

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> <ol 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> <ol 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).

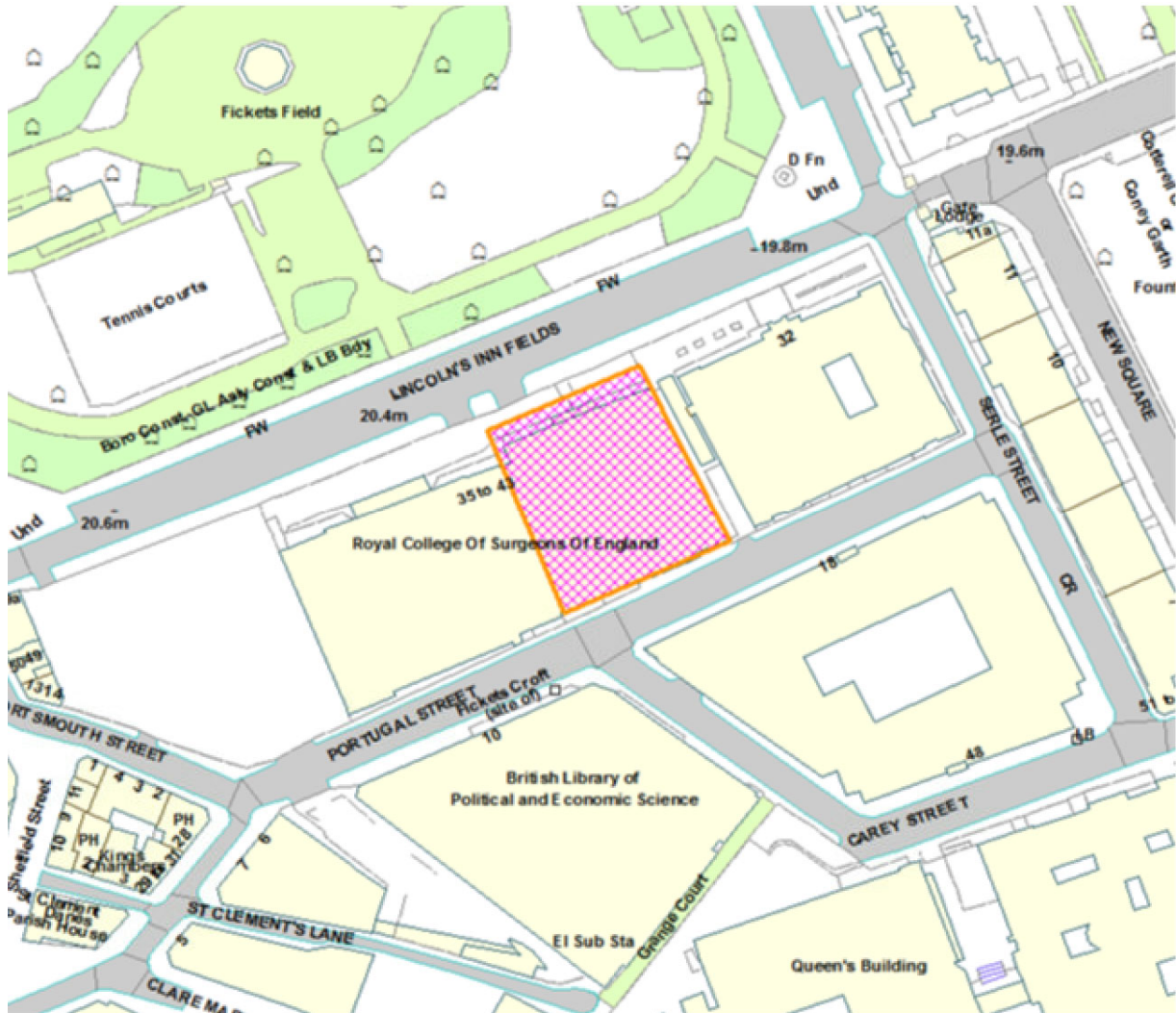
Permission is sought for alterations and extensions to the building to create the LSE's new Firoz Lalji Institute for Africa together with accommodation for other faculties on the upper floors. The proposed scheme takes a retrofit approach with up to 60% of the existing building retained. The existing 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

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

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.

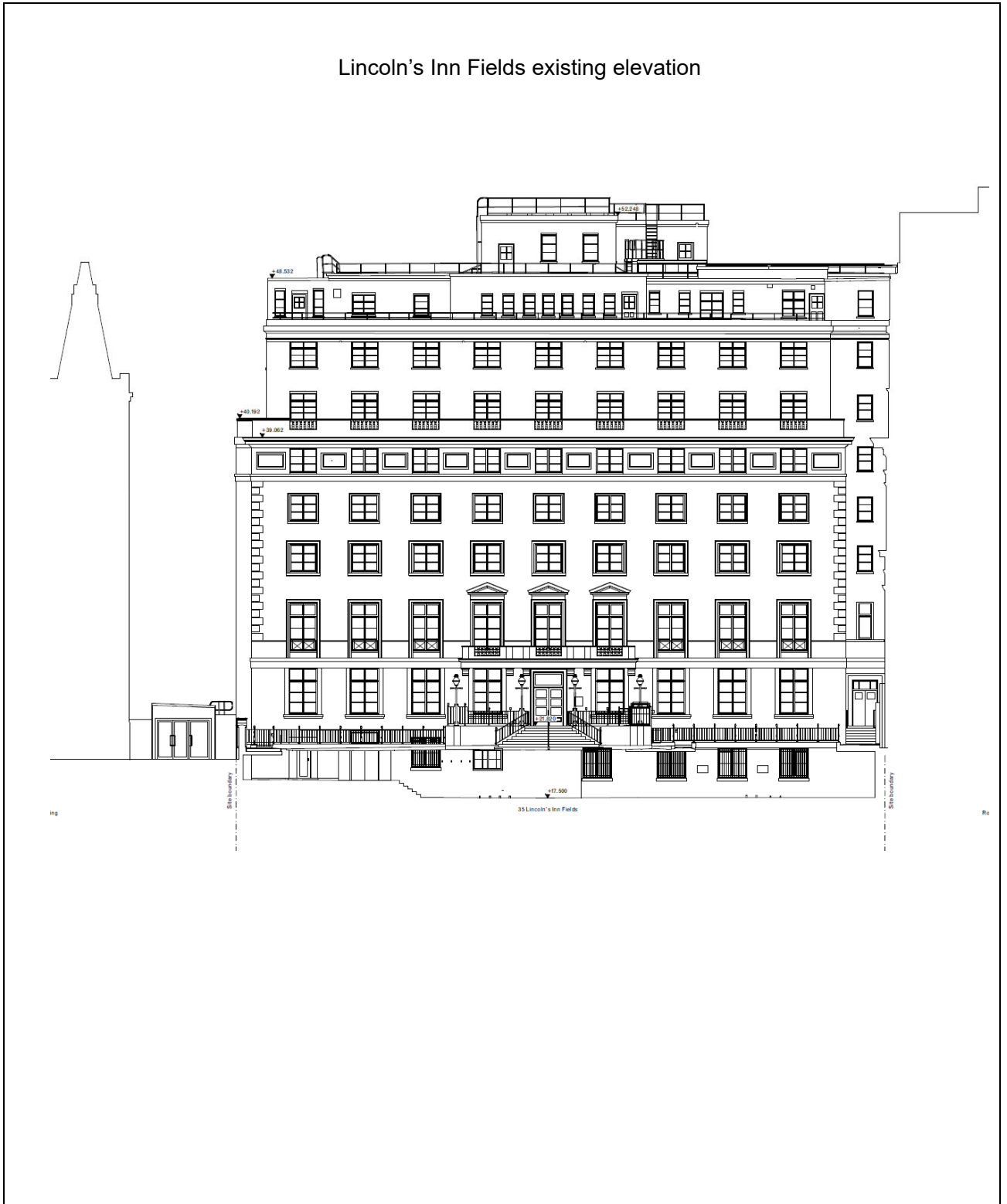
Having regard to this assessment, it has been found that the proposed development would be consistent with the relevant policies in the City Plan 2019-2040, the London Plan 2021, the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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

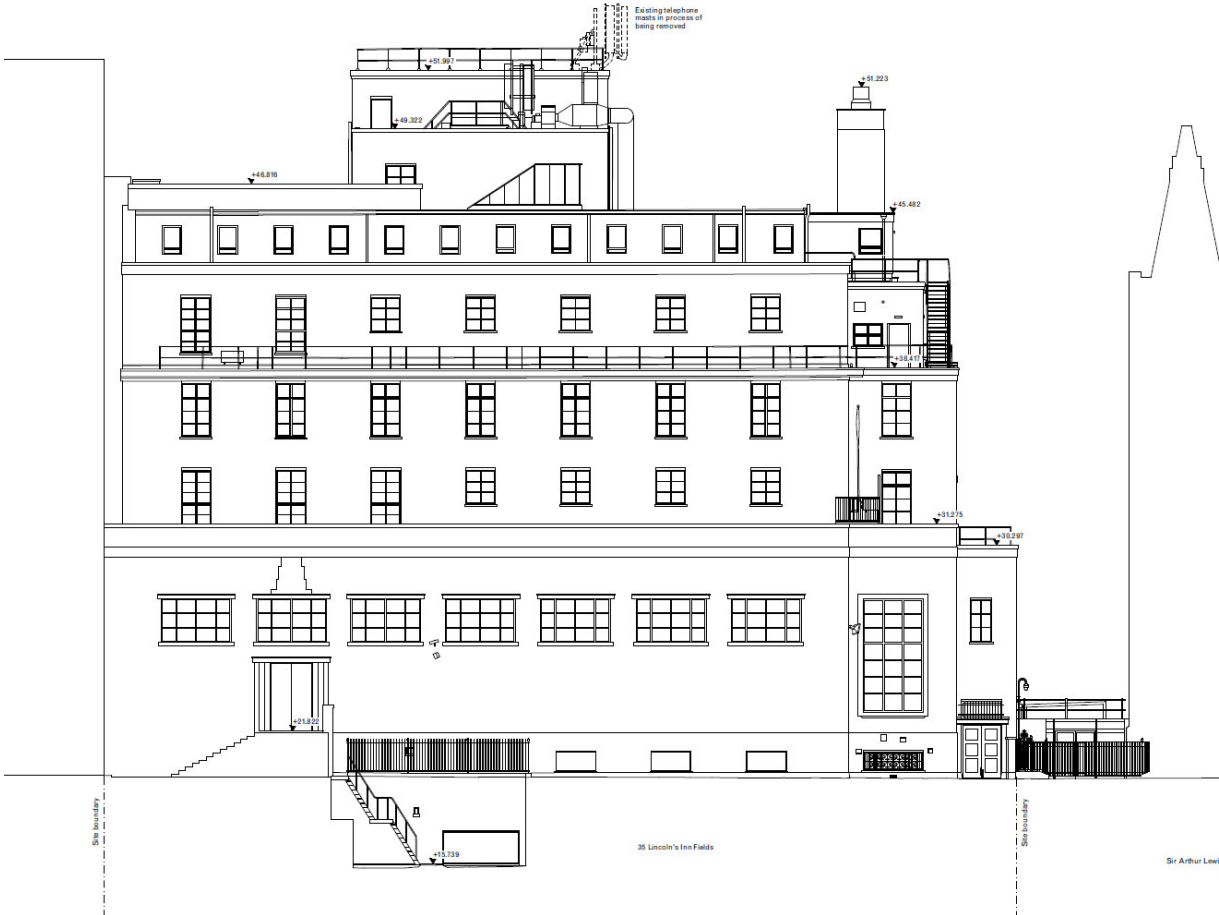
Lincoln's Inn Fields existing elevation



Lincoln's Inn Fields proposed elevation



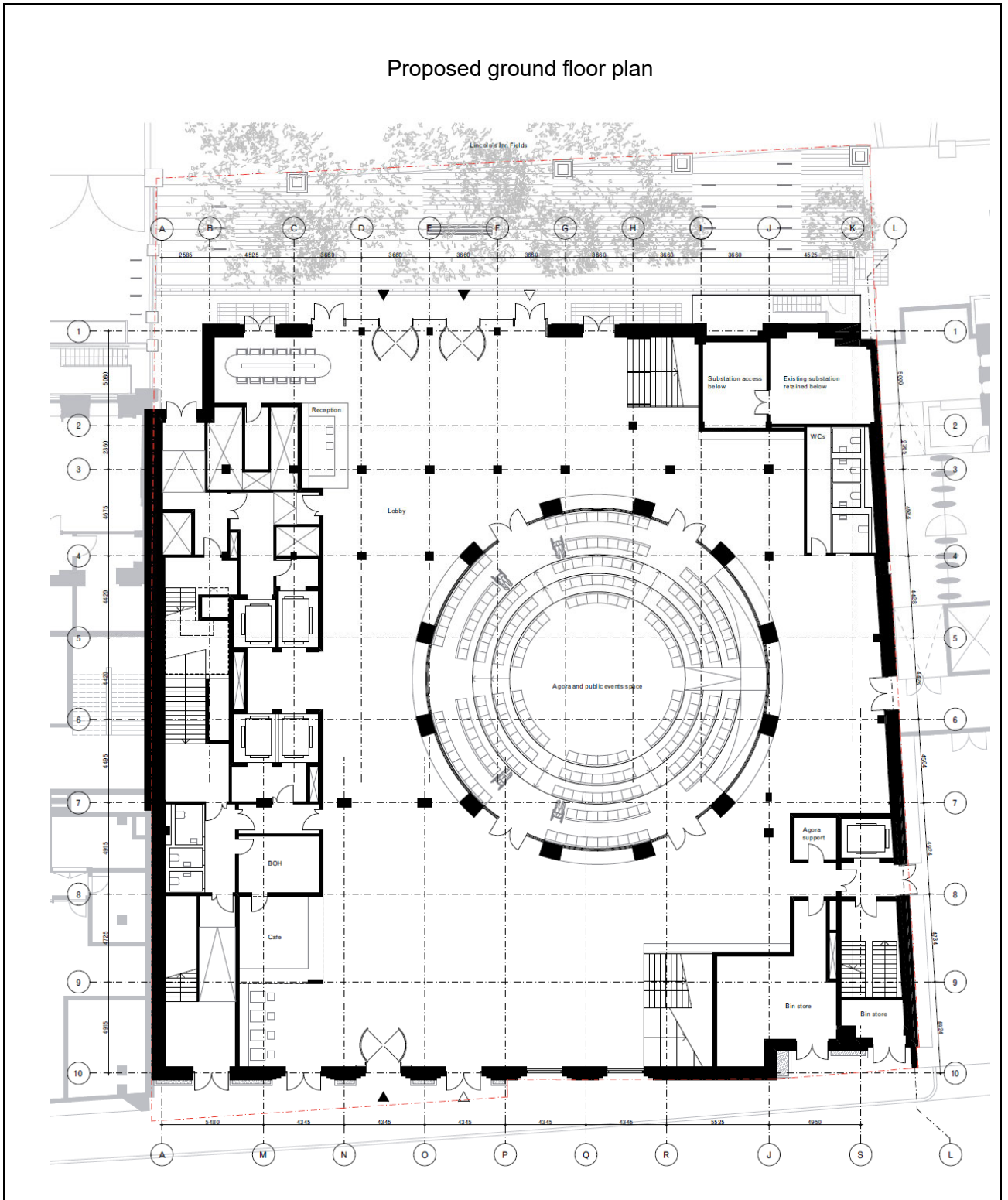
Portugal Street existing elevation



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
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LIF-DCA-91-XX-DR-A-91210
LIF-DCA-91-XX-DR-A-91211
LIF-DCA-91-XX-DR-A-91212
LIF-DCA-91-XX-DR-A-91213
LIF-DCA-91-B2-DR-A-91108
LIF-DCA-91-00-DR-A-91110
LIF-DCA-91-M0-DR-A-91111

LIF-DCA-91-01-DR-A-91112
 LIF-DCA-91-02-DR-A-91113
 LIF-DCA-91-03-DR-A-91114
 LIF-DCA-91-04-DR-A-91115
 LIF-DCA-91-05-DR-A-91116
 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.