provide active frontages and serve visiting members of the public at the ground floor throughout the town centre hierarchy, City Plan Policy 14(G) supporting town centre uses in principle in parts of the CAZ that have a commercial or mixed use character (such as the application site), and City Plan Policy 23(A) supporting complementary uses - such as cafes and restaurants that can increase dwell time – that would support the Savile Row Special Policy Area's continued role as an international centre of excellence for bespoke tailoring.

Furthermore, the type and size of the restaurant is considered to be appropriate in this heavily commercial part of the West End Retail and Leisure Special Policy Area that does not have an overconcentration of such uses. It is considered that, subject to conditions, the restaurant's impact on the occupants of the residential units in this part of the CAZ is acceptable, as is its impact upon the vitality, diversity and function of the local area. For these reasons, the proposed restaurant is in accordance with City Plan Policy 16.

9.2 Environment & Sustainability

Sustainable Design and the Circular Economy

Summary of policy and guidance

NPPF Para. 157 states, *“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; **encourage the reuse of existing resources, including the conversion of existing buildings;** and support renewable and low carbon energy and associated infrastructure”* [emphasis added].

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

‘Circular economy’ is defined within the London Plan’s glossary as, *“An economic model in which resources are kept in use at the highest level possible for as long as possible in order to maximise value and reduce waste, moving away from the traditional linear economic model of ‘make, use, dispose’”*.

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

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

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

Section 2.4 of the Mayor of London’s Circular Economy Statements guidance (March 2022) sets out Circular Economy design approaches for existing buildings, with Para. 2.4.1 stating that the ‘decision tree’ should be followed to inform the design process for the development from the outset (informed by a pre-redevelopment and pre-demolition audits, where possible, and a whole life carbon assessment). In cases where there are existing buildings on site, the decision tree asks it is technically possible to retain these buildings in whole or part. If so, the decision tree asks whether the existing building, or parts of these building, are suitable to the requirements of the site. If the answer is ‘yes in whole’, the guidance 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. If the answer is ‘no’, the guidance indicated that the building should either be ‘disassembled for re-use’ or ‘demolished and recycled’. This approach, the guidance states, is to follow the approach set out in Figure 3.2 of the London Plan, stating, *“...retaining existing built structures totally or partially should be prioritised before*

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

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

Guidance on the meaning of ‘sustainable design principles’ is found within the ‘Retrofitting and Sustainable Design’ chapter of the Westminster’s Environmental SPD (February 2022). The guidance states, “The upgrade and reuse of existing buildings is a sustainable approach and can help by avoiding the higher carbon footprint associated with constructing new buildings” (p. 104). Page 87 also states, “Where all or part of the existing building can be retained and demolition can be avoided, this will help conserve resources, reduce embodied carbon, minimise waste and avoid dust and emissions from demolition. However, this needs to be carefully balanced against other sustainability objectives, the need to deliver new housing and economic growth, meaning demolition will still be appropriate in some circumstances. When balancing the merits and impacts of retention or demolition of the existing building, the council will consider environmental, economic and social sustainability issues in the round with reference to other City Plan policies”. This guidance adds that, “Putting the circular economy into action in Westminster’s built environment means in the first instance exploring retention and refurbishment of buildings rather than demolition and re-build. If this is not possible, then incorporating reused materials into a new development” (p.96).

Assessment

The existing building is a custom designed as a police station. Whilst significant parts of the building were dedicated to office functions, there are specific design features that means that, for it to be altered to suit other uses, significant parts of it would need to be demolished and remodelled. The applicant has explored numerous options for repurposing the site for office or hotel use, including a redevelopment behind a retained

façade. Residential development was not explored as this is not acceptable to the freehold owner of the site.

Officers accept that, to enable the building to be brought back into use, the basement, ground floor, upper floors and cores of the building need to be demolished. Furthermore, in respect to the first, second and third floors, officers acknowledge that circa 50% of the floor slabs would have to be demolished in order to make way for the new core. Stitching this new core to the existing building would also involve carbon intensive interventions.

Whilst deep retrofit options would result in a lower upfront carbon impact of the development and less waste, such savings would not be significant. Furthermore, these savings need to be weighed against the policy support that a new building is capable of delivery growth in office floorspace within the CAZ and associated job creation.

Given the physical constraints of the existing building and that the retention and adaptation of the building would not result in significant upfront embodied carbon and waste generation savings, even though officers are of the view that the partial retention and refurbishment of the building would be physically possible, on this occasion it is considered that the demolition of the existing building and its redevelopment is justified from a circular economy and sustainability perspective.

Energy Performance

London Plan Policy SI 2 requires major development to be net zero-carbon, with a minimum reduction in regulated emissions (i.e. those associated with heating, cooling, ventilation, hot-water and lighting) of 35 per cent beyond Part L of the Building Regulations 2013 (or, if updated, the policy threshold will be reviewed). Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified and delivery is certain.

City Plan Policy 36(B) requires major development to be zero carbon. City Plan Policy 36(C) adds, *'Where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment secured by legal agreement'*.

Policy MES4 of the Mayfair Neighbourhood Plan requires all new non-domestic development to be zero carbon.

National building regulations were updated to enhance energy performance standards for new buildings through Part L 2021 that came into force on 15 June 2022. The applicant has submitted a revised Energy Statement assessing the carbon emissions savings against a notional development meeting Part L of the 2021 building regulations.

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

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	8.2	21
Be Clean: Savings from heat network	0.0	0
Be Green: Savings from renewable energy	2.0	5
Cumulative on-site savings	10.2	27
Carbon shortfall	27.8	-
	Tonnes CO ₂	
Cumulative savings for offset payment	835	
Cash-in-lieu contribution (£330 / tonne)	£275,220	

Be Lean

As illustrated in the Energy Statement, to maximize the energy efficiency of the development and thereby reduce energy demands, several key design principles have been incorporated. This strategy involves optimizing the building envelope's performance (through improved U-values, y-values, and g-values), reducing the proportion of glazed surfaces to limit solar heat gain while still ensuring ample natural light (thereby reducing the need for artificial lighting and cooling). Moreover, energy-efficient lighting and controls have been thoughtfully implemented across the entire development. These fixtures and control systems not only reduce energy consumption but also provide flexible and adaptable lighting solutions.

Be Clean

While the possibility of a site-wide heating system was explored, which would have included all demises within the main building in one efficient network, this option was ultimately deemed unviable as no approved plan currently exists for the area. Therefore, in line with the requirements of the City Council and the GLA the applicant has future proof the plantroom space allocating extra space technical equipment which can be used to connect to a district heating network should this become available in the future.

Be Green

The heating and cooling strategy for the development employs air source heat pumps located at roof level, offering active heating and cooling to the office and restaurant spaces. These systems are in line with the building's all-electric, zero fossil fuel requirements.

Additionally, the applicant has accommodated the officer's request to enhance the solar

energy capabilities of the building by expanding the area allocated for photovoltaic panels on the roofs and vertical surfaces using biosolar where applicable. The use of biosolar, which involves the installation of PV panels over a green roof, optimizes the efficiency of the panels and enhances the ecological credentials of the building. The total PV panel area is now approximately 173 m². It should be noted, however, that the submitted proposed drawings do not show the vertical PV panels. Had the development proposal been acceptable in other respects, this discrepancy would have been resolved through a request for the submission of amended drawings.

Be Seen

The Applicant has submitted the Be Seen assessment through the GLA website.

Overall

The overall target of achieving a 35% on-site regulated carbon emissions reduction over Part L 2021 has not been met; however, it is recognised that since the adoption of the new Part L 2021, meeting this target for commercial development is very challenging. Therefore, a 27% on-site regulated carbon emissions reduction is deemed acceptable. Furthermore, the applicant has met the Be Lean target of at least a 15% improvement over Part L 2021 for the development.

BREEAM 'Excellent'

City Plan Policy 38(E) requires non-domestic developments of 500 sq.m or above to achieve at least BREEAM 'Excellent' or equivalent standard. The proposed development is targeting a BREEAM rating of 83.9% as a minimum. This is 13.9% above the requirement for a BREEAM rating of 'Excellent' which gives certainty that this rating will be achieved. This meets the requirement of City Plan Policy 38(E) and is therefore acceptable.

Circular Economy

London Plan Policy SI 7(B) requires referable application (such as the development proposal) to promote circular economy outcomes and aim to be net zero-waste. The policy requires that a Circular Economy Statement should be submitted to demonstrate:

- 1) how all materials arising from demolition and remediation works will be re-used and/or recycled
- 2) how the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life
- 3) opportunities for managing as much waste as possible on site
- 4) adequate and easily accessible storage space and collection systems to support recycling and re-use
- 5) how much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy
- 6) how performance will be monitored and reported.

The Mayor of London adopted the Circular Economy Statement guidance in March 2022. This guidance states, "*CE [Circular Economy] statements, or elements of the statement, can be submitted as compliant or pioneering. To demonstrate the promotion*

of Circular Economy outcomes in line with Policy SI 7, all Circular Economy statements should aim to set out best practice, rather than recording business-as-usual activities” (Para. 3.4.1).

City Plan Policy 37(C) states, “Developers are required to demonstrate through a Circular Economy Statement, Site Environment Management Plan and/or associated Site Waste Management Plan, the recycling, re-use, and responsible disposal of Construction, Demolition and Excavation waste in accordance with London Plan targets and the council’s Code of Construction Practice (CoCP)”. The accompanying guidance states, “Implementing the waste hierarchy and promoting circular economy principles is key to reducing the amount of waste produced and ensuring that more materials are reused, repaired and recycled” (p. 94 of the Environmental SPD).

The submitted Circular Economy Statement sets out the following key circular economy commitments:

- Minimum of 97% of the demolition waste material (non-hazardous) diverted from landfill for reuse, recycling and recovery.
- Minimum of 97% excavation waste material diverted from landfill for beneficial use.
- Minimum of 97% of construction waste material diverted from landfill for reuse, recycling and recovery.
- Minimum of 70% of municipal waste generated by the operational phase of the proposed development to be recycled.
- Minimum of 20% of the building material elements to be comprised of recycled or reused content.
- Minimum re-use of façade materials (by weight) in the construction of the development proposal – 75%.

These circular economy commitments either meet or exceed those set out within London Plan Policy SI 7(A) and are therefore acceptable.

Air Quality

The applicant has submitted an Air Quality Neutral Assessment. The report establishes that the proposed development is air quality neutral for buildings and transport. During the construction phase the impact of dust has been classed as low or negligible risk. This is in accordance with London Plan Policy SI 1, City Plan Policy 32 and Mayfair Neighbourhood Plan MES 1.2

Whole Life Carbon

London Plan Policy SI 2(F) requires, “Development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions”. The Mayor of London’s ‘Whole Life-Cycle Carbon Assessments’ guidance was adopted in March 2022. WLC benchmarks have been developed, broken down into life-cycle modules. Aspirational benchmarks that represent a 40% improvement based on the World Green Building Council’s target to achieve a 40% reduction in WLC emissions by 2030 are also set out.

The applicant has taken a number of actions to reduce embodied carbon associated with the development, including (but not limited to):

- Reusing stone from the existing building on the replacement building.
- Using cross laminated timber for the floorplates of the top two floors.
- Reducing the volume of concrete used through the use of concave infill panels on the lower floorplates.
- Using a timber curtain walling system.

In terms of how the expected whole life carbon impact relate to the benchmarks contained within the GLA's WLC guidance:

- The upfront carbon emissions (i.e. Modules A1-A5) are expected to be 620 kg/Co2e/m2. This is 34.7% lower than the GLA's WLC benchmark of 950 kg/Co2e/m2 and 3.3% above the GLA's WLC aspirational benchmark of 600kg/Co2e/m2.
- The whole life carbon impact of the development for Modules A-C (excluding B6 and B7) is expected to be 1,111 kg/Co2e/m2. This is 20.6% lower than the GLA's WLC benchmark of 1,400 kg/Co2e/m2 and 14.6% above the GLA's WLC aspirational benchmark of 970 kg/Co2e/m2.

Given that the applicant can demonstrate that actions have been taken to reduce life-cycle carbon emissions from the proposed development and that the expected life cycle emissions are lower than the GLA's WLC benchmark, the development proposal is compliant with London Plan Policy SI 2.

Flood Risk & Sustainable Drainage

The site is in Flood Zone 1 and not within a Surface Water Management Zone and therefore has a low risk of surface water flooding from either fluvial or surface water flooding.

In terms of sustainable drainage, both London Plan Policy SI 13 and City Plan Policy 35(J) require development proposals to aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken.

Surface run-off from the development to proposed to be attenuated through the use of blue roofs, ensuring that water is dealt with as close to source as possible, supplemented by green roofs and a basement attenuation tank.

The proposed strategy will restrict surface water run off to the public sewer to a peak discharge of 2 litres per second for a 1 in a 100-year (+40% climate change) event. Although not as low as greenfield run-off rates, it will provide a significant betterment when compared to existing run-of rates for this storm event. This is acceptable in this instance.

9.3 Biodiversity & Greening

An Urban Greening Factor (UGF) assessment has been undertaken and the expected score is 0.35 (when excluding the public highway). This compares to the existing site's

UGF score of 0. This is achieved through the provision of planters around the ground floor, terraced areas, and at roof level. The development will achieve the UGF target for a predominantly commercial development, as set out within London Plan Policy G5. The potential for the scheme to accommodate urban greening has been maximised, taking into account the site circumstances and development constraints in this instance and the development would provide net gains in terms of urban greening compared to the existing site circumstances. As such, the application accords with the City Plan Policies 7(E) and 34, as well as London Plan Policy G5.

9.4 Townscape, Design & Heritage Impact

Site and Surroundings

The application site is located in the Regent Street Conservation Area and serves to terminate the view down New Burlington Street from Regent Street. The rear of the site, to Old Burlington Street shares the boundary with the Mayfair Conservation Area. A number of listed buildings are located in close proximity, including 22 & 23 Old Burlington Street (Grade II listed), 4 & 5 Clifford Street (Grade II listed), 24 Old Burlington Place (Grade I/II listed), 16 & 17 Clifford Street (Grade II listed); 11 Savile Row (Grade I/II listed), 12 Savile Row (Grade II listed), 14 Savile Row (Grade I/II listed), 16 & 17 Savile Row (Grade II listed), 1 & 2 New Burlington Street (Grade II listed), 169 – 201 Regent Street (Grade II listed) and 17-18 Regent Street (Grade II listed). The proposals have the potential to impact the settings of these buildings.

27 Savile Row, the former West End Police Station, was built in 1938-39 to designs by Burnet, Tait & Lorne. It opened in 1940 and suffered severe bomb damage shortly after. It underwent refurbishment in 1996 which included a new internal fit out, infill extension to the lightwell and the erection of a set-back extension to the roof, clad in reconstituted stone. While internally, no architectural features of interest survive, externally it forms a good example of its type and provides a positive contribution to the character and appearance (significance) of the Regent Street Conservation Area and is considered to be an unlisted building of merit (a non-designated heritage asset).

Statutory Requirements, Policy and Guidance

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that, *"In considering whether to grant planning permission... for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.

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

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 states that features that contribute positively to the significance of the setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area settings, wherever possible.

Government guidance on how to carry out the above duties is found in the National Planning Policy Framework (NPPF). At the heart of the framework is a presumption in favour of 'sustainable development' where protecting and enhancing the built and historic environment forms part of one of the three overarching interdependent objectives (economic, social and environmental).

Chapter 16 of the NPPF sets out how the historic environment should be conserved and enhanced, and makes it clear at Paragraph 205 that when considering the impact of a proposed development on a designated heritage asset (which includes its setting), local planning authorities should give 'great weight' to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification and substantial harm or total loss should be exceptional. In the case of Grade II* or Grade I listed or registered assets or World Heritage Sites, substantial harm or loss should be wholly exceptional (Paragraph 206).

If the harm is deemed to be less than substantial, Paragraph 208 of the NPPF requires that harm to be weighed against the public benefits of the proposals including, where appropriate, securing its optimum viable use. In undertaking this exercise, the decision maker is required to take into account the above statutory duties to have special regard to the desirability of preserving the setting of nearby listed buildings and pay special attention to the desirability of preserving or enhancing the character or appearance of the Regent Street Conservation Area. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Policy 38 of Westminster's City Plan 2019-2040 (adopted April 2021) requires, "*New development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods*". Part B of this policy emphasises the importance for new development to respond to Westminster's context, with regard to (amongst others), "*materials, building lines, scale, orientation, access, definition, surface treatment, height and massing*".

Policy 39 of the City Plan requires the conservation of heritage assets. Part B (Part 2) states that development will, "*secure the conservation and continued beneficial use of heritage assets through their retention and sensitive adaptation which will avoid harm to their significance, while allowing them to meet changing needs and mitigate and adapt to climate change*". Part 3 of Policy 39(B) requires development to, "*place heritage at the heart of place making and good growth, maintaining the unique character of our heritage assets and delivering high quality new buildings and spaces which enhance their settings*".

Part L of Policy 39 states, "*There will be a presumption that unlisted buildings that make a positive contribution to the conservation area will be conserved, unless it has been*

demonstrated that the relevant tests in national policy have been met”.

Part R of Policy 39 relates to non-designated heritage assets specifically, requiring them to be conserved and requiring a balanced judgement to be made regarding the scale of any harm or loss of the asset and the benefit of the proposed development.

Policy 40 (Part A) requires, *“Development will be 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”.*

MD3 of the Mayfair Neighbourhood Plan 2018-2038 states, *“Proposals will be supported where their design reflects the existing character of Mayfair, in terms of its heights, scales and uses. Departures from the existing character within the Conservation Areas will only be permitted where design of the highest quality has been proposed and independently verified, and where compliance with other policies in this plan has been demonstrated”.*

HC1 of the London Plan (March 2021), the ‘National Design Guide’ (January 2021) and the guidance set out within the ‘Development and Demolition in Conservation Areas’ SPG are also of relevance in this case.

Regent Street Conservation Area

The character and appearance (significance) of the Regent Street Conservation Area primarily stems from the high degree of uniformity in terms of architecture, materials and scale. Regent Street itself is considered to be one of the finest pieces of town planning in London (Bradley and Pevsner: ‘London 6: Westminster’: 2003). It was laid out by John Nash during the early nineteenth century to form a processional route from Regent’s Park to Carlton House to the south (now Carlton House Terrace). Today the Portland stone street façade predominantly dates from the late nineteenth and early twentieth century when it was rebuilt in a Beaux Arts style. The frontages remain largely intact and contribute to a grand, homogeneous streetscene.

The conservation area boundary mainly hugs the rear of the buildings along Regent Street. However, the boundary steps to the west to include a portion of Savile Row, the application site, and New Burlington Street, before returning to the east. Savile Row was first laid out in 1732-35. The character and appearance (significance) of this part of the Regent Street Conservation Area is primarily derived from the formal layout and consistent scale of buildings along Savile Row, as well as the view from Regent Street to Savile Row, through New Burlington Street. Historic buildings to the southern portion of Savile Row comprise former townhouses, with larger, modern buildings concentrated to the north. The taller buildings are predominantly formed of five storey street frontages with two storeys set back. It should be noted that Figure 2.4 of the Townscape and Visual Impact Assessment Addendum (TVIA) is misleading. This because it takes an inconsistent approach to identifying the datum level, with some lines reflecting the parapet level and some a cornice detail at lower levels.

Old Burlington Street to the rear of the site, is located within the Mayfair Conservation Area. The character of this street is formed of a mix of domestic scale brick buildings interspersed with larger modern office buildings of four to five storeys.

27 Savile Row forms a purpose-built police station. Its external appearance reflects this use. The submitted Heritage Statement provides a detailed description of the building. It forms a Modernist wartime structure faced in Portland stone with minimal ornamentation. Its architectural interest stems from its modular massing, coat of arms, wide canopy, Portland stone finish and use of glazed bricks to the cells. Its modular composition is particularly evident upon approach from the east along New Burlington Street, as well as from the south, along Old Burlington Street, where there are views of the set-back upper floors.

While it appears out of scale in certain views and provides blank facades at ground floor level, the application building contributes to the evidential and historic value of the conservation area. It forms a physical reminder of the social history of this area during the twentieth century and the expansion of the Metropolitan Police during the Second World War. Furthermore, it holds a high level of communal value reflecting collective values and social order in London.

It terminates the view from Regent Street through New Burlington Street. The use of Portland stone reflects the palette of materials within the area. While roof level antenna and plant detract from its angular form, the overall height is reflective of the buildings either side. It forms a Modernist structure within the streetscene which does not compete with decorative facades found along the principal processional and commercial route of Regent Street.

Demolition – Principle

The proposed scheme seeks to demolish the building. As aforementioned, the existing building makes a positive contribution to the character of the conservation area. As outlined in Policy 39 of the City Plan 2019-2040, there is a strong presumption in favour for its retention. Any replacement building is required to preserve or enhance the conservation area and settings of surrounding heritage assets.

Proposed building

The proposals seek to replace the building with a new structure of eight storeys, plus plant enclosure above and three basement levels beneath. The top three floors and plant enclosure step back from the parapet. The setbacks of the upper floors provide terraces and planters for greening. Floors 1-4 overhang the ground floor level. The ground floor level will see the introduction of an active frontage through the provision of openable shopfronts and deep planters for further greening. A tall blank wall is shown on the Savile Row façade. This would provide an area for public art. Had the development proposal been recommended for approval, it would have been recommended that the detail of this public art would have been secured by condition. The palette of materials includes Portland stone, large aluminium framed windows and timber panels. The coat of arms is proposed to be reinstated in a central position at second floor level to the Savile Row façade and stonework from the existing building is proposed to be re-used in the new building.

Height/massing

As outlined above, while the height and massing of the existing building is not particularly successful when experienced along Old Burlington Street and Clifford Street, where its blank flank walls and overall height appears out of scale, it is of appropriate scale when experienced from the east, along New Burlington Street and Savile Row. The proposed replacement building would be of a greater scale than the existing and would appear out of place from both the rear, west views, as well as from Savile Row and New Burlington Street. It would rise approx. 9m above the height of the neighbouring property at 28 Savile Row, approx. 11m above the building at 14 Old Burlington Street, and approx. 7m above 25 Savile Row.

The curved walls of the upper storeys and plant enclosure would project above the established roofline and appear prominent and out of place in views along Savile Row. The blank repurposed stone south elevation would appear particularly jarring and contribute to a cluttered roofscape, as demonstrated in View 5 of the submitted TVIA. The proposed building fails to successfully terminate New Burlington Street. The overall height breaches the strong parapet level informed by buildings either side of New Burlington Street. In views from Regent Street the massing of the top two storeys is concentrated to the left-hand side (south), forming an unusual asymmetrical character, appearing unbalanced.

The existing building sits comfortably next to 28 Savile Row. They are of a similar height, massing, form and materiality and form a successful pair when approached from New Burlington Street. The proposed building fails to reflect this context, the massing and height is excessive next to this building and diminishes the cohesive character of this portion of the street (View 3 of the TVIA).

The scheme would introduce greater height and massing abutting the largely domestic scale townscape found along Old Burlington Street and the eastern portion of the Mayfair Conservation Area. The introduction of a cluster of rounded chunky stone forms contributes to a disparate addition to the streetscene and townscape (View 6 of the TVIA). The increase in bulk and massing will heavily encroach on the open sky above 14 Old Burlington Street and 3 Clifford Street. This will detract from the decorative brick frieze of swags found along the parapet, as well as the traditional tall brick chimney stacks. Old Burlington Street is primarily characterised by four storey buildings, with setback roof additions above. The proposed building will rise eight storeys with additional plant screen above.

The height and massing of the proposed building would appear out of scale within the townscape, while the roof form would appear clumsy. It fails to reflect the built context and would detract from the character and appearance (significance) of the Regent Street Conservation Area and the setting of the Mayfair Conservation Area.

Architecture and materials

Turning to the detailed design, the proposal seeks to employ the 'entasis technique' – a Classical architectural technique that sees a column (or similar upright element) bulge outward through the addition of a convex curvature to its profile. This is thought to be applied in order to avoid the appearance of tapering when viewed from a close distance,

and ensure the structure appears to have weight. A large portion of the façade projects forward of the established building line. To this part of the façade the floors are expressed through horizontal bands of narrow re-purposed stonework with new lighter stone vertical pilasters applied between windows. The latter are proposed to be finished in larger pieces of stone. According to the submitted scaled drawings, unusually, the entasis is proposed to be expressed across the widest elements of the façade, rather than the narrow upright pilasters i.e. the full length of the third-floor horizontal band is approx. 0.25m wider than the bands above and below. The pilaster elements are the same width across the façade (contrary to what is shown on page 123 of the submitted Design and Access Statement).

While this results in additional floorspace, it is not clear where the local architectural influence for this approach has come from. It is also not clear as to what the purpose of this detail is. For example, a sense of weight and grounding is not likely to be achieved when the horizontal elements have been emphasised rather than the vertical elements, contrary to Classical practices. Additionally, the vertical and horizontal elements will read as separate, applied entities rather than a single loadbearing structure, because they are finished in stone of differing colour and size, while the horizontal elements will be topped in a band of dark grey limestone. Furthermore, the corners of the building will be primarily finished in glass due to the size and location of the windows. The proposed detailed design, therefore, fails to reflect a solid design akin with the architecture found in this part of Savile Row and will appear incongruous in this part of Westminster. The proposed provision of public art to the Savile Row façade is welcomed under City Plan Policy 43 (E). No further information has been provided regarding the artwork because the detailed would normally be secured by condition.

The projecting first-to-fourth floors, and entasis bulge fails to respect the strong flush building line and coherent street façade. Furthermore, this detail, accompanied with its height, results in a building that appears out of scale for its plot and its local townscape. As discussed above, the massing of the new building is asymmetrical in views from Regent Street and New Burlington Street. This sense of imbalance is furthered by the central position of the retained coat of arms and contrasting off-centred position of the entrance.

Summary

While the re-use of fabric, introduction of active frontages, provision of public art and greening is welcomed, the proposed replacement building is of an inappropriate scale and design which fails to reflect the local context, fails to preserve the character and appearance of the Regent Street Conservation Area, and harms the setting of the Mayfair Conservation Area. The scheme will cause a low level of less than substantial harm to the significance of the Mayfair Conservation Area and a low to moderate level of less than substantial harm to the significance of the Regent Street Conservation Area.

The proposals are contrary to Policies 38, 39 and 40 of the City Plan 2019-2040, Policy MD3 of the Mayfair Neighbourhood Plan 2018-2038, Policy HC1 of the London Plan and the guidance set out within the National 'Design Guide' (January 2021) and the 'Development and Demolition in Conservation Areas' SPG.

Whilst a large number of letters of support have been received, with particular support

for the provision of a training academy for tailors, new active frontages, public realm improvements and bringing the site back into use, a smaller number of objections have also been received. These include objections from Historic England, SAVE Britain's Heritage, the Residents' Society of Mayfair and St. James's, and the Mayfair Neighbourhood Forum.

Officers share the majority of the concerns, as discussed above. The proposed replacement building is considered to have a harmful impact on the character and appearance (significance) of the Regent Street Conservation, as well as the Mayfair Conservation Area through impacts to its setting.

In terms of impacts to the settings of listed buildings, officer conclude that the proposals will not harm the special interest (significance) of the surrounding listed buildings. While the proposals will see changes in their surroundings, given the distance between the application site and listed buildings, the proposals will not adversely impact their settings as to affect their special interest.

The level of harm caused by the proposals is considered to be a level of between low to moderate less than substantial harm. As required by NPPF Para. 208, Section 9.11 of the report weighs this harm against the public benefits of the proposal.

Fire Safety

London Plan Policy D12 states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third-party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. Further to the above, London Plan Policy D5(B)(5) seeks to ensure that development proposals incorporate safe and dignified emergency evacuation for all building users.

The submitted revised fire statement confirms that two of the lifts are fire evacuation lifts to allow safe and dignified emergency evacuation for all building users. This address the concerns made by the GLA at Stage 1 and demonstrates that the development proposal is fully compliant with London Plan Policies D1 and D5.

Archaeology

Historic England (Archaeology) has reviewed the development proposal and advises that it is unlikely to have a significant effect on heritage assets of archaeological interest and therefore no further assessment or conditions are necessary.

Basement Excavation

Excavation is proposed to create three full basement levels beneath the footprint of the site. Whilst there are currently three basement levels, the third basement is small and the development proposal would expand this in terms of its footprint and also its depth in order to accommodate taller floor-to-ceiling heights.

The extent and depth of the basement complies with the parameters set out within City

Plan Policy 45(B) and Building Control has no objection.

9.5 Residential Amenity

Daylight & Sunlight

The application is accompanied by a Daylight / Sunlight Report prepared in accordance with the guidance contained within the BRE Guide (2011) that assess the impact of the proposed development as originally submitted upon the daylight (Vertical Sky Component) received and the distribution of that daylight (No Sky Line) at the nearest residential units to the application site – a flat at third floor level at No. 21 Old Burlington Street and a basement flat at No. 22-23 Old Burlington Street. An assessment of the impact of sunlight is not necessary as none of the affected windows face within 90 degrees of due south.

The analysis reveals that the originally submitted development would not breach the thresholds within the BRE Guide (2011) in respect to Vertical Sky Component or No Sky Line. This indicates that the impact upon the amenity of the occupants of these flats will not be noticeable from a daylight perspective. As the amended proposed development slightly reduces the massing of the replacement building, it is concluded that the impact of the proposed development proposal will be slightly less than assessed and would therefore also not be noticeable from a daylight perspective by the occupants of nearby residential dwellings.

Privacy, Sense of Enclosure and Light Pollution

The reasonable distance between the proposed new office building and the nearest residential units on Old Burlington Street means that the development proposal will not cause a material loss of privacy, an unacceptable increase of enclosure or an unacceptable increase in light pollution.

Noise & Vibration

An acoustic report accompanies the application that sets out the lowest background noise levels to establish maximum noise criteria that the selected plant is required to comply with. Subject to the imposition of conditions, Environmental Sciences raises no objection to the proposal from a noise perspective.

9.6 Transportation, Accessibility & Servicing

Vehicular Parking

The removal of the existing on-street car parking is compliant with City Plan Policy 27(F).

Cycling & Cycle Storage

Long stay and short stay cycle parking for the office use will be provided within the basement of the building, accessed via a lift from ground floor level through an

entrance off Old Burlington Street. Short stay cycle parking for the retail use will be provided in front of the building on Savile Row, adjacent to the public art at street level, as well as within the basement.

The location and quantum of cycle parking is compliant with London Plan Policy T5 and is therefore acceptable.

The applicant has committed to making a financial contribution of £22,500 towards the maintenance costs associated with cycle hire in the area, following a request from Transport for London in order to mitigate increased demand for this service. Had the development proposal been acceptable in other respects, this would have been secured by legal agreement.

Servicing and Waste & Recycling Storage

As summarised above, the Highways Planning Manager has strongly objected to the failure of the development proposed to meet the servicing needs of the development proposal on-site, arguing that this is contrary to City Plan Policy 29(B). Furthermore, the proposed creation of a serving bay on Old Burlington Street is strongly objected to as this will displace the existing parking for operational emergency vehicles which still use this space and that the servicing approach is not robust as it relies on using a bay that is outside of the applicant's control and may already be in use to service other nearby premises. Finally, it is argued that the lack of off-street servicing provision also limits the ability to support sustainable and net zero servicing through not being capable of providing rapid charging facilities for electric servicing vehicles.

The applicant has investigated numerous options for servicing from the application site using smaller vehicles and a turning circle. The reality, however, is that accommodating on-site servicing would prevent the development proposal from providing activation on all three side in the form of the restaurant and separate access to the flexible workspace (Class E) and / or training (Class F1) and / or composite use comprising a workspace and training facility (sui generis) proposed at basement 2 level.

For these reasons, it is considered that off-street servicing is acceptable in this instance. If the development proposal had been acceptable in other respects, the necessary changes to the traffic orders would have to be secured prior to the commencement of development (including demolition) and the design of the highway works would need to be agreed with the City Council in its capacity as Highways Authority. These would have been achieved by legal agreement.

There is no objection to the location and size of the storage spaces for refuse and recyclable material or to the ground floor presentation area.

Highways dedication / stopping up

The existing building line is the highway boundary. The submitted drawing show minor alterations to the building line and therefore the highway boundary. In one small location the building line is brought forward, reducing highway space, but this is compensated by a limited amount of highway space created. This is mainly on the Savile Row frontage and is achieved by the removal of the stepped access to the existing building. Had the

development been acceptable on other respects, the dedication of this land as public highway would have been secured by legal agreement.

Accessibility

The principles of inclusive design have been incorporated throughout all stages of the design process. All entrances to the office and restaurant will provide level and inclusive access into and throughout the building. This is with the exception of the secondary restaurant entrance on the corner of Boyle Street/Old Burlington Street which requires stairs due to the change in levels across the site moving east to west.

9.7 Economy including Employment & Skills

Employment

The applicant anticipates that the development proposed has the potential to support in the region of 262 FTE jobs. Once a reduction assumption of 25% has been factored into account for job reductions within the impact area arising through displacement, the application estimates that the net additional impact of the proposed development will be in the region of 196 FTE jobs on site.

Employment and Skills

City Plan Policy 18(D) states, “*Major developments will contribute to improved employment prospects for local residents. In accordance with the council’s Planning Obligations and Affordable Housing SPD, this will include:*

- 1. financial contributions towards employment, education and skills initiatives; and*
- 2. for larger schemes, the submission and implementation of an Employment and Skills Plan”.*

The Planning Obligations and Affordable Housing SPD (adopted March 2024) sets out how developments proposing a net increase in commercial floorspace of between 1,000 sq.m and 9,999 sq.m will be required to make a financial contribution but there is no requirement to produce an Employment and Skills Plan. Based on the formula within the guidance note, the proposed development would be liable to make a financial contribution of £214,000 to support the Westminster Employment Service (payable prior to the commencement of development). Had the development been acceptable in other respects, this financial contribution would have been secured by legal agreement.

9.8 Other Considerations

Procedural

As set out above, the application at Site 1 is referable to the Mayor of London under Category 1C of Part 1 of the Schedule of the Town and Country Planning (Mayor of London) Order 2008. Following a resolution to determine this application, the application will have to be referred to the Mayor of London. Following receipt all the required information, the Mayor has 14 days to make a decision to allow the local planning authority decision to stand, to direct refusal, or to take over the application (and thus becoming the local planning authority for the determination of the application).

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.

The Planning Obligations and Affordable Housing Supplementary Planning Document (PO&AH SPD) was adopted by the City Council on 7 March 2024. This sets out guidance on several matters that constitutes a material consideration in the assessment of these applications. Of relevance to this application, the PO&AH SPD makes changes to the per tonne monetary figure that enable developments to offset operational regulated carbon emissions when they fail to be operationally zero carbon and sets out guidance on how major developments will contribute to improved employment prospects for local residents.

Had the development proposal been acceptable in other respects, the following planning obligations would have been secured via a S106 legal agreement:

- A financial contribution of £214,000 (index linked) towards initiatives that provide local employment, training opportunities and skills development through the Westminster Employment Service (payable prior to the commencement of development).
- Arrangement to secure that: (i) The workspace (Class E) and / or training (Class F1) and / or composite use comprising a workspace and training facility (sui generis) at basement 2 of the development proposal shall be let at peppercorn rent with a 50% discount in service charges for a period of not less than 40 years; (ii) An initial 10-year lease is entered into to allow this space to be occupied by the London Academy of Bespoke; (iii) The space is fitted out to Category B status; (iv) Annual reporting on the impact of training programmes, particularly in terms of employment outcomes locally, takes place; and (v) The space is not re-let without the City Council approving the new tenants.
- A financial contribution to the City Council's Carbon Off-Set Fund of £275,000 (index linked and payable prior to commencement of development) in order to mitigate the residual regulated operational carbon emissions for heating, cooling, lighting equipment etc arising for the development over the anticipated 30-year life of these services.
- Be seen energy monitoring on the actual operational energy performance of the

- building, including as-built and in-use stage data.
- Undertaking of the highways works necessary to accommodate the development, including the reinstatement of the redundant vehicle crossover on Old Burlington Street. The necessary alterations to traffic orders to allow the re-arrangement of the on-street vehicular parking to Old Burlington Street to be confirmed prior to commencement of development (including demolition).
 - Dedication of areas surrounding the development proposal as public highway.
 - A financial contribution of £22,500 (index linked and payable prior to commencement of development) to fund the maintenance costs associated with cycle hire in the area.
 - The costs of monitoring the S106 agreement.

The estimated Westminster CIL payment is £548,295, whilst the estimated Mayoral CIL payment is £407,963. 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).

9.11 Assessment of Planning Balance

As set out within Section 9.4 of this report, the development proposal would cause a low to moderate level of less than substantial harm to the character and appearance of the Regent Street Conservation Area and a low level of less than substantial harm to the significance of the Mayfair Conservation Area through failing to preserve or enhance its setting. The harm would be caused by the demolition of the existing building on site and because of the proposed replacement building's scale, height, form, massing and detailed design.

Paragraph 208 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public to be genuine public benefits.

When undertaking this weighing exercise, the Sub-Committee must fulfil its statutory duty within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of the Regent Street Conservation Area by giving great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

Although the development proposal generates a number of public benefits, the following are considered to be the most significant:

1. Returning a vacant brownfield site into active use.
2. The provision of 6,583 sq.m GIA of Grade A office floorspace

3. A net addition of around 196 FTE jobs on site and a financial contribution of £214,000 towards initiatives to maximise the opportunity for the development to provide local employment, training opportunities and skills development.
4. The generation of £7.7m net additional GVA per annum, £382,000 net additional employee spend per annum, and an estimated £1.2m net additional business rates per annum.
5. The creation of 141 sq.m of flexible workspace (Class E) and / or training (Class F1) and / or composite use comprising a workspace and training facility (sui generis) at basement 2 for 40 years year at peppercorn rent and a 50% discount on service charge. The initial 10-year lease to the London Academy of Bespoke that would assist in training up aspiring bespoke tailors, complementing and enhancing the Savile Row Special Policy Area's role as an international centre of excellence for bespoke tailoring.
6. Provision of active frontages around the site, including the provision of a restaurant to complement the Savile Row Special Policy Area's continued role as an international centre of excellence for bespoke tailoring.

Whilst the public benefits of bringing a vacant brownfield site back into active use and the economic benefits generate by the development proposal are noted, these are reasonably modest in scale and, in the context of the economy of the West End and wider CAZ, not significant.

Furthermore, whilst the provision of a training facility at peppercorn rent and a 50% discount on service charge will undoubtedly assist the operation of the London Academy of Bespoke, it is not considered that locating this facility on Savile Row will generate materially greater public benefits in supporting the role of the Savile Row Special Policy Area as an international centre of excellence for bespoke tailoring than if it were located elsewhere – it is currently located nearby on Haymarket. Furthermore, were the London Academy of Bespoke to vacant, the public benefits of a small affordable workspace at basement 2 level for the remainder of 40-year obligation would be significantly reduced.

Finally, the creation of active frontages and the provision of a restaurant are not considered to represent significant public benefits.

For these reasons, the cumulative public benefits of the development proposal would not be of such significance that they would outweigh the less than substantial heritage harm that would occur as a result of the development proposal. Therefore, the proposal would not comply with paragraph 208 in the NPPF. Accordingly, clear and convincing justification for the harm caused to the designated heritage assets has not been presented, contrary to paragraph 206 of the NPPF.

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, and has also considered the weight to be attributed to the public benefits and harm that would arise from the scheme. Having regard to this assessment, it has found that the proposed development is unacceptable as it would fail to accord with London Plan Policy HC1, City Plan Policies 38, 39 and 40, and Mayfair Neighbourhood Plan Policy MD3 and would not meet the requirements of paragraphs 206 and 208 of the NPPF. For these

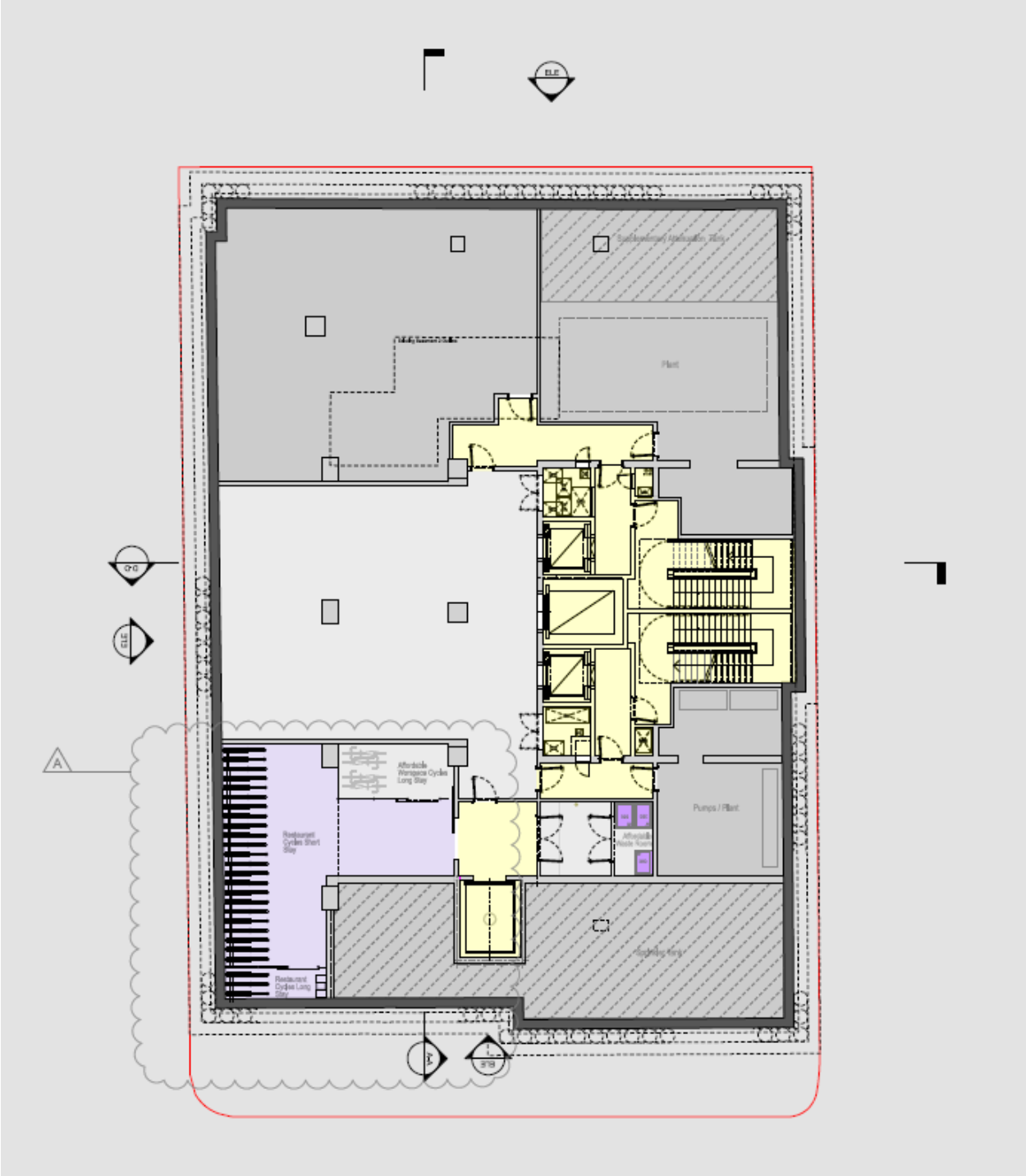
reasons, it is recommended that planning permission be refused.

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

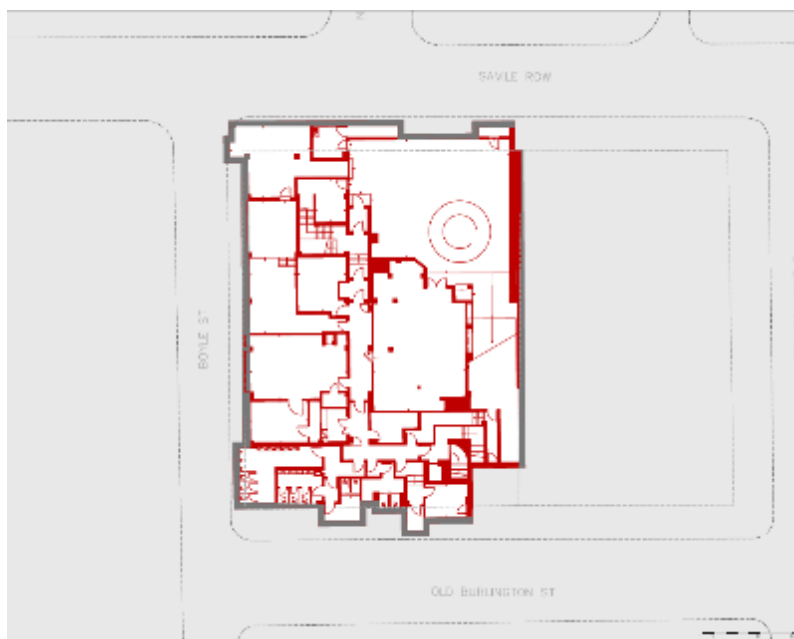
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

11. KEY DRAWINGS

Proposed basement 2 level plan:



Demolition lower ground floor plan:



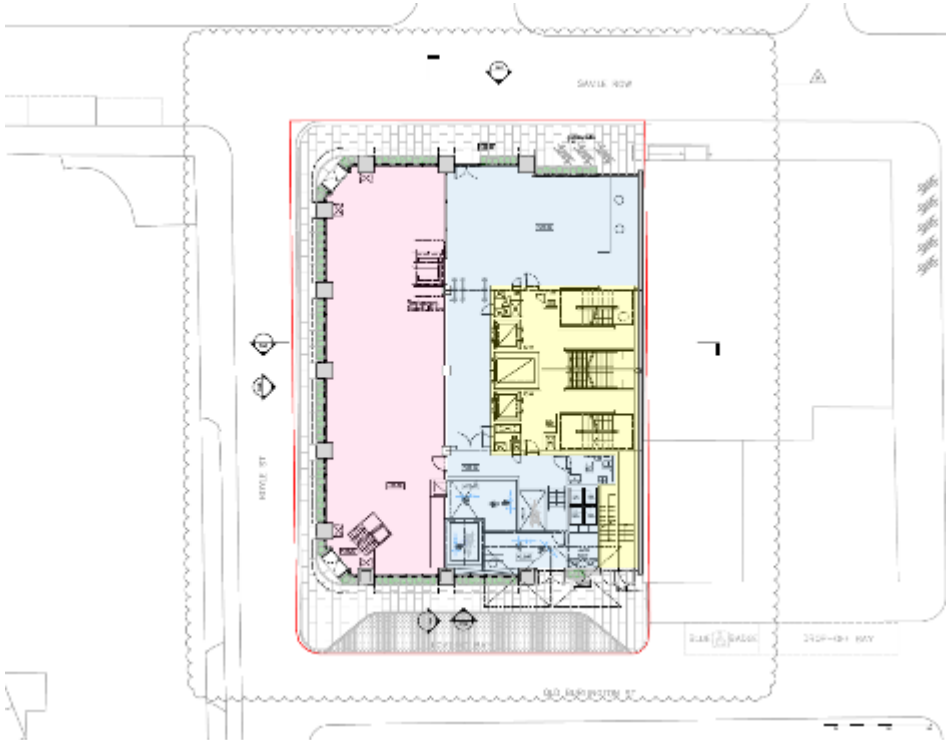
Proposed lower ground floor plan:



Demolition ground floor plan:



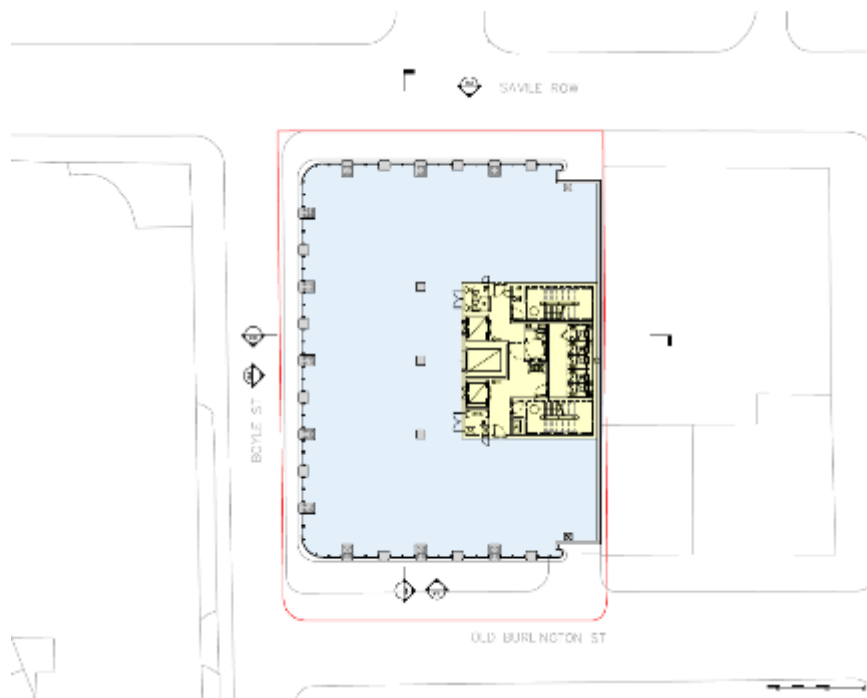
Proposed ground floor plan:



Demolition first floor plan:



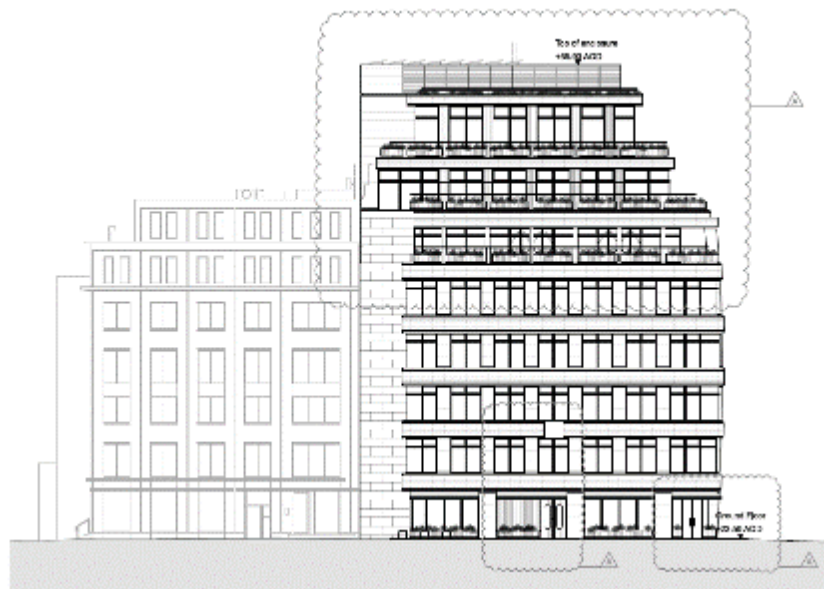
Proposed first floor plan:



Demolition front (Savile Row) elevation:



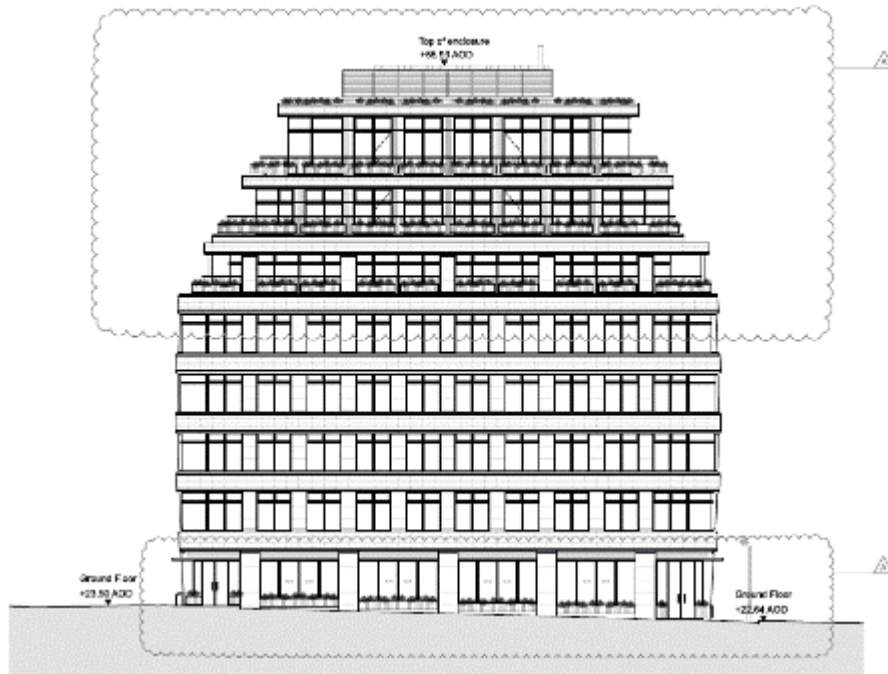
Demolition front (Savile Row) elevation:



Demolition side (Boyle Street) elevation:



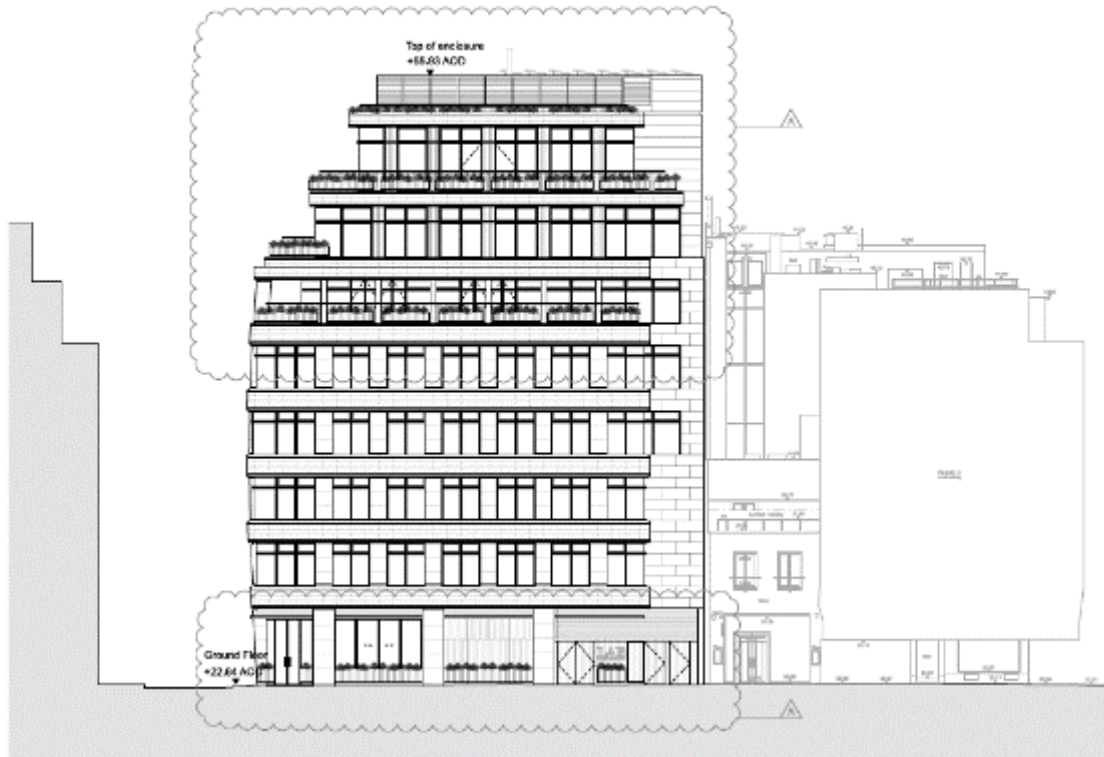
Proposed side (Boyle Street) elevation:



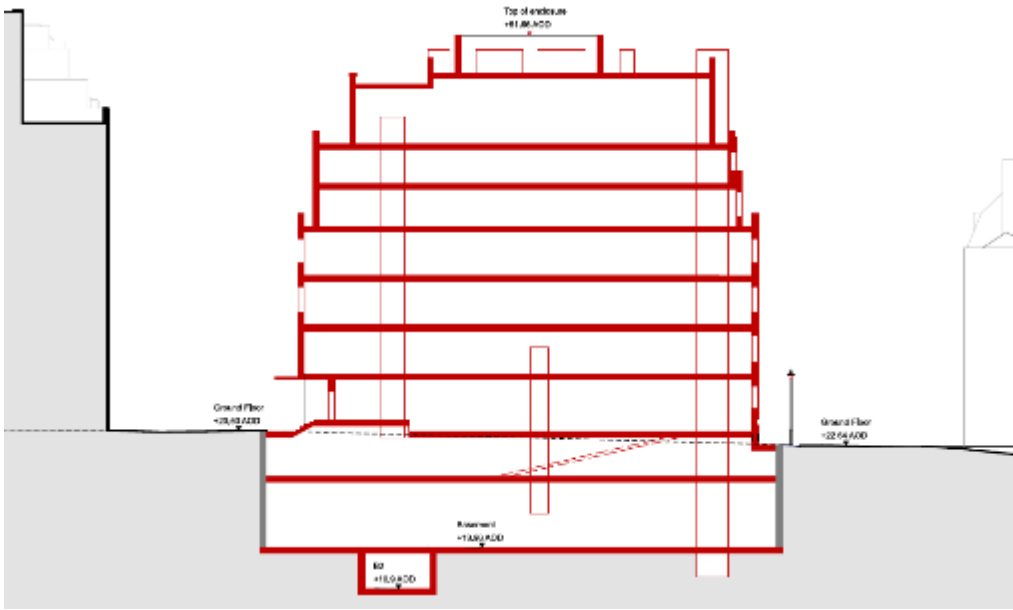
Demolition rear (Old Burlington Street) elevation:



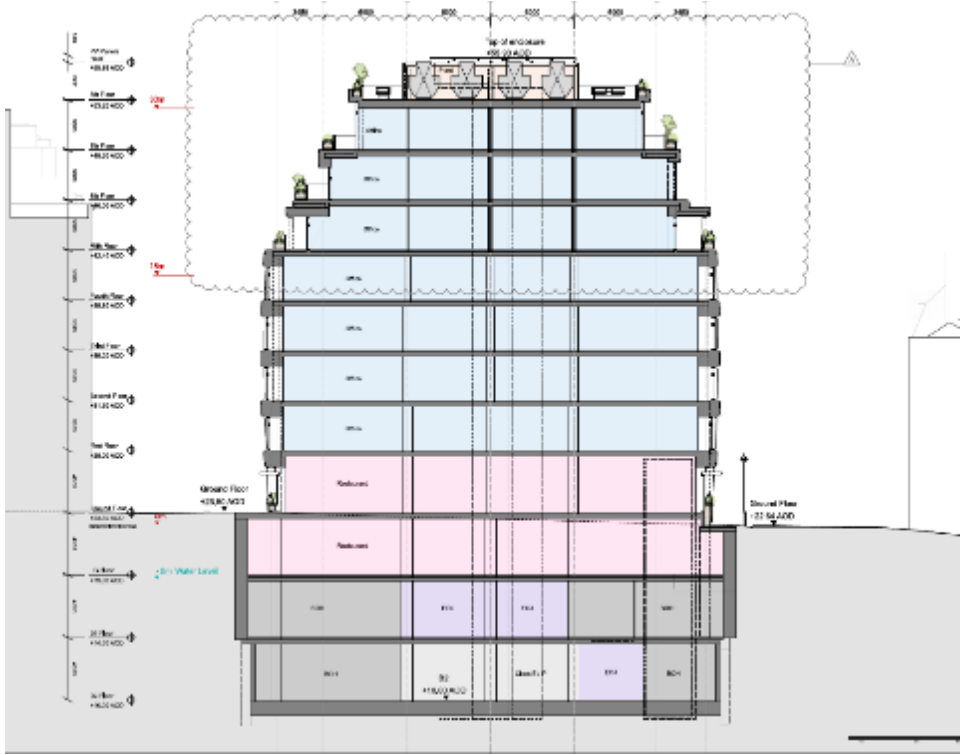
Proposed rear (Old Burlington Street) elevation:



Demolition section (front to back):



Proposed section (front to back):



Existing view from Regent Street:



Proposed view from Regent Street:



Existing view from New Burlington Street:



Proposed view from New Burlington Street:



Existing view from Savile Row, looking south-east:



Proposed view from Savile Row, looking south-east:



Existing view from Clifford Street, looking north-west:



Proposed view from Clifford Street, looking north-west:



Existing view from Boyle Street, looking east:



Proposed view from Boyle Street, looking east:



Existing view from Savile Row, looking north-west:



Proposed view from Savile Row, looking north-west:



DRAFT DECISION LETTER

Address: West End Central Police Station, 27 Savile Row, London, W1S 2EX

Proposal: Demolition of former police station building, excavation to create new basement 2 level and to enlarge existing basement 1 level, and erection of new building comprising two basement levels, lower ground, ground plus seven storeys plus a roof plant level, delivering new office (Class E) floorspace, new restaurant (Class E) floorspace at partial ground and lower ground floor, new flexible workspace (Class E) and / or training (Class F1) and / or composite use comprising a workspace and training facility (sui generis) at basement 2, amenity terraces, public art, cycle parking, plant, landscaping and all associated works including enabling, highways and other ancillary works.

Plan Nos: Demolition drawings:
1703-A-PLN-EX-02197, 1703-A-PLN-EX-02198, 1703-A-PLN-EX-02199, 1703-A-PLN-EX-02100, 1703-A-PLN-EX-02101, 1703-A-PLN-EX-02102, 1703-A-PLN-EX-02103, 1703-A-PLN-EX-02104, 1703-A-PLN-EX-02105, 1703-A-PLN-EX-02106, 1703-A-PLN-EX-02107, 1703-A-ELE-EX-02201, 1703-A-ELE-EX-02202, 1703-A-ELE-EX-02203, 1703-A-ELE-EX-02204, 1703-A-SEC-EX-02301 and 1703-A-SEC-EX-02302 Rev. A.

Proposed drawings:
1703-A-PLN-PR-03097 Rev. A, 1703-A-PLN-PR-03098 Rev. A, 1703-A-PLN-PR-03099, 1703-A-PLN-PR-03100 Rev. A, 1703-A-PLN-PR-03101 1703-A-PLN-PR-03102, 1703-A-PLN-PR-03103, 1703-A-PLN-PR-03104, 1703-A-PLN-PR-03105 Rev. A, 1703-A-PLN-PR-03106 Rev. A, 1703-A-PLN-PR-03107 Rev. A, 1703-A-PLN-PR-03108 Rev. A, 1703-A-PLN-PR-03109 Rev. A, 1703-A-ELE-PR-03201 Rev. A, 1703-A-ELE-PR-03202 Rev. A, 1703-A-ELE-PR-03203 Rev. A, 1703-A-ELE-PR-03204 Rev. A, 1703-A-SEC-PR-03301 Rev. A, 1703-A-SEC-PR-03302 Rev. B, 1703-A-SEC-PR-03311 Rev. A and 1703-A-SEC-PR-03312 Rev. B.

Case Officer: Mark Hollington

Direct Tel. No. 07866040156

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

Reason:

- 1 The demolition of the existing building and its replacement by the proposed building would fail to maintain or improve (preserve or enhance) the character and appearance of the Regent Street Conservation Area and fail to maintain or improve (preserve or enhance) the setting of the Mayfair Conservation Area. This is because of the contribution that the existing building makes to the character and appearance of the Regent Street Conservation Area and because of the proposed replacement building's scale, height, form, massing and detailed design. The development proposal is therefore contrary to London Plan Policy HC1, City Plan Policies 38, 39 and 40, and Mayfair Neighbourhood Plan Policy MD3. The less than substantial harm to the significance of these designated heritage assets is not outweighed by the public benefits of the development proposal.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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 websi

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