

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Knightsbridge & Belgravia	
Subject of Report	202 - 206 Buckingham Palace Road, London, SW1W 9SX		
Proposal	Part demolition, part retention (of existing basement and structural frame) and redevelopment to create a building of basement, ground and seven upper floors with rooftop plant and two storey building and single storey infill to courtyard, to provide new hotel with ancillary uses, including restaurant, bar, gym, and spa facilities, cycle parking, landscaping and associated works. (Site of former Belgravia Police Station).		
Agent	DP9		
On behalf of	The Other House PropCo 3		
Registered Number	24/02294/FULL	Date amended/ completed	5 April 2024
Date Application Received	5 April 2024		
Historic Building Grade	Unlisted		
Conservation Area	No		
Neighbourhood Plan	Belgravia Neighbourhood Plan		

1. RECOMMENDATION

<p>1. Grant Conditional Permission, subject to the completion of a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i. Financial contribution of £491,910 towards the Council's Carbon offset fund (Index linked and payable on commencement of development). ii. 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data. iii. Employment and Skills Plan including operational phase employment targets and financial contribution of £35,226.00 to support the Westminster Employment Service (index linked and payable on commencement of development). iv. Highway Works including repaving of footways, on street cycle parking, access and egress to off-street servicing area on Semley Place, movement of bus stop and changes to on-street restrictions, including the relocation of parking and associated highway work (legal, administrative and physical). v. Monitoring costs. <p>2. If the S106 legal agreement has not been completed within 3 months of the Committee resolution, then:</p>
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a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

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

2. SUMMARY & KEY CONSIDERATIONS

The application relates to the site of the former Belgravia Police Station which was constructed in the early 1990's for the Metropolitan Police Service, who vacated the property in 2022. The site lies within the Central Activities Zone (CAZ), Victoria Opportunity Area (VOA), and falls outside of a conservation area.

Planning permission is sought for the redevelopment of the site to provide a 206 bedroom hotel with ancillary facilities including restaurant, bar and wellness facilities. It is proposed to retain the basement and structural frame of the existing building up to second floor level, with lateral and vertical extensions to provide a building of basement, ground and seven upper floors with plant at roof level. The existing London Plane tree which has a tree preservation order will be retained.

The current application follows a previously withdrawn scheme which was submitted by the same applicant in 2023, for a taller building with greater mass to the rear. The current application seeks to address Officers' and neighbouring residents' previous objections in terms of townscape and design, residential amenity and the impact on the tree.

The key considerations in this case are:

- The acceptability of the loss of the police station and proposed hotel use in land use terms.
- The acceptability of the proposal from a circular economy and sustainability perspective and the energy performance of the proposed building.
- Whether the development has delivered sufficient biodiversity net gain.
- The acceptability of the proposed building in townscape and design terms.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the proposed building on the London Plane tree.

The retention of the structural frame of the existing building is welcomed from an embodied carbon and circular economy perspective and the proposed building has been designed with high performance materials and will incorporate energy efficient systems to minimise energy use and carbon emissions. The height and bulk of the proposed building has been reduced since the withdrawn scheme and is now considered to respond to the surrounding townscape context.

Strong objections have been received from neighbouring residents, predominantly from Fountain Court, immediately adjacent to the site, on land use and amenity grounds.

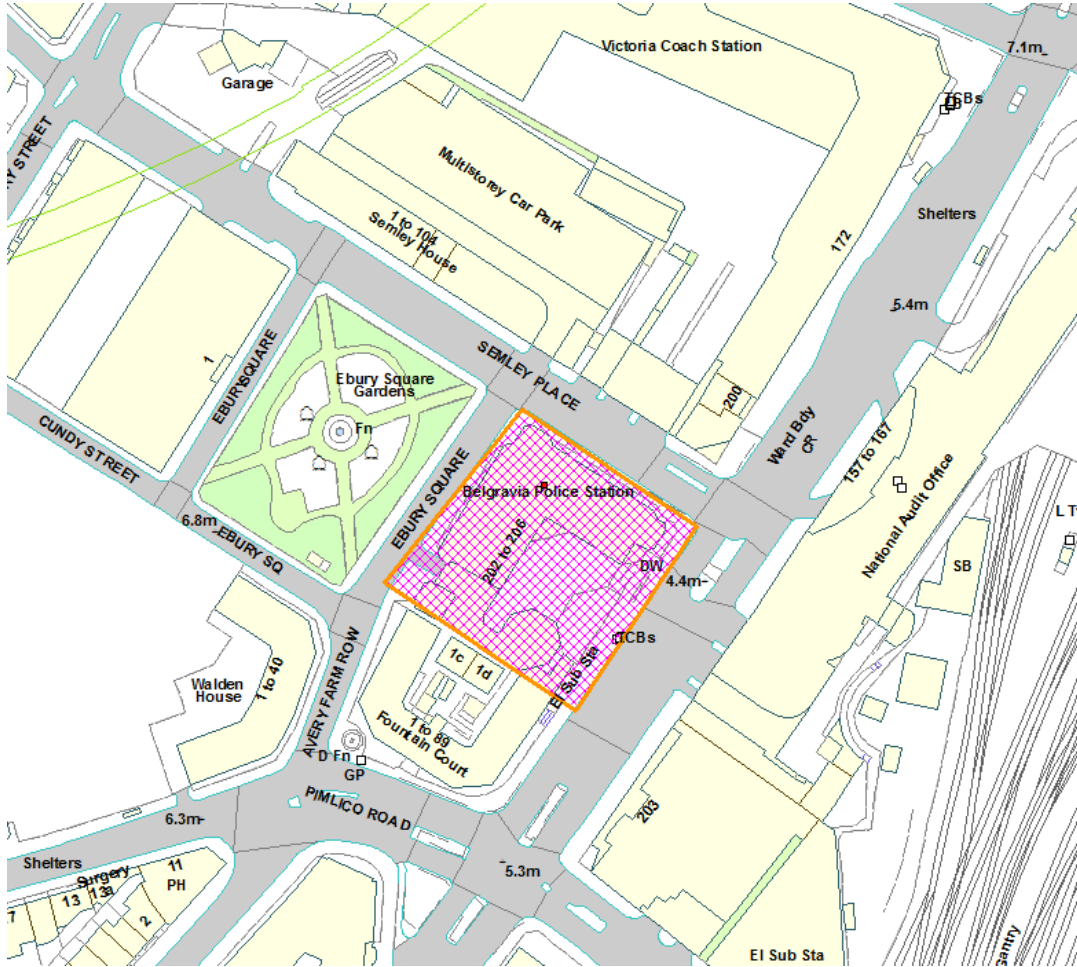
The proposed hotel is considered an appropriate use in this central area of Westminster, within the

CAZ and VOA, and with the imposition of conditions, as set out in the report, it is considered that it can operate without causing a significant adverse impact on residential amenity or local environmental quality.

The proposal will result in daylight losses to kitchens and living rooms to 12 flats in Fountain Court beyond that recommended in the BRE guidance which is highly regrettable, however, the majority of losses will be minor in nature, and this is considered to be outweighed by the regeneration and growth benefits of the scheme.

Overall, the proposed development is considered to comply with Westminster's City Plan 2019-2040, the London Plan and the Belgravia Neighbourhood Plan, and is acceptable in land use, environmental, design, amenity, trees and highway terms for the reasons set out in the report. The development is therefore recommended for approval subject to the conditions set out in the draft decision letter and the completion of a s106 legal agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Corner Ebury Square and Semley Place



Ebury Square frontage



Semley Place frontage



Buckingham Palace Road frontage

5. CONSULTATIONS

5.1 Application Consultations

WARD COUNCILLORS FOR KNIGHTSBRIDGE & BELGRAVIA

Any response to be reported verbally.

HISTORIC ENGLAND

Not offering advice in this case.

HISTORIC ENGLAND (ARCHAEOLOGY)

No archaeology requirement.

TRANSPORT FOR LONDON

The site is opposite Victoria Coach Station (VCS) and all proposals must protect and safeguard the efficient and safe running of services. Servicing will take place off street with access from Semley Place, however, waste servicing will be on street on Semley Place which will require the current bus stop to be moved towards Ebury Square. A condition is recommended to secure details of the bus stop change, including swept path analysis to demonstrate that a bus can pass a refuse vehicle and coaches can enter VCS safety.

Quantum of long and short term cycle parking spaces is in line with London Plan policy. A Construction logistics plan should be secured by condition. An Active Travel Zone Assessment has been submitted and TFL would support the Council in securing contributions to deliver improvements to support the Healthy Street indicators.

TRANSPORT FOR LONDON (CROSSRAIL 2 PROJECT TEAM)

Relates to land within the limits of Crossrail 2 safeguarding direction. Condition recommended.

TRANSPORT FOR LONDON (CROSSRAIL)

No comment, outside the limits of Crossrail Safeguarding Direction.

ENVIRONMENT AGENCY

No objection.

THAMES WATER

No objection subject to condition.

NATURAL ENGLAND

Any response to be reported verbally.

NATIONAL GRID

Any response to be reported verbally.

UK POWER NETWORKS

No objection subject to following standard guidance on proximity to existing substations.

METROPOLITAN POLICE - PROPERTY SERVICES

Any response to be reported verbally.

METROPOLITAN POLICE - DESIGNING OUT CRIME

The immediate area suffers from a high level of crime, namely, theft and anti-social behaviour related crimes. The revised plans are a vast improvement to the original submission and support this application. Condition recommended to obtain Secured by Design Accreditation to ensure a safe and secure development for all end users and the wider community.

NATIONAL AMENITY SOCIETIES (Georgian Group, Victorian Society, 20th Century Society, Design Council, Society for the Protection of Ancient Buildings and Council for British Archaeology)

Any response to be reported verbally.

THE BELGRAVIA SOCIETY

Support the application. The design of this development has developed in a holistic manner. A development of this site will greatly improve the area, as the site currently sits vacant. Extensive consultation including five pre-application meetings and two public engagement events have been undertaken by the applicant.

BELGRAVIA NEIGHBOURHOOD FORUM

Support the application. The current plans have been modified from those originally submitted in response to neighbour and community concerns. Would generally prefer new buildings in the Belgravia area to be more restrained in height, but accept that the proposed design reflects the height of other tall buildings in Buckingham Palace Road and acknowledge that any replacement for the former police station would inevitably need to be substantial in order to be commercially viable.

The designs for the building have taken the Belgravia Design Codes into account and it could be a positive enhancement to Ebury Square Gardens, from both the appearance of the building and the higher level of activity in the area.

Commend the sustainability of the proposed construction methodology which aims to minimise waste of embodied carbon by reusing many of the bricks from the current building, as well as making use of current foundations. Strongly support 'retrofit first' and that the planned construction is a step in this direction

BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

WESTMINSTER SOCIETY

No objection to the hotel use, servicing arrangements and amendments made in relation to the amenity of Fountain Court. The reduced massing around the courtyard should improve the outlook from Fountain Court and minimise the impact on residents daylight and sunlight. The control of noise and disturbance especially at night is addressed by the enclosure of the restaurant garden and the bar and restaurant entrances onto the street. Conditions should be applied to the operational hours of the courtyard restaurant; amplified music; and construction noise and dust.

The existing tree makes a positive contribution to the townscape, and pleased that safeguarding is being put in place and the building is set further back to protect the root system.

Concerns raised over too literal interpretation of the Belgravia Neighbourhood Forum Design Codes. The appearance and quality of the large facades especially that facing Ebury Square, lacks focus and is too uniform in appearance. Further consideration should be given to the external appearance of the building. There is scope to enliven all the elevations of the hotel with a greater sense of the internal uses especially at the lower levels. There needs to be richer detailing with a greater hierarchy of window sizes and greater emphasis on breaking down the scale of the large facades.

VICTORIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

VICTORIA BID

Any response to be reported verbally.

LOCAL FLOOD AUTHORITY

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection on environmental, noise or nuisance grounds subject to conditions.

HIGHWAYS PLANNING

No objection subject to conditions. Off street servicing is proposed which is welcomed. This arrangement requires moving a bus stop which will require agreement with TFL. No off street car parking is proposed and cycle parking is in line with London Plan standards. Recommend highway works are secured through a s106 legal agreement.

WASTE PROJECT OFFICER

No objection, details are in line with the Council's waste storage requirements and should be secured by condition.

ARBORICULTURAL OFFICER

Following extensive discussions, raise no objection subject to conditions to secure tree protection measures; alterations to the first floor balustrade near the tree canopy; details of landscaping and a management strategy for the green and blue roofs.

HOUSING SERVICES

Any response to be reported verbally.

ECONOMY TEAM

Employment and skills plan and a financial contribution of £35,226.00 to support the Westminster Employment Service is required.

BUILDING CONTROL

No objection. No changes to existing basement depth or extent with the exception of localised excavations for lift pits and 1.65m for a pool. These proposals will not have any adverse impact on adjoining properties or ground water level.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 420

Total No. of replies: 47 (individuals)

No. of objections: 28

No. in support: 19

Strong objections have been received from 28 surrounding residents, predominantly from Fountain Court the neighbouring residential block on the following grounds:

Land use

- Additional hotel accommodation is not needed in the area.
- A hotel use is not suitable in a residential area.
- Significant additional noise and disturbance from the proposed hotel, restaurant and bar uses to residents in Fountain Court, immediately next door, which includes vulnerable, disabled and elderly residents and children.
- The proposal will affect residents right for a peaceful life.
- Noise and disturbance to the surrounding area from people coming and going.
- Remain unconvinced that outdoor entertainment space has been omitted from the proposal which would disturb the peace of residents.
- Fear that even if outdoor entertainment is not shown on the plans they may apply to amend their plans after permission has been granted.
- Increased footfall from hotel guests who will not have a vested interest in the area.
- A hotel is not the best use of the land, it would be better to be used for social housing within the existing structure.

Environment

- Were of the understanding that the proposal was a reuse of the existing building with minimal carbon cost, however, it is only part retention of the structural frame with additional floors and rooftop plant.

Design

- The building will be significantly higher than Fountain Court.
- The proposed building dwarves Ebury Square gardens, doubling the height of the existing building.
- Any increase in height will detract from the character of the area.
- The building does nothing positive for the Belgravia Conservation Area.

Amenity

- The building will be significantly higher and bulkier than Fountain Court and will result in a loss of daylight and sunlight to its residents.
- Loss of view and claustrophobic feeling to residents in Fountain Court.
- Loss of light to flats at the southern end of Semley House.
- Reduced light to Ebury Square gardens a public recreational area.
- Use of external space and the courtyard will cause loss of privacy and noise to residents.
- Noise and air pollution from rooftop plant.
- Anti-social behaviour and safety and security concerns to surrounding residents.

Highways

- No car parking is provided which is already a limited resource in the area.
- Staff and hotel residents will seek to park their cars which will affect residents parking.
- Hotel will contribute to an already congested area.
- Increase in delivery vehicles causing traffic flow problems, noise and pollution.
- Increased refuse.
- Full impact of Cundy Street development on the area is not yet known in terms of parking, noise and pollution.

Other

- The project will provide no benefit to the local community or provide employment opportunities.
- Noise and disturbance caused during construction works.
- Issues for residents using online system to comment on the application, and request to submit objections by e-mail if they cannot access the website so it does not breach residents' rights to object.
- Seek to ensure all residents objections are logged and made public.
- The developer has directly e-mailed residents asking for their support which is inappropriate conduct.

19 letters of support have been received from residents in the wider Belgravia area, a number of which are signed proformas which the applicants communications consultant has distributed with a pre-paid envelope to the Council.

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 applicant conducted extensive public consultation prior to the submission of the previous application which was withdrawn in September 2023. To raise awareness of the amended proposals and resubmission, the applicant undertook a renewed round of engagement in February 2024. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) for the current application are summarised in the table below:

Engagement Method/Event/Activity	Date	Detail/Attendance
Notification of amended proposals and invitation to a meeting	27 February 2024	Sent to: • Knightsbridge and Belgravia ward councillors • Grosvenor
Notification of amended proposals and invitation to a meeting	4 March 2024	Sent to: • Belgravia Neighbourhood Forum • Belgravia Residents Association • The Belgravia Society • Victoria BID
Stakeholder meeting	8 March 2024	Meeting with Knightsbridge and Belgravia ward councillors • Cllr Tony Devenish • Cllr Elizabeth Hitchcock
Resubmission engagement launch	11 March 2024	• Flyer distributed to 8.664 addresses • Consultation website updates • Social adverts circulated within 1km site radius • Letter hand-delivered to all 95 Fountain Court addresses
Follow up letter to Fountain Court	12 March 2024	Delivered via Royal Mail to all 95 addresses
Stakeholder Meeting	14 March 2024	Meeting with Belgravia Neighbourhood Forum
Stakeholder Meeting	15 March 2024	Meeting with Grosvenor
Public Exhibition 1	18 March 2024	26 attendees, including Belgravia Neighbourhood Forum, Fountain Court residents and Semley Place residents
Public Exhibition 2	19 March 2004	6 attendees, including representatives of St Barnabas Church and Belgravia Residents Association

In summary, across the range of engagement undertaken by the applicant there has been a general consensus that the proposed design is attractive and the revised scheme is an improvement and reduces the impacts on immediate neighbours' amenity.

The principal issues raised were:

- Potential noise from the plant at roof level.
- Major impacts to daylight/sunlight to single aspect flats in Fountain Court.
- Concern about views and proximity of the new building to Fountain Court.
- Development taller than the existing building will impact on views.
- Concern about presence of groundwater and whether this would make it dangerous to redevelop the site.

The applicants Statement of Community Involvement and other application documents identify that the scheme has been revised in response to views and representations expressed during pre-application community engagement and that the amended scheme has responded to feedback, with meaningful reductions to the height and massing of the building to protect neighbouring residential amenity, and revised access arrangements

for improved noise management.

6 WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 City Plan Partial Review

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

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

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

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

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

6.3 Neighbourhood Planning

The Belgravia Neighbourhood Plan includes policies on a range of matters including character, heritage, design, sustainability, land use, community uses, major development sites and the environment.

It has been through independent examination and was supported by local residents and businesses in a referendum held on 22 February 2024. It was adopted on 7 March 2024. It therefore forms part of the development plan for Westminster for development within the Belgravia neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.4 National Policy & Guidance

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

7 BACKGROUND INFORMATION

7.1 The Application Site

The site is bounded by Buckingham Palace Road, Semley Place and Ebury Square and is adjacent to Fountain Court, a residential block of flats immediately to the south-west. It is located outside of, but in close proximity to the Belgravia Conservation Area, which wraps around the site beyond Ebury Square.

The existing building on the site was constructed in the early 1990's for the Metropolitan Police Service, who vacated the property in 2022 and it has remained vacant since. The building has an 'L' shaped plan and comprises basement, ground and four upper floors with rooftop plant to Ebury Square and part three/part four upper floors to the Semley Place frontage. The building wraps around a courtyard which contains a canopy and was used as a secure exercise area and for police vehicles, with a vehicular ramp down to a basement car park. This area is bounded by perimeter walls and security fencing.

The police station was constructed around a London Plane tree which falls within the site boundary on the Buckingham Palace Road frontage. The tree is protected by a tree preservation order (TPO)

The site lies within the Central Activities Zone and Victoria Opportunity Area (VOA). The area is of mixed character, with the commercial character of Buckingham Place Road; the vehicular entrance/exit to Victoria coach station immediately opposite and the commercial units and car park below Semley House, to the Semley Place frontage; and residential blocks (Fountain Court, Walden House, Cundy Street Quarter development site, Johnson House and Semley House) to the north and west around Ebury Square, a

formal garden Square open to the public, and the residential terraces of Belgravia beyond.

7.2 Recent Relevant History

89/03114/1884 (submitted under Circular 18/84 procedure for Crown land and Crown development)

Development of vacant site by erection of a new police station, with basement parking and part five/part four storeys.

Raise no objection 28 September 1989

08/03044/FULL

Erection of security fencing, gates and mesh roof within part of existing internal car park to allow for secured exercise area for people in custody.

Application permitted 11 September 2008

23/06489/FULL

Part demolition, part retention (of existing basement and structural frame) and redevelopment to create a building of basement, ground and eight upper floors with rooftop plant and two-storey building to courtyard, to provide new hotel with ancillary uses, including restaurant, bar, gym, and spa facilities (Class C1), cycle parking, landscaped courtyard and associated works. (Site of former Belgravia Police Station).

Application Withdrawn 21 November 2023

8 THE PROPOSAL

Planning permission is sought for the redevelopment of the site to provide a 206 bedroom hotel with ancillary facilities including restaurant, bar and wellness facilities.

It is proposed to retain the basement and structural frame of the existing building up to second floor level, with lateral and vertical extensions to provide a building of basement, ground and seven upper floors with plant at roof level. It will maintain the 'L' shaped plan of the existing building along Ebury Square and Semley Place, in order to retain the existing London Plane tree. A single storey extension is proposed at ground floor level to partially infill the courtyard and a lower two storey 'townhouse' element to the Buckingham Palace Road frontage. An off-street servicing bay is proposed to Semley Place.

Previous withdrawn application: The proposal follows a previous application submitted in 2023 by the same applicant, which was for a taller building with greater mass to the rear. Officers considered that the height and bulk of this proposed building was unacceptable in terms of townscape and design, amenity (loss of light and sense of enclosure to residents in Fountain Court) and detrimental impact to the London plane tree. Strong objections were also received from neighbouring residents to external amenity areas proposed in terms of loss of privacy and noise, which officers would have sought to address had the application been considered acceptable in other respects. The applicant withdrew the application prior to determination.

9 DETAILED CONSIDERATIONS

The existing and proposed land uses can be summarised as follows:

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Police Station (Sui Generis)	6,265	0	-6,265
Hotel	0	13,443.1	+13,443.1
Total	6,265	13,443.1	+7,178.1

(Applicants calculations)

9.1 Land Use

Loss of former Belgravia Police Station

Policy 17 of the City Plan relates to community infrastructure and facilities and states that existing community facilities and floorspace will be protected other than where it can be demonstrated that either: 1. the loss or relocation is necessary to enable service provision to be reconfigured, consolidated, upgraded, or delivered more effectively as part of a published strategy to improve services and meet identified needs; or 2. there is no demand for an alternative social and community use for that facility or floorspace, evidenced by vacancy and appropriate marketing for at least 18 months.

The supporting text in paragraph 17.1, however, sets out the specific type of uses that are considered to be community infrastructure and facilities, which does not include police stations. On this basis, the loss of the police station does not trigger Policy 17. However Policy S1 (G) of the London Plan states that redundant social infrastructure (which includes criminal justice) should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation plan.

The Belgravia Police Station was closed and decommissioned in 2022, following the Mayor's Office for Policing and Crime and Metropolitan Police Service Public Access Strategy (November 2017), which identified the Belgravia Police station as one of five custody suites that had closed between 2016 and 2017, and as a station where the front counter would close. The strategy outlined that by closing the front counters that they would exit the majority of these buildings, and the capital receipts would be spent on improving the technology available to officers on the front line and enhancing the remaining estate.

Given that the police stations closure was part of a wider public service transformation plan, its loss is considered acceptable under London Plan Policy S1.

Hotel Use

Policy context

Policy 1 of the City Plan sets out Westminster's spatial strategy. Part B states that

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growth will primarily be delivered through the intensification of the CAZ, with commercial-led and mixed-use development to provide significant growth in office, retail and leisure floorspace, alongside new homes; and continued major mixed-use redevelopment in identified Opportunity areas, in order to achieve growth targets in jobs and homes.

Policy 4 of the City Plan sets out the spatial development priorities within the Victoria Opportunity Area (VOA) and seeks to provide additional homes and jobs, enhanced social and community facilities and high quality public realm amongst other things.

Policy 15 of the City Plan relates to the visitor economy and in part G, states that new hotels and conference facilities will be directed to the commercial areas of the CAZ. The supporting text in paragraph 15.13 states that the CAZ is the centre of commerce and activity in London, served by excellent national and international public transport connections. It is therefore an appropriate location for hotels and conference facilities. It goes on to state that when assessing proposals for new hotels, hotel extensions and conference facilities, account will be taken of the site location, relationship to neighbouring uses, scale of accommodation and facilities proposed (the number of bedrooms and nature of other services the hotel offers), highways and parking. Paragraph 15.14 states that there is a need to ensure a balance between hotel and residential uses so that they can all function well, while also ensuring a good quality of life for residents.

Policy 33 of the City Plan relates to local environmental impacts, and seeks to ensure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment. Part (C) relates to noise and vibration and requires development to prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds, with particular attention to: 1. minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses; 2. minimising noise from plant machinery and internal activities; 3. minimising noise from servicing and deliveries; and 4. protecting the relative tranquillity in and around open spaces.

The Belgravia Neighbourhood Plan 2023 – 2040 (adopted March 2024) in its introductory statement sets out the long-term vision of Belgravia as a unique residential neighbourhood, but goes on to say that the blend of commercial activities, including retail, hospitality, luxury hotels, embassies and institutions, are also acknowledged as important contributors to life in Belgravia.

Assessment

The proposal is for a high quality hotel providing 206 bedrooms with a range of room sizes and apartment styles, located on part ground and first to seventh floor level. Ancillary facilities including bar, restaurant, lounges and wellness facilities are proposed at ground and basement level, as well as staff facilities, back of house areas and plant in the basement. The proposal is submitted by the hotel operator 'The Other House', who have an existing hotel in South Kensington (in the Royal Borough of Kensington and Chelsea) and a further hotel is due to open in Covent Garden in 2025.

The ancillary facilities proposed are as follows:

	Amenities	Sqm (GIA)	Number of Covers
Ground floor	Bar	102	68
	Restaurant	170	84
	Private dining rooms	54	20
	Garden lounge	125	62
Basement	Lounge	134	67
	Library	62	31
	Swimming pool/spa/treatment rooms	123	15
	Gym & yoga	201	15

(Applicants' calculations)

There are residential blocks in close proximity to the site, with Fountain Court immediately next door and Semley House, Johnson House, Walden House/ the Cundy Street Quarter development flanking Ebury Square. Strong objections have been received from neighbouring residents to the hotel use on the grounds that it will cause significant noise, disturbance and a loss of privacy, particularly to those within Fountain Court, a Council managed block of flats which includes vulnerable, disabled and elderly residents and children.

The proposal will bring a vacant site back into use and the principle of a new hotel with ancillary facilities are considered acceptable in this location within the CAZ and VOA, with good access to public transport. However, given its proximity to residents, their apprehension is understood, and it is essential that any hotel use has an acceptable relationship with its neighbours.

The main hotel entrance/reception is proposed on Ebury Square, with the entrance to the restaurant and bar on the busier Buckingham Palace Road frontage, away from residential windows. A separate staff entrance and off-street servicing bay is proposed on Semley Place opposite Victoria coach station. It is considered that the various entrance points have been sited to minimise disturbance to residents.

In acknowledgement to objections received to the previous withdrawn application and to the current application, no external amenity areas are proposed. The applicant has enclosed the ground floor courtyard up to the tree protection zone to provide an indoor garden lounge, and the external area beneath the tree will provide a visual amenity to the lounge and bar, with no access for guests. Green and green/blue roofs are proposed on the roof of the courtyard extension and on all other flat roof areas created by the stepped profile of the building, and will be restricted to maintenance use only with no access for guests. This will be secured by condition in order to prevent noise intrusion and a loss of privacy to residents within Fountain Court. A condition is also recommended to prevent noise outbreak from the premises.

It is proposed that the ancillary facilities will be for use by hotel guests and members of the public. The majority of 'luxury' hotels within Central Westminster provide bars and restaurants that are also open to members of the public, and it is not considered objectionable in this case. The proposed restaurant, bar and wellness areas will form an integral part of the hotel operation and be governed by the hotels operational standards. Given the location of hotel bedrooms on the ground floor and directly above, it will be in the interests of the hotel to ensure that these areas are properly managed. Should

permission be granted, conditions are recommended restricting hours of opening to members of the public to no later than midnight to protect the amenity of nearby residents. This closing time will not affect guests of the hotel.

A draft Operational Management Plan (OMP) has been submitted with the application, which sets out the management procedures that will be put in place for the hotel and the various facilities, and demonstrates the Hotel operator's commitment to ensure that it will not have a detrimental impact on residential amenity or the quality of the local environment. It is recommended that the submission of a detailed/final version of the OMP that the hotel has to operate in accordance with is secured by condition.

Overall, the proposed hotel is considered an appropriate use in this central area of Westminster, with good access to public transport. With the conditions as outlined above, it is considered that the hotel use and other facilities can operate without causing a significant adverse impact on residential amenity or local environmental quality and as such it is considered acceptable in land use terms.

9.2 Environment & Sustainability

Sustainable Design

Policy context

City Plan Policy 38(A) states that new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods.

Policy 38(D) relates to Sustainable Design and seeks to ensure that development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design, including: 1. use of high-quality durable materials and detail; 2. providing flexible, high quality floorspace; 3. optimising resource and water efficiency; 4. enabling the incorporation of, or connection to, future services or facilities; and 5. minimising the need for plant and machinery.

The supporting text in paragraph 38.11 states 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 within the Retrofitting and Sustainable Design chapter of the Councils Environmental Supplementary Planning Document (ESPD) (February 2022). This chapter includes sustainable design principles for both existing buildings and new build. While the main focus is retrofit of existing buildings, the overarching sustainable design principles in City Plan policy 38D seek to ensure all development, in both new build and existing buildings, is designed to be durable, adaptable and limit long-term resource use, including water and energy consumption, with features to mitigate and adapt to climate change integrated in development design from the outset. Guidance on designing for sustainability cuts across a number of topics and is included in a range of chapters in

this SPD.

The guidance 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). Page 87 also states, 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. This guidance adds that, "Putting the circular economy into action in Westminster's built environment means in the first instance exploring retention and refurbishment of buildings rather than demolition and re-build. If this is not possible, then incorporating reused materials into a new development (p.96).

The various aspects of sustainable design are discussed in turn below.

Circular Economy

Policy 37 (C) on Waste Management states that developers are required to demonstrate through a Circular Economy Statement, Site Environment Management Plan and/or associated Site Waste Management Plan, the recycling, re-use, and responsible disposal of construction, demolition and excavation waste in accordance with London Plan targets and the council's Code of Construction Practice (CoCP).

In terms of Circular Economy, the Council's ESPD emphasises the importance of resource efficiency stating: 'as we move to a resource efficient Westminster, we will be looking for opportunities to move from a linear to a circular economy. The Circular Economy is described by the London Plan as an economic model in which resources are kept in use at the highest level possible for as long as possible in order to maximise value and reduce waste, moving away from the traditional linear economic model of 'make, use, dispose'. City Plan policy aims to contribute to the London Plan targets for recycling and for London's net self-sufficiency by 2026.'

The applicant has submitted a Circular Economy statement in support of their application outlining how the six key Circular Economy principles have been fundamental to both the design process and waste hierarchy by prioritising avoidance and reduction in waste.

The existing police station is a 5 storey reinforced concrete-built building. It is proposed to retain the existing basement and the majority of the structural frame up to second floor level, with some localised demolition required to allow for core/risers and the removal of the existing façades. The applicant states that the proposal will result in 75.1% of the existing building being retained. This approach will significantly reduce embodied carbon and demolition waste and is welcomed.

Of the demolition waste 43% is proposed to be reused onsite, out of which 100% of all hardcore and concrete are to be recycled and crushed for reuse in the piling mat, which will also reduce lorry movements. In addition, 57% of the demolition waste will be recycled offsite. It is estimated that 95% of excavation and construction waste will be diverted from landfill.

The applicant states that implementation of the Circular Economy principles will be further developed at detailed design stage. It is their intention to source and use sustainable construction materials, and investigate the use of materials exchange

platforms to promote an effective and ethical supply chain. A condition is recommended that a further detailed Circular Economy Statement is submitted prior to the commencement of work on site.

Whole Life Carbon Cycle

The Council’s ESPD states that Whole Life Carbon (WLC) considers the combined impacts of both operational and embodied carbon emissions over a building’s entire lifecycle. This includes the emissions associated with sourcing, extraction and processing of materials, transporting materials to site, construction of the building, in-use operations (including maintenance, repair and replacement) and end of life (demolition, disassembly and waste processing). The aim of this approach is to move towards a building or a product that generates the lowest carbon emissions over its whole life. Whole Life Carbon assessments (WLCA) are considered to be cradle to grave assessments, however Westminster is following the GLA’s approach set out in its WLC guidance which requires consideration of phases beyond the project life cycle to include the retrofit or reuse of any existing built structures, in part or as a whole.

The applicant has submitted a WLCA which sets out the Whole Life Carbon emissions estimated for the site, following RICS guidance (November 2023) and the GLA Whole Lifecycle Carbon Assessment Guidance (March 2022). The upfront and whole life carbon for the development are summarised in the table below against GLA benchmarks (there is currently no benchmark for hotel use so the applicant has used residential as the closest benchmark).

<i>Figures reported in kgCO2e/m2.</i>	Proposed development	GLA WLC benchmark	GLA Aspirational WLC benchmark
Upfront carbon ('cradle to practical completion') (i.e. Modules A1-A5)	416	850	500
Whole life carbon ('cradle to grave') (i.e. Modules A-C (excluding B6 and B7	607	<1200	<800

The WLC emissions calculated for the development show that performance will exceed the GLA’s Aspirational WLC benchmark.

The applicant states that further WLC assessments will be carried out at each design stage so that areas of high impact of embodied carbon can be identified in a timely manner along with the appropriate mitigation measures and that at the post-construction stage, an updated WLC assessment using actual carbon emission figures will be submitted prior to occupation of the proposed development. It is recommended that this is secured by condition.

Energy Performance

London Plan Policy SI 2 requires major development to be net zero-carbon, with a minimum reduction in regulated emissions (i.e. those associated with heating, cooling, ventilation, hot-water and lighting) of 35 per cent beyond Part L of the Building Regulations. The Mayor of London’s updated Energy Assessment Guidance states that an on-site carbon reduction of at least 35 per cent beyond Part L 2021 of building

regulations should be achieved. Non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either: 1) through a cash in lieu contribution to the borough's carbon offset fund, or 2) off-site provided that an alternative proposal is identified and delivery is certain.

Policy 36 of the City Plan relates to energy and states that the council will promote zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change. All development proposals should follow the principles of the Mayor of London's energy hierarchy. Major development should be net zero carbon. 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 Chapter of the ESPD states that the reduction of carbon dioxide and other greenhouse gas emissions into the air is the central pillar in the council's Climate Emergency declaration, which is targeting a net zero carbon Westminster by 2040. It states that major development proposals, including shell and core schemes, should include a detailed energy assessment to demonstrate how energy use and carbon emissions have been reduced for the development in accordance with policy requirements, and that energy use has been a central consideration in the development's design and evolution.

Policy BEL14 of the Belgravia Neighbourhood Plan encourages major development to meet the highest environmental standards, including zero air emissions, as soon as possible and to respond to the principles in the Belgravia Sustainability Charter where relevant and feasible.

The applicant has submitted an Energy Strategy and Sustainability Statement in support of their application. The strategy for reducing energy use and associated carbon emissions through the design of the scheme follows the London Plan energy hierarchy, namely:

- Be Lean – Reduce energy demand through passive design strategies and best practice design of building services, lighting and controls;
- Be Clean – Explore reducing energy consumption further by connecting to an existing district heating system and exploit provision of Combined Heat and Power (CHP) systems;
- Be Green – Generate power on site through Renewable Energy Technologies.

The regulated carbon dioxide savings proposed from each stage of the energy hierarchy are as follows:

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	5.9	4%
Be Clean: Savings from heat network	0.0	0%
Be Green: Savings from renewable energy	51.6	33%
Cumulative on-site savings	57.5	37%
Carbon shortfall	99.0	64%
	Tonnes CO ₂	
Cumulative savings for offset payment	2,969.8	
Cash-in-lieu contribution (based on new built area)	£491,910	

The proposed energy strategy will minimise energy use and carbon emissions through a combination of passive design and energy efficiency measures with the incorporation of highly efficient fabric, enhanced fabric airtightness to reduce heating demand and heat loss; appropriate glazing ratios; efficient lighting and ventilation (Be Lean). 'Be Green' measures include an Air Source Heat Pump (ASHP) serving the space heating and cooling; an ASHP and Water Source Heat Pump serving the Domestic Hot Water; and an array of photovoltaics, on the main roof (mounted above the MEP systems) (320sqm) and on the roof of the garden house (45sqm). The proposed electric system will take advantage of the projected decarbonisation of the national grid.

There are currently no available district heating networks in the vicinity of the proposed development. The South Westminster Area Network (SWAN) is a proposed heat network that will cover most of South Westminster and link up two existing heat networks in the area: the Whitehall Boiler System and the Pimlico District Heat Undertaking. The site falls within the expansion zone and the Energy statement confirms that future connection to the SWAN will be safeguarded as part of the design. It is recommended that this connection is secured by condition.

Taken together, the measures proposed are expected to reduce the regulated operational carbon emissions by 37% compared to a Part L 2021 compliant building. Officers are satisfied that the carbon savings are the maximum that can be achieved on site and that a financial contribution towards the City Council's Carbon Offset Fund of £491,910 (calculated on new build area) secured by legal agreement would be used to fund carbon savings off-site to offset the residual operational carbon emissions arising from the proposed development.

BREEAM

Policy 38 (E) states that applicants will need to demonstrate how sustainable design principles and measures have been incorporated into designs, utilising environmental performance standards, with non-domestic developments of 500sqm of floorspace (GIA)

or above achieving at least BREEAM “Excellent” or equivalent standard.

A BREEAM pre-assessment (under V6 New Construction - fully fitted) has been carried out which shows a score of between 86.1% - 89.5% which exceeds the 85% threshold for an ‘outstanding’ rating, and exceeds the policy requirement. A condition is recommended to secure a post completion assessment.

Overheating and Cooling

Policy 36 E relates to overheating and states that all developments should be designed and operated to minimise the risk of internal overheating. Major development proposals will include a cooling strategy in line with the Mayor of London’s cooling hierarchy

The applicant states that the building has been designed to follow the cooling hierarchy principles as a means of reducing the amount of solar and internal gains, reducing the risk of overheating, through design, layout, and material selection, and the incorporation of green infrastructure so that the cooling load of the building is minimised.

The façade design and window strategy follows the principles set out in the Belgravia Design Codes and the applicant considers that the addition of louvres or brise soleil would detract from the architectural style of the building. The applicant maintains that the retained London plane tree will provide an element of natural shading to the courtyard elevations and the biodiverse green roofs will assist in reducing heat absorption and have a cooling affect. However, a condition is recommended to secure an updated cooling hierarchy strategy to ensure that the development adequately mitigates against overheating.

Air Quality

The whole of Westminster falls within an Air Quality Management Area. Policy 32 (Air quality) states that the council is committed to improving air quality in the city and expects development to reduce exposure to poor air quality and maximise opportunities to improve it locally without detriment of air quality in other areas. Major developments should be at least Air Quality Neutral.

The applicant has submitted an Air Quality Assessment in support of their application which concludes that the development will be air quality neutral in terms of building and transport related emissions.

An Air Quality Positive Statement has been prepared to demonstrate how air quality has been considered holistically throughout the design process (in relation to four key themes: Better design and reducing exposure; Building emissions; Transport emissions; and, innovation and future proofing). Following inclusion of the relevant measures into the proposal and subject to subsequent implementation and monitoring, the proposals are considered air quality positive. A condition is recommended to secure the provision of an Air Quality Positive Verification Statement prior to the occupation of the development.

Flood Risk & Sustainable Drainage

Policy 35 relates to Flood risk. Part J requires new development to incorporate Sustainable Drainage Systems (SuDS) to alleviate and manage surface water flood risk. Development should aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken.

The applicant has submitted a Flood risk and SuDs Strategy in support of their application. The site is located within Flood Zone 3a and is protected by the Thames Tidal flood defences. The Environment Agency have confirmed that it is outside of the areas that would be impacted by flooding in the event there was a breach in defences, and as such the development is at low risk of tidal and fluvial flooding.

The site falls outside of a Surface Water Management Zone and surface water flood risk to the development is low. The applicant is proposing SuDs to attenuate surface water run-off with blue and blue-green roofs (1,432sqm) which will provide surface water attenuation for approximately 71% of the site area, and an attenuation tank at basement level. Overall these measures will restrict the site discharge rate to achieve a betterment of 92% on existing rates. The Local Lead Flood Authority raise no objection subject to conditions to ensure that the SuDs are constructed prior to occupation of the development.

Odour

Two full height kitchen extraction systems are proposed which will be routed internally within the building and discharge at main roof level, at the top of the plant screen. A condition is recommended to secure full details of the kitchen extraction system.

Land Contamination

The existing basement is to be retained with excavation limited to lift pits and 1.65m for the proposed swimming pool. Environmental Health have requested that a contaminated land assessments is secured by condition.

Environment & Sustainability Summary

Sustainability and energy use has been embedded into the design and evolution of the proposed development. The retention of the existing basement and structural frame will reduce embodied carbon and demolition waste. The proposed building is designed with high performance materials and will incorporate high energy efficient systems, to minimise energy use and carbon emissions. The cumulative sustainability credentials proposed are therefore considered to result in a policy compliant scheme. Conditions are recommended to secure delivery of the sustainability benefits proposed. 'Be seen' monitoring and a carbon offset payment of £491,910 for the shortfall in carbon savings relative to the zero carbon target will be secured through a s106 legal agreement.

9.3 Biodiversity & Greening

Policy 34 of the City Plan relates to green infrastructure. Part B states that developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. With regard to biodiversity, part G of the policy states that developments should achieve biodiversity net gain, wherever feasible and appropriate. Opportunities to enhance existing habitats and create new habitats for priority species should be maximised. Developments within areas of nature deficiency should include features to enhance biodiversity, particularly for priority species and habitats.

Biodiversity net gain is an approach to development that leaves biodiversity in a better state than before. The ESPD expands further on greening and biodiversity and states that the London Plan's Urban Greening Factor (UGF) will apply to major development proposals. London Plan policy G5 Part (B) recommends that development proposals seek to achieve an Urban Greening Factor score of target score of 0.3 for developments that are predominately commercial. The Environment Act has introduced a mandatory requirement for biodiversity net gain of 10% by 2023 and this requirement will be incorporated into any update of the council's ESPD.

Policy BEL 12 of the Belgravia Neighbourhood Plan relates to Trees and Greening and seeks to ensure that opportunities to maximise the biodiversity of Belgravia are taken and that developments achieve biodiversity net gain on site.

The proposal retains the mature london plane tree and additional planting is proposed around its base. Intensive green roofs are proposed on the roof of the courtyard extension and flat roof areas where the building steps back, with log piles and stones incorporated to increase opportunities for fauna.

The applicant has undertaken an UGF assessment of the proposed development, which shows that the scheme would achieve a score of 0.26. This falls short of the 0.3 target for commercial developments as set out in The London Plan. However, the opportunities for greening have been maximised and on this basis it is considered acceptable. Opportunities on the site for habitat creation are proposed and will result in a BNG of 29.40%, exceeding the target of at least 10% net gain. Conditions are recommended to ensure that their strategy is implemented and to secure a management plan for ongoing maintenance.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to townscape and design:

Section 66 of the Planning (Listed buildings and conservation areas) Act 1990, states 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.

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 states that features that contribute positively to the significance of the setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area settings, wherever possible.

Furthermore Chapters 12 of the NPPF require great weight be placed on design quality. 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 contribution to Westminster's townscape and streetscape.

Policy 40 Townscape and Architecture, states that (A) Development will sensitively designed, having regard to the prevailing, scale, heights, character, building lines and plot widths, materials, architectural quality, and degree of uniformity in the surrounding townscape. (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.

Policy BEL 14 requires that major development demonstrably and positively respond to both the principles of the Belgravia Design Codes and the character of the area in which it is located or which it is adjacent to.

Site context

In the late nineteenth century, the site was occupied by a school, which was heavily bomb damaged in World War Two, resulting in partial demolition of the red brick Victorian school buildings. By 1960 the site was cleared, and the police station was built on the site in the early 1990s. The only remnant of its former use is the tree, which was subject of a TPO in 2023.

Purpose built as a police station, the building has a red brick and composite façade with one-way tinted glazing. Architecturally the building is fortress like with a robust and functional character and is of limited architectural and townscape merit. This has been confirmed by Historic England's decision to not statutorily list the building. In terms of its scale, it is relatively restrained given context and does not fully optimise the site. It also lies within a transitional area between the commercial frontage of Buckingham Place Road and the residential enclave of Ebury Street and the Belgravia Conservation Area beyond. The perimeter of Ebury Square is primarily residential is character, but due to piecemeal developments it exhibits little architectural uniformity or character.

In terms of heritage assets, the site is in close proximity to a number of grade II listed buildings notably the former British Airways terminal on Buckingham Palace Road (GII), and Victoria Coach Station, Elizabeth Street (GII).

Ebury Square was laid out in the early 1800s and was once flanked with traditional terraces. However following world war two bomb damage the setting of the square has changes significantly and lacks a formal character. The garden itself however is of notable townscape value.

Assessment

From a townscape perspective, the partial demolition of the building, is not opposed given its negligible architectural quality.

The proposed building would have a similar 'L' shaped arrangement to the existing, but would introduce active frontages to Buckingham Palace Road, Semley Place and Ebury Square. A modest courtyard garden is intended at the centre of the site to provide a suitable setting for the retained tree.

The development exhibits a Belgravia style, applying a classical order and language in line with the Belgravia Design Code (Belgravia Neighbourhood Plan). To avoid monotony along the main elevations, and introduce articulation, the street facing facades are broken up into three distinct blocks, which also introduce a subtle variance in architectural hierarchy. Buckingham Palace Road, Semley Place and Ebury Square exhibits different characteristics, but for visual continuity the blocks feature a shared architectural language with a complimentary pallet of materials, consisting of stone, stucco and brick. A condition is imposed to secured samples of the materials to ensure their quality and appearance.

Ebury Square exhibits a garden square aesthetic, with a Portland stone base, stucco applied to the main body of the building, and slate covered mansard roof. Its façade is subtly articulated by bays to break up its length and will feature balconies at second and sixth floor levels to introduce some order. Its details are a modern interpretation of the traditional Belgravia vernacular.

Semley Place features a brick faced central block, with double height base, red reconstituted stone/red brick body and double storey mansard. Its façade is slightly set back from the flanking elevations of the Ebury Square and Buckingham Palace Road buildings. The introduction of red stone/brick façade adds richness and visually breaks up what is a large urban block. The building houses the servicing bay, delineated by decorative metal gates.

Buckingham Palace Road features a narrower frontage than Ebury Square with central bay feature emphasising the restaurant and bar entrance of the hotel. Its white brick and rendered façade with feature balconies exist at first, fifth and sixth floors, alongside additional horizontal coursing and vertical pilasters add richness.

Whilst the perimeter of the development exhibits some architectural variety, the internal courtyard elevations exhibit more continuity, reflective of the Buckingham Palace Road façade. The ground floor features an arcade of arched windows, part of which includes the garden lounge which will be a feature element which is clad in bronze.

Along its south/western boundary, a two-storey townhouse style block fronts onto the courtyard garden. The road fronting section houses an enlarged UKPN sub-station (accesses directly from Buckingham Palace Road) with the first floor providing further hotel accommodation. The building expresses the same traditional aesthetic as the wider development but on a more modest scale.

The London Plane tree with planting beneath will offer much needed greening to

Buckingham Palace Road and is a welcome townscape enhancement.

The maximum height of the proposed building (30.62m) significantly exceeds that of the existing building, but it is considered to maintain a comfortable relationship with Fountain Court (25.89m AOD), being marginally taller and in the context of other developments fronting Ebury Square, such as Semley House which sits at (34.9m AOD), the overall height of the development is supported. The proposals sit below the tallest elements of the forthcoming Cundy Street Quarter (42.5m AOD). The increased height and mass presented to Buckingham Palace Road is reasonably comfortable given the larger scale commercial buildings in its immediate vicinity.

During the course of the application the roof form across the development has been amended to address concerns over its form, height, and perceived bulk. Built up to partially conceal the roof top plant, the roof exhibits a mansard form punctuated by well-proportioned dormers. To minimise the height and bulk of the roof and appear more balanced, the ridge height has been reduced. This arrangement however allows the plant to be glimpsed, which is not ideal, but at the same time appears less obtrusive than an out of scale roof.

The site lies outside of a designated conservation area and does not feature in key townscape views from within the Belgravia Conservation Area which lies to the north and west. However, it would form part of the wider setting of the former British Airways terminal on Buckingham Palace Road (GII), and Victoria Coach Station, Elizabeth Street (GII). The development is considered to have a respectful height and appearance, which would not adversely affect what is a varied urban setting of both nearby listed buildings.

Accordingly, the proposals are supported from a townscape and design perspective.

Landscaping & Public Realm

City Plan policy 34 relates to green infrastructure. Part H states that trees of amenity, ecological and historic value and those which contribute to the character and appearance of the townscape will be protected.

BEL12 of the Belgravia Neighbourhood Plan seeks to protect trees of amenity, ecological and historic value and trees that contribute to the character and appearance of the townscape.

The Council's Arboricultural Officer initially raised objection on the grounds that the proposed building was too close to the London Plane tree and it would impact on the root protection area (RPA) and its canopy, such that it would likely lead to pressure to excessively prune or remove the tree which is of high amenity and townscape value.

The applicant has updated their Arboricultural report and provided further information on the RPA, proposed ground works and the relationship with the canopy. Conditions are recommended to secure Tree Protection Plans and a detailed Construction Management Plan, drawn up in conjunction with each other so there is no conflict during demolition and construction that might result in risk to the tree.

Further details and measurements have also been provided regarding the relationship of

the building with the tree canopy. It is likely that the tree will require re-pruning at least once every 3 years to avoid direct contact with windows. This relationship is not ideal, but the expected pruning regime is in line with other trees in Westminster where close to other non-residential buildings. A condition is recommended for the balcony balustrade at first floor level above the bar to be redesigned to allow greater separation from the lowest branches of the tree.

Conditions are also recommended to secure final details of the proposed landscaping and green/blue roof elements, including drainage layers, type and depth of substrate, species and plants, biodiverse features, maintenance and sustainable irrigation details.

Archaeology

The site lies within an area of archaeological interest (Archaeological Priority Area: Pimlico) identified in the City Plan. Historic England (archaeology) are satisfied that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and that the site has low archaeological potential largely due to modern disturbance. No further assessment or conditions are therefore required.

9.5 Residential Amenity

The City Council places a high priority on protecting residential amenity. Policy 7 of the City Plan relates to managing development for Westminster's people and states that development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Strong objections have been received from neighbouring residents to the height and bulk of the proposed building and the impact this will have on residential amenity, in terms of loss of light, sense of enclosure/overbearing impact and loss of privacy, particularly to the residents in Fountain Court.

Daylight & Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2022). The BRE Guidelines specify that the daylight and sunlight results be considered flexibly and in the context of the site.

The most commonly used BRE method for assessing daylighting matters is the vertical sky component (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if the vertical sky component (VSC) measured at the centre of the window is less than 27% and has a reduction of 20% or more of existing daylight (VSC) levels, the loss is likely to be noticeable and the adverse effect needs to be taken into account in any decision-making.

In conjunction with the VSC test, where the layout of affected rooms are known the BRE guidelines also suggests that the daylight distribution is assessed using the No Sky Line (NSL) test, which is a point on a working plane in a room between where the sky can

and cannot be seen. If the NSL moves so that the area of the existing room which receives direct skylight is reduced to less than 0.8 times its former value this is likely to be noticeable to the occupants.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90 degrees of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction in sunlight below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.80 times their former value, either over the whole year or just in the winter months (21 September to 21 March), and the overall annual loss is greater than 4% of APSH, then the occupants of the existing building will notice the loss of sunlight and the room may appear colder and less cheerful and pleasant.

Assessment

The applicant's consultant, Point 2 Surveyors, have carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties:

- Fountain Court
- Walden House
- Cundy Street Quarter Building B1 (consented development on site of Walden House)
- Laxford House (now demolished as party of Cundy Street Quarter development)
- Johnson House
- Semley House
- 199-203 Buckingham Palace Road

The BRE Guidelines seek to protect daylighting to living rooms, kitchens and bedrooms. Bedrooms are not considered to be main habitable rooms and are therefore considered to be less important. Windows to bathrooms, toilets, storerooms and circulation areas, do not need to be analysed. With regards to kitchens, the Mayor of London's Housing Supplementary Planning Guidance in para 1.3.19 states:

"There is no statutory definition for kitchens to be counted as a habitable room nor is there any statutory size threshold. Many boroughs, however, include a figure of between 13 and 15 square metres in LDFs: any kitchen above that minimum is usually counted as a habitable room. Generally, a kitchen with a small table and chairs in one corner, or a kitchen 'bar' would not be counted as a habitable room. A room with a clearly defined kitchen at one end and a clearly defined dining area at the other (with a dining table and chairs) would be counted as a habitable room."

The daylight and sunlight report submitted demonstrates that there will be no material impact upon the daylight or sunlight received to residential windows in 199-203 Buckingham Palace Road, nor would there have been to Laxford House, now demolished as part of the Cundy Street Quarter development. The impact on all other properties tested is discussed in turn below:

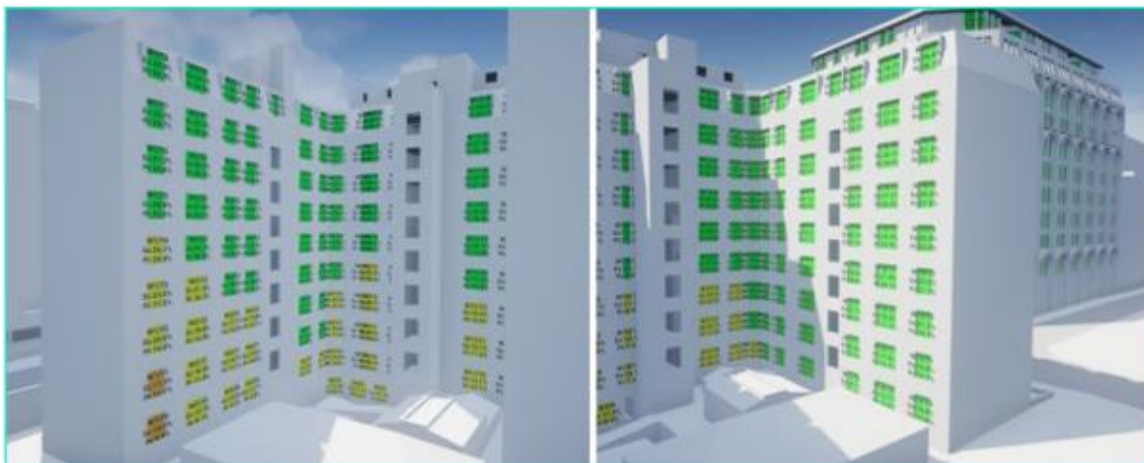
Fountain Court

Fountain Court is a part nine/part ten storey residential block comprising 93 flats, located immediately adjacent to the site to its south west side. The building is 'U' shaped and the majority of flats are single aspect, with either a view over the street or to the rear, with the rearward facing flats only outlook across the application site.

165 rearward facing windows serving 165 rooms have been tested and the proposal will see losses of VSC beyond BRE guidelines to 35 windows, in the north and east facing elevations at basement to fourth floor level, of which 29 serve habitable rooms (9 living rooms, 6 kitchens and 14 bedrooms) to 13 flats, seeing losses of between 20.33% - 31.64% VSC.

Whilst the exact internal arrangements are unknown, the NSL test has also been carried out which shows that 19 rooms (11 living rooms, 5 kitchens and 3 bedrooms) to 11 flats will breach BRE guidelines, experiencing losses of between 22.7% and 45.4% NSL.

The windows in breach of BRE guidelines are shown in the diagram (VSL) and set out in table (VSL and NSL) below:



North facing elevation

East facing elevation

Green: VSC compliant
Yellow: reduction in VSC less than 30%
Orange: reduction in VSC above 30%

Room	Use	Existing VSC	Proposed VSC	% Loss VSC	Whole Room NSL	Existing NSL	Proposed NSL	% loss NSL
	Basement							
R4/9	Kitchen	11.90	8.36	29.75	77.2	74.6	47.4	36.5
R3/9	Living	11.67	8.37	28.28	146.6	126.9	69.9	44.8
R2/9	bedroom	11.83	8.69	26.54	52.7	50.9	38.0	25.3
	Ground							
R1/10	Bedroom	14.54	9.94	31.64				*
R2/10	Living	13.68	9.66	29.39	151.3	66.1	45.8	30.7
R3/10	Bathroom	12.56	9.20	26.75				*
R4/10	kitchen	11.70	8.77	25.04				*
R5/10	Living	8.64	6.79	21.41	141.6	48.1	32.8	32.0
R6/10	Kitchen	7.12	5.57	21.77	86.9	43.8	23.9	45.4
R8/10	Bedroom	13.29	9.42	29.12				*
R9/10	bedroom	13.45	9.45	29.74	104.1	67.3	44.3	34.2
R11/10	Living	14.06	10.14	27.88	175.9	117.7	77.6	30.5
R12/10	Bathroom	13.48	10.10	25.07				*
R13/10	Kitchen	13.87	10.92	21.27				*
	First							
R1/11	Bedroom	17.30	12.06	30.29				*
R2/11	Living	15.99	11.60	27.45	151.3	82.8	55.8	32.6
R3/11	Bathroom	14.66	11.05	24.62				*
R4/11	kitchen	13.65	10.54	22.78				*
R5/11	Living			*	141.6	55.6	39.6	28.8
R6/11	Kitchen			*	86.9	51.4	29.6	42.4
R8/11	Bedroom	14.36	10.53	26.67				*
R9/11	bedroom	14.53	10.58	27.19	104.1	67.6	50.9	24.7
R11/11	Living	15.09	11.24	25.51	175.9	115.9	86.4	25.5
R12/11	Bathroom	14.44	11.17	22.65				*
R13/11	Kitchen			*				*
	Second							
R1/12	Bedroom	20.01	14.42	27.94				*
R2/12	Living	18.60	13.95	25.00	151.3	104.2	67.7	35.1
R3/12	Bathroom	17.10	13.30	22.22				*
R4/12	kitchen	15.94	12.70	20.33				*
R5/12	Living			*	141.6	64.6	48.2	25.5
R6/12	Kitchen			*	86.9	58.4	38.0	34.9
R8/12	Bedroom	15.50	11.81	23.81				*
R9/12	bedroom	15.69	11.87	24.35				*
R11/12	Living	16.19	12.51	22.73				*
R12/12	Bathroom	15.47	12.36	20.10				*
R13/12	Kitchen			*				*
	Third							
R1/13	Bedroom	22.97	17.20	25.12				*
R2/13	Living	21.51	16.73	22.22	151.3	119.7	85.3	28.7
R3/13	Bathroom			*				*
R4/13	kitchen			*				*
R5/13	Living			*	141.6	77.8	60.1	22.8
R6/13	Kitchen			*	86.9	63.9	49.5	22.7
R8/13	Bedroom	16.74	13.29	20.61				*
R9/13	bedroom	16.95	13.36	21.18				*
	Fourth							
R1/14	Bedroom	26.11	20.40	21.87				*

Kitchens and living rooms in bold

** No result specified indicates BRE compliance*

The U-shaped arrangement of Fountain Court means that many of the windows look across its own courtyard to the other side of the building, and a significant portion of daylight reaching the windows therefore comes from oblique angles across the site. All but two of the 35 windows in breach of BRE guidelines will experience a reduction in VSC of less than 30% which is not significantly in excess of BRE guidance and can be considered minor in nature. The two remaining windows serve bedrooms and are not therefore main habitable rooms, and they will also comply with the NSL criteria.

Six out of 19 rooms which breach the NSL criteria will pass in terms of VSC. Of the remaining rooms, six rooms (4 living rooms and 2 bedrooms) will see reductions of 30% or less which is considered minor in nature. Five rooms (3 living rooms, 1 kitchen and 1 bedroom) will see a reduction of between 32 and 36.5% with two rooms (1 living room and 1 kitchen) above 40%. The kitchens are less than 12sqm with limited room for a table, which under the Mayors Housing SPG (as set out above) can be considered as non-habitable, and thus it can be argued, less sensitive to the reduction in daylight. The most affected living room at basement level appears to be a studio unit and is also served by the bedroom window where the reduction in NSL is less than 30%.

Any daylight losses to the affected flats, particularly to the living rooms is undesirable, however, the majority of losses will be minor in nature and residents are unlikely to experience a significant worsening of lighting standards. The retained levels of daylight particularly at second to fourth floor level are typical of a densely developed urban location, commensurate with other residential properties in this locality. Accordingly, it is not considered that the application could reasonably be refused on the grounds of loss of daylight to these flats.

All windows in the south facing elevation of Fountain Court (within 90 degrees of due south) have been tested for sunlight, and comply with BRE guidelines. There will be no loss of sunlight to the windows in the north and east facing elevations (as they are not within 90 degrees of due south). However, the flats particularly on the lower levels currently receive reflected sunlight from the glazing on the police station. Whilst this is not measured/protected light, a white stucco finish is proposed to the rear elevations of the proposed building which will retain an element of reflection. The materials are to be secured by condition.

Walden House and Cundy Street Quarter Development Building B1

Walden House is a five storey residential block comprising 40 flats. It forms part of the Cundy Street Quarter development proposals, and whilst permission has been granted for its demolition, it currently remains occupied.

The proposal will not result in any losses in VSC beyond BRE guidelines, however, 9 windows at ground to fourth floor level in the chamfered corner between Ebury Square and Avery Farm Road will see a reduction in NSL of between 23.6 – 35.1%. The exact room layout and uses are unknown so less weight should therefore be given to this calculation. The proposal will have no impact on sunlight to these flats.

Permission has been granted for a new eleven storey residential building above ground floor commercial units (Building B1) on the site of Walden House which the applicant has also tested.

The proposal will see losses of VSC beyond BRE guidelines to 10 windows serving three living/kitchen/dining rooms located at first, second and third floor level on the chamfered corner of the building. These windows will receive a low level of daylight in terms of VSC as they are set back behind balconies and the stone frame of the building, thus even a small change can appear to have a large proportional effect, and none of the windows tested will see a greater actual reduction in VSC than 2.53%.

These rooms will also each be served by four further windows, two to Ebury Square and two to Avery Farm Road, which will not be affected by the proposal and overall the rooms will comply with the criteria for NSL. All windows tested will also meet the BRE criteria in terms of sunlight.

Overall, it is considered that the impact on daylight and sunlight levels to Walden House and the proposed replacement building, will be within acceptable tolerances.

Johnson House

Johnson House is a seven storey residential block on the opposite side of Ebury Square. The proposal will not result in any losses in VSC beyond BRE guidelines. One living/kitchen/dining room will see a minor transgression in NSL of 21.4%. Light to this window is already compromised as it is set back behind the buildings structure to provide a lightwell to the lower floor and the loss of daylight is unlikely to be noticeable. All windows are within 90 degrees of due south and will meet the BRE criteria in terms of sunlight.

Semley House

Semley House, Semley Place is a residential block comprising 104 flats located above ground floor commercial units and two storey car park, on the north east side of Ebury Square. All flats have their living and kitchen/dining rooms fronting the square, many of which are open plan.

One window at third floor level located beneath a balcony will experience a loss of VSC marginally beyond BRE guidelines of 21.53%, with a retained VSC level of 16.91 which is considered a good level of daylight in an urban location. The affected room will comply with the criteria for NSL and the loss of daylight is unlikely to be noticeable. All windows tested will meet the BRE criteria in terms of sunlight.

Overshadowing to Ebury Square Gardens

An overshadowing assessment has been carried out to assess the impact of the proposed development on Ebury Square Gardens, which demonstrates that it will fully accord with BRE Overshadowing guidance.

Daylight and Sunlight Conclusion

The existing Police Station stands between 4-5 storeys in height and the site is constrained by the London Plane tree. The applicant states that the proposed additional floorspace is required to render the scheme viable. The daylight losses to the affected flats in Fountain Court are highly regrettable, however, the majority of losses will be minor in nature, and it is considered that these daylight losses are outweighed by the regeneration and growth benefits of the scheme.

Sense of Enclosure

The proposed increase in height and additional mass to the rear will result in a bulkier more imposing building, particularly when viewed from the rear facing flats in Fountain Court. However, this has been significantly reduced since the previous withdrawn scheme.

The rear building line to the Ebury Square wing will now align with Fountain Court where it meets, with a projecting wing set approximately 6m from the site boundary, extending up to the widest part of the police station, albeit up to sixth floor level (almost the height of Fountain Court), with further setbacks incorporated at fifth and sixth floor level to reduce its apparent bulk. The seventh floor mansard is set back on the same building line as Fountain Court.

An open aspect will be retained to Buckingham Palace Road to the south where the London Plane tree will remain. It is proposed to infill the courtyard at ground floor level (up the tree protection zone), however, this will not extend above the height of the existing boundary wall with Fountain Court.

The residents of Fountain Court will have a significant change in their outlook, however, an open aspect will be retained and overall the impact in terms of sense of enclosure is considered acceptable.

Privacy

No external amenity space is proposed for hotel guests in order to overcome concerns raised by Fountain Court residents about loss of privacy and noise from external activities. The applicant has enclosed the ground floor courtyard to provide an indoor garden lounge, and green and blue roofs are proposed on all flat roof areas, with no access for hotel guests. Juliet balconies are proposed at second, fifth and sixth floor level to the courtyard elevations and details are to be secured by condition to ensure that there is not outdoor access.

Blind windows are proposed on the flank elevation of the projecting wing. On this basis, the proposal will not result in any overlooking or loss of privacy to the neighbouring residents.

Noise & Vibration

Plant is proposed at basement level and within an open enclosure at roof level. Conditions are recommended to secure full details of plant and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures are available to confirm compliance with the Council's standard noise condition.

Conditions are also recommended to control noise outbreak from the hotel to ensure that it does not cause noise and vibration nuisance to neighbouring residents.

9.6 Transportation, Accessibility & Servicing

The applicant has submitted a Transport Assessment and Travel Plan in support of their application.

The streets surrounding the site (Buckingham Palace Road, Semley Place and Ebury Square) form part of the Council's road network. Whilst not a statutory consultee, TfL have been consulted on the application given the close proximity to their assets (Victoria Coach Station and a bus stop on Semley Place).

Objections have been received from surrounding residents on the grounds that the proposal will cause increased stress on residents parking in the area and congestion.

Policy 27A of the City Plan states that the parking standards in the London Plan will apply to all developments. For hotel developments Policy T6.4 of the London Plan states that within the CAZ and locations of PTAL 6b any on-site provision should be limited to operational needs, disabled persons parking and parking required for taxis, coaches and deliveries or servicing.

The site has excellent access to public transport with a PTAL rating of 6b (the highest). No off street car parking is proposed. There are currently 'Police only' parking bays on Ebury Square and it is the applicants desire to convert two of these bays for hotel use for disabled guests. All changes to on-street parking will be subject to separate discussions with the Councils Parking team and will be secured through the s106 legal agreement.

Thirteen long stay cycle parking spaces are proposed in a dedicated cycle store at basement level and 20 short stay parking spaces at street level within the site boundary on Buckingham Palace Road (14 spaces) and Ebury Square (6 spaces). This complies with the standards set out in the London Plan and will be secured by condition.

Servicing

City Plan Policy 29 (B) states that servicing, collection and delivery needs should be fully met within a development site.

An off street servicing bay is proposed on Semley Place which will enable delivery vehicles to enter and exit in forward gear. The Highways Planning Manager is satisfied that this is capable of accommodating all the delivery needs of the development. A condition is recommended to secure a servicing management plan.

Waste collection is proposed to take place on street. This will require an existing bus stop on Semley Place to be moved towards Ebury Square. TfL are satisfied that moving the bus stop is unlikely to have an adverse impact on the operations of VCS or road safety, given that Ebury Square is one way. A condition is recommended to secure details of the bus stop change, including swept path analysis to demonstrate that a bus can pass a refuse vehicle and coaches can enter VCS safely.

It is recommended that the highway works around the site to accommodate the development including repaving of the footways, provision of on street cycle parking, access and egress to the off street servicing bay, movement of the bus stop on Semley Place and changes to parking bays will be secured through the s106 legal agreement.

9.7 Economy including Employment & Skills

Policy 18(D) of the City Plan relates to Education and skills and states that major developments will contribute to improved employment prospects for local residents. In accordance with the Council's Planning Obligations and Affordable Housing SPD, this will include: 1. financial contributions towards employment, education and skills initiatives; and 2. for larger schemes, the submission and implementation of an Employment and Skills Plan.

An Employment and Skills Plan, including operational phase employment targets and a financial contribution of £35,226.00 to support the Westminster Employment Service is proposed to be secured through the s106 legal agreement.

The applicant states that the development will create an estimated 200 jobs during the construction of the development and 125 full time jobs when the hotel is operational and that they will work with local colleges including Westminster Kingsway College, in hospitality employment and training initiatives. The new hotel will also support the local economy through increased local spending, thereby supporting local employment and services.

9.8 Other Considerations

Construction impact

Policy 33(F) of the City Plan relates to construction impacts and requires that developments minimise demolition and construction impact by complying with Westminster's Code of Construction Practice (CoCP).

It is inevitable that the construction work will cause noise and disturbance to local residents and businesses. The concerns of local residents who have objected on construction grounds, which is particularly compounded given other major redevelopments taking place in the area (Cundy Street), are fully understood. However through appropriate controls and careful management the impact from construction works can be lessened.

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

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

The key issues to address in the COCP are: site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison.

Designing Out Crime

Policy 44 of the City Plan relates to security measures in the public realm.

Following concerns raised by the Metropolitan Police's Designing Out Crime officer, the application has been revised to provide a single entrance into the bar and restaurant. They recommend that a condition is attached to obtain a Secured by Design accreditation, to ensure a safe and secure development for all end users and the wider community.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

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

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

- Financial contribution of £491,910 towards the Council's Carbon offset fund (Index linked and payable on commencement of development).
- 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
- Employment and Skills Plan including operational phase employment targets and financial contribution of £35,226.00 to support the Westminster Employment Service (index linked and payable on commencement of development).

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- Highway Works including repaving of footways, on street cycle parking, access and egress to off-street servicing area on Semley Place, movement of bus stop and changes to on-street restrictions, including the relocation of parking and associated highway work (legal, administrative and physical).
- Monitoring costs.

The estimated Westminster CIL payment is £1,513,757.99, whilst the estimated Mayoral CIL payment is £1,149,789.35. Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

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

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions relating to: The City Council's Code of Construction Practice; contaminated land; tree protection measures; a biodiversity management plan; updated WLCA; circular economy; Crossrail 2 safeguarding and bus stop relocation.

The applicant has agreed to the imposition of these conditions.

10 Conclusion

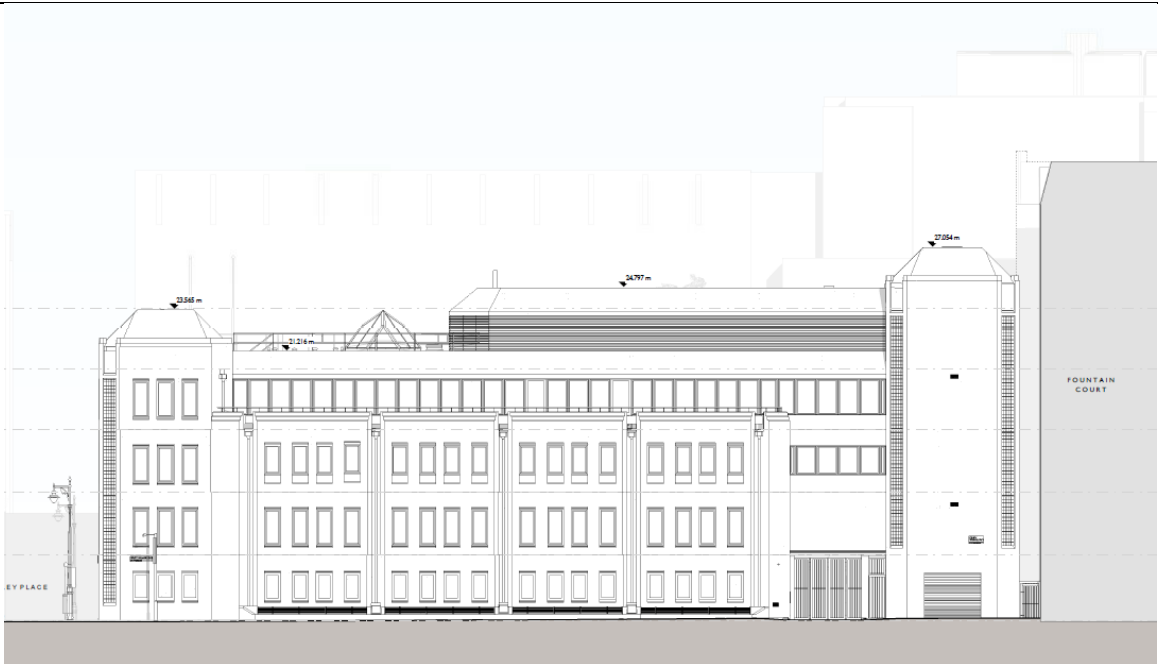
This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has also considered the weight to be attributed to the public benefits and harm that would arise from the scheme. Having regard to this assessment, it has found that the proposed development is acceptable

Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040, London Plan 2021 and the Belgravia Neighbourhood Plan. It is recommended that planning permission is granted, subject the conditions listed at the end of this report and completion of a Section 106 agreement to secure the obligations identified in Sections 1 and 9.10 which are necessary to make the development acceptable.

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(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: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk .
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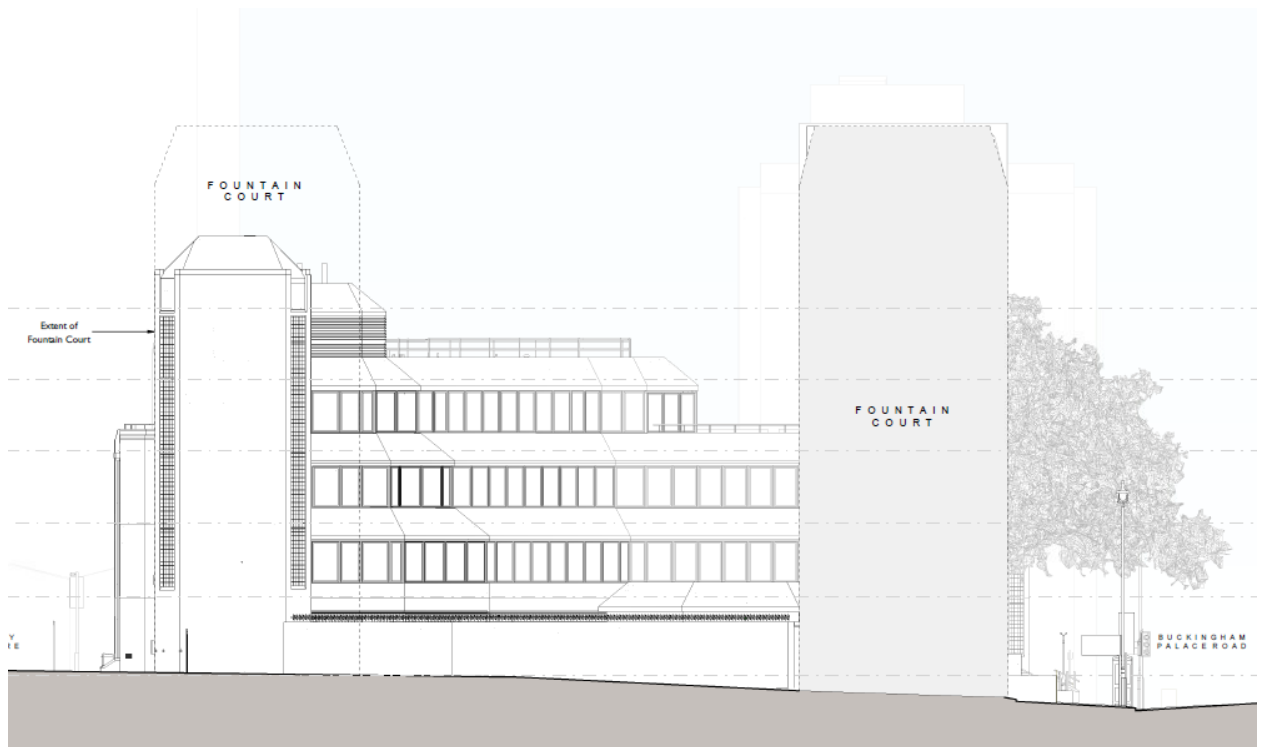
Existing Ebury Square frontage



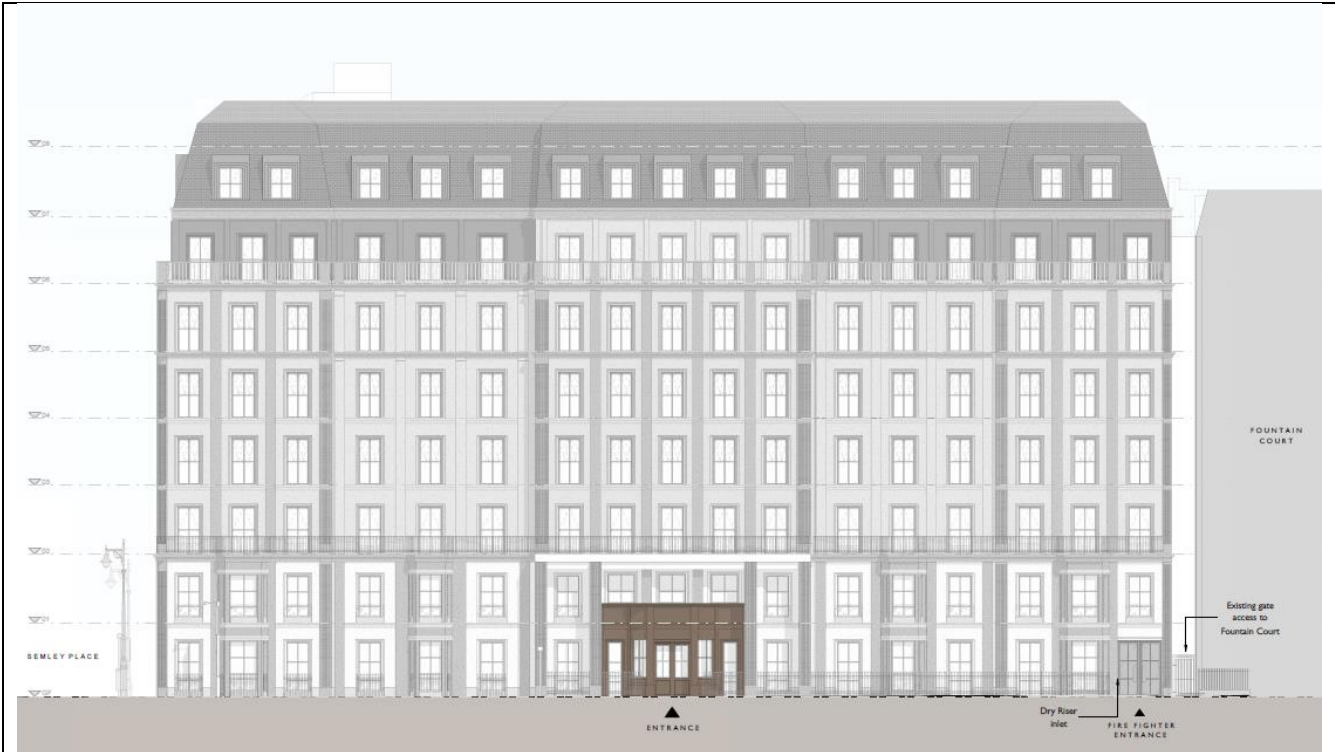
Existing Semley Place frontage



Existing Buckingham Palace Road frontage



Existing section



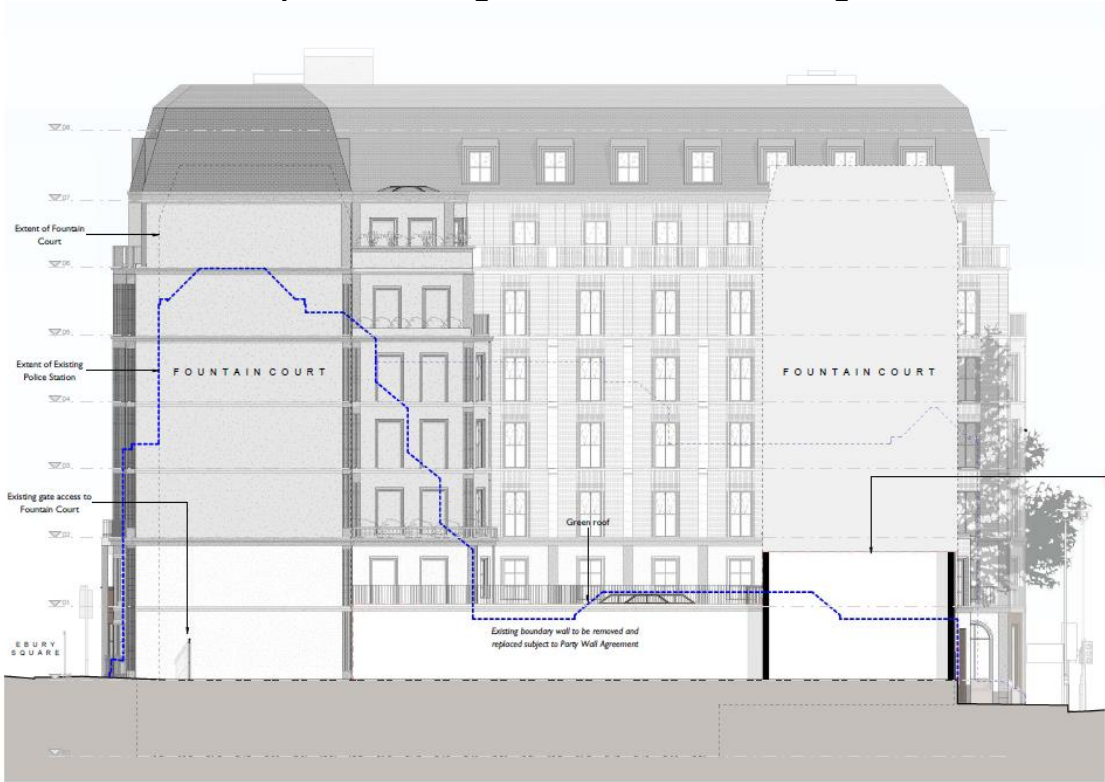
Proposed Ebury Square frontage



Proposed Semley Place frontage



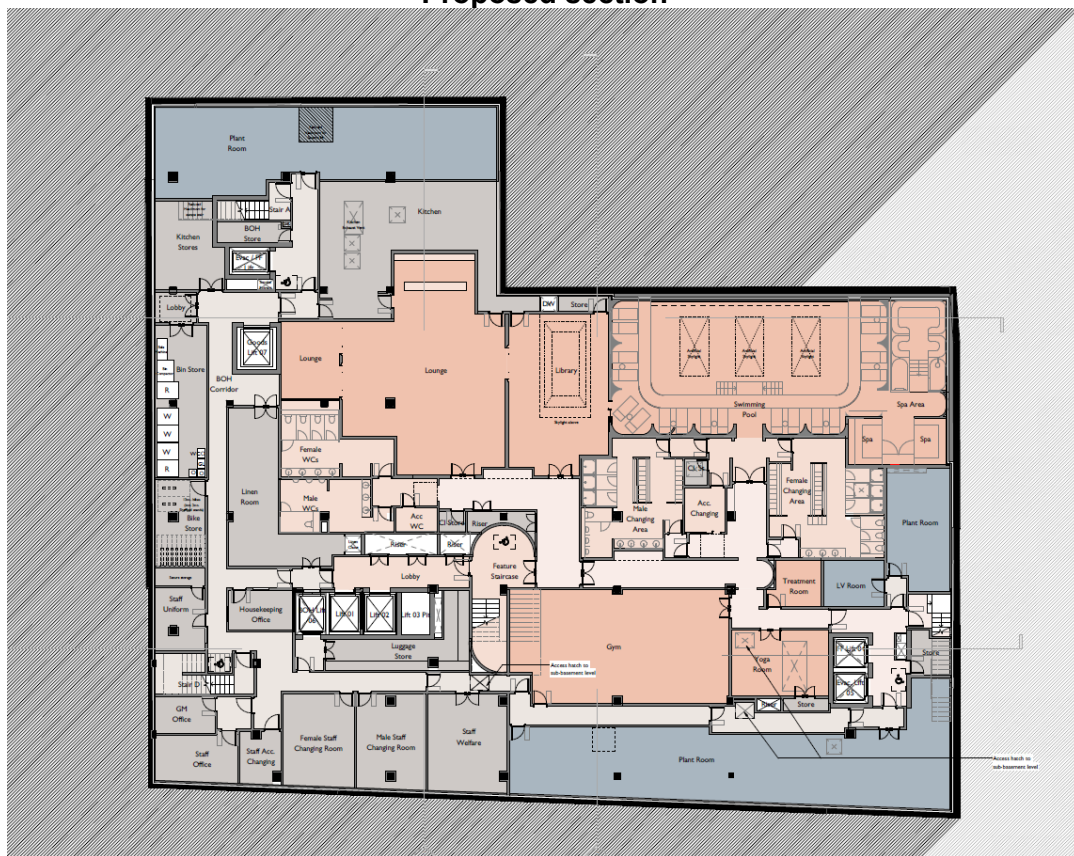
Proposed Buckingham Palace Road Frontage



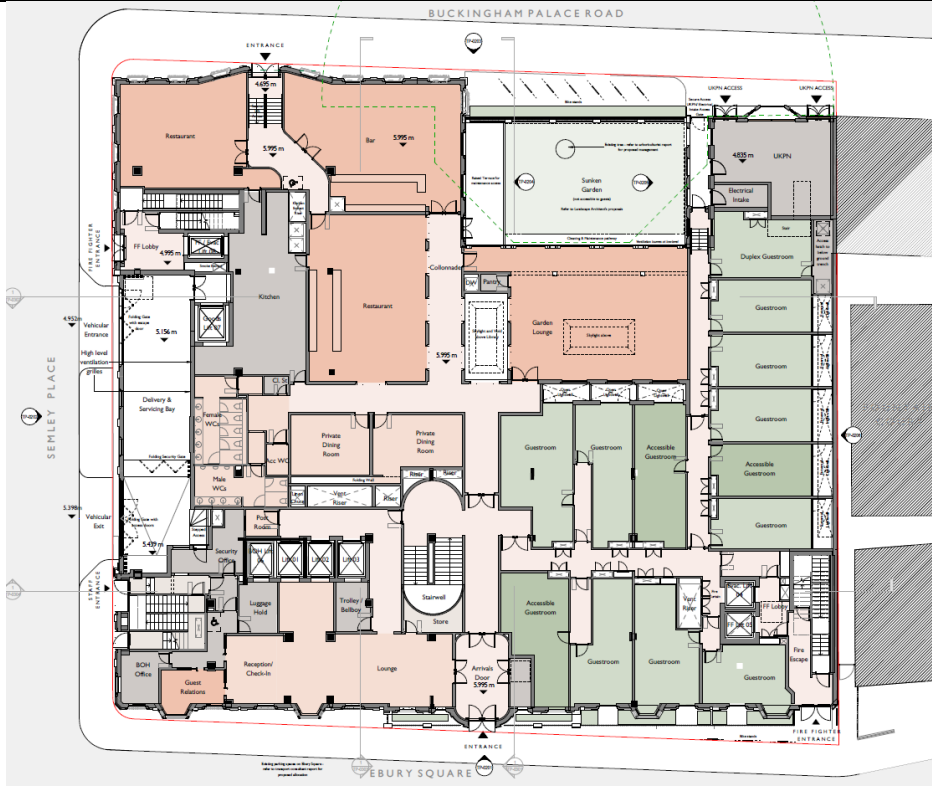
Proposed party wall section with Fountain Court



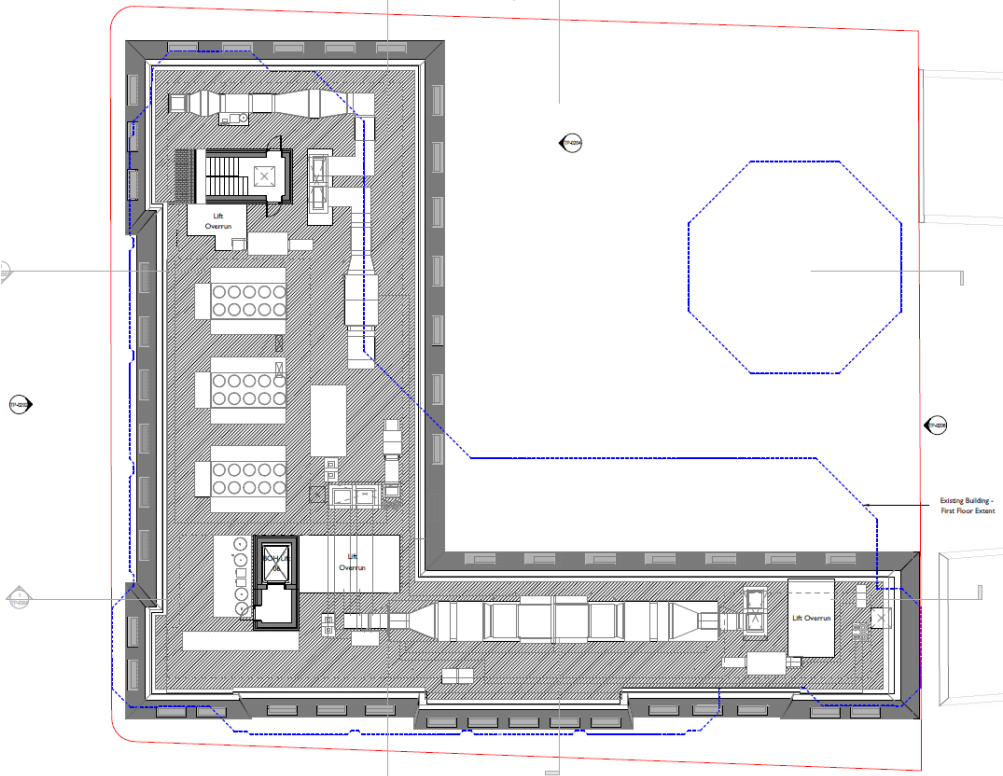
Proposed section



Proposed Basement



Proposed Ground



Proposed Roof



Proposed Ebury Square





Proposed Buckingham Palace Road



Proposed Ebury Square



Proposed Buckingham Palace Road

DRAFT DECISION LETTER

- Address:** 202 - 206 Buckingham Palace Road, London, SW1W 9SX
- Proposal:** Part demolition, part retention (of existing basement and structural frame) and redevelopment to create a building of basement, ground and seven upper floors with rooftop plant and two storey building and single storey infill to courtyard, to provide new hotel with ancillary uses, including restaurant, bar, gym and spa facilities; cycle parking, landscaping and associated works. (Site of former Belgravia Police Station).
- Reference:** 24/02294/FULL
- Plan Nos:** 11603-EPR-01-XX-DR-A-TP-2001/P02 and 11603-EPR-01-XX-DR-A-TP-2002/P02. Demolition drawings: 11603-EPR-01-B2-DR-A-TP-1098/P02; 11603-EPR-01-B1-DR-A-TP-1099/P02; 11603-EPR-01-GF-DR-A-TP-1100/P02; 11603-EPR-01-01-DR-A-TP-1101/P02; 11603-EPR-01-02-DR-A-TP-1102/P02; 11603-EPR-01-03-DR-A-TP-1103/P02; 11603-EPR-01-04-DR-A-TP-1104/P02; 11603-EPR-01-05-DR-A-TP-1105/P02; 1603-EPR-01-ZZ-DR-A-TP-1201/P02; 11603-EPR-01-ZZ-DR-A-TP-1202/P02; 11603-EPR-01-ZZ-DR-A-TP-1203/P02; 11603-EPR-01-ZZ-DR-A-TP-1204/P02; 11603-EPR-01-ZZ-DR-A-TP-1301/P02; 11603-EPR-01-ZZ-DR-A-TP-1302/P02; 11603-EPR-01-ZZ-DR-A-TP-1303/P02; and 11603-EPR-01-ZZ-DR-A-TP-1304/P02., Proposed drawings: 11603-EPR-01-XX-DR-A-TP-0001/P02; 11603-EPR-01-XX-DR-A-TP-0002/P02; 11603-EPR-01-B2-DR-A-TP-0098/P02; 11603-EPR-01-B1-DR-A-TP-0099/P03; 11603-EPR-01-GF-DR-A-TP-0100/P04; 11603-EPR-01-01-DR-A-TP-0101/P02; 11603-EPR-01-02-DR-A-TP-0102/P02; 11603-EPR-01-03-DR-A-TP-0103/P02; 11603-EPR-01-04-DR-A-TP-0104/P02; 11603-EPR-01-05-DR-A-TP-0105/P02; 11603-EPR-01-06-DR-A-TP-0106/P02; 11603-EPR-01-07-DR-A-TP-0107/P02; 11603-EPR-01-08-DR-A-TP-0108/P03; 11603-EPR-01-09-DR-A-TP-0109/P03; 11603-EPR-01-ZZ-DR-A-TP-0201/P03; 11603-EPR-01-ZZ-DR-A-TP-0202/P03; 11603-EPR-01-ZZ-DR-A-TP-0203/P03; 11603-EPR-01-ZZ-DR-A-TP-0204/P03; 11603-EPR-01-ZZ-DR-A-TP-0205/P03; 11603-EPR-01-ZZ-DR-A-TP-0206/P03; 11603-EPR-01-ZZ-DR-A-TP-0301/P03; 11603-EPR-01-ZZ-DR-A-TP-0302/P03; 11603-EPR-01-ZZ-DR-A-TP-0303/P03; 11603-EPR-01-ZZ-DR-A-TP-0304/P03; and 10365-IRB-XX-XX-D-Z-5126.
- Flood Risk Assessment and SuDs Strategy, prepared by Heyne, Tillett and Steel dated April 2004; Air Quality Assessment by Redmore Environmental Ref: 6848-1r3 dated 4 July 2024; Air Quality Positive Statement by Redmore Environmental Ref: 6848-2r3 dated 20th March 2024; Ecology Report by Eight Versa Issue 8 dated April 2024; Circular Economy Statement by Introba; dated April 2024; Whole-life Carbon Assessment by Introba dated April 2024; Sustainability Statement by Introba dated April 2024; Energy Strategy Report, prepared by Introba dated August 2024; Arboricultural Report by TMA 210510-PD-60b dated September 2024; Transport Assessment by Glanville Issue 8 dated 3 April 2024 (including Framework Travel Plan); Noise Impact Assessment by Sandy Brown Ref 23182-R07-E dated 11 July 2024; Daylight & Sunlight Report, prepared by Point2 Version 2 dated April 2024; and Archaeological Assessment, prepared by MOLA dated March 2024.
- For Information only: Planning Statement by DP9 dated April 2024; Design and Access Statement by EPR dated April 2024; Addendum Design and Access

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Statement by EPR dated July 2024; Landscaping Design and Access Statement) by Andy Sturgeon Ref: 34_RP_240308_V3 dated April 2024 and Landscape Response dated 10 July 2024; Outline Construction and Logistics Plan by G&T dated 20 March 2024; Draft Operational Management Plan by The Other House dated September 2024; Townscape and Heritage Visual Impact Assessment, prepared by TTC / Miller Hare dated April 2024 and addendum dated July 2024; Fire Statement by Introba July 2024; Photovoltaics Design Study by EPR July 2024; and Statement of Community Involvement by Concillio April 2024.

Case Officer: Julia Asghar

Direct Tel. No. 020 7641
07866037964

Recommended Condition(s) and Reason(s)

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

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: o between 08.00 and 18.00 Monday to Friday; o between 08.00 and 13.00 on Saturday; and o not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 6 The roof must be covered in natural slate and so maintained.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 7 You must apply to us for approval of detailed drawings of the following parts of the development: Typical Bay studies for each façade (scale 1:20). This must include window and door details, showing meaningful reveals and their interface with facing

materials. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 8 You must apply to us for approval of detailed drawings of the following parts of the development: I. Elevations and Sections of each window type scale 1:10, II.Elevations and Sections of each external door type scale 1:10, III.Detailed drawing of balustrading (scaled 1:5), IV. Detailed drawings of all new roof lanterns showing framing profiles and materials (1:10).

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 9 The public areas of the hotel shall only be open to non-hotel guests between 0700 - 0000 (Midnight) each day.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 15, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 10 You must apply to us for approval of an Operational Management Plan (OMP) that takes account of all the uses in the development. The OMP shall include but not be limited to details of: i) operational hours for each use and area within the hotel., ii) capacity and cover numbers in the restaurant and bar and lounges., iii) management of restaurant/bar entrance., iv) details and numbers of entrance and front desk staff and their role in managing arrivals and departures., v) staffing and security measures., vi) clearly displayed house rules which prohibit the use of outdoor areas.

You must not commence the hotel and ancillary uses hereby approved until we have approved what you have sent us. The OMP must thereafter be maintained and followed by the occupants for the life of the development unless a revised OMP is approved in writing by the City Council as Local Planning Authority.,

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 15, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 11 You must not allow hotel guests or visitors to use the roof of the courtyard building or

any other flat roof areas on the building for sitting out or for any other purpose. You can only use these areas in an emergency or for maintenance purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 12 You must apply to us for approval of details of the following parts of the development: Juliet balconies at second, fifth and sixth floor level to the courtyard elevations to prevent outdoor access for hotel guests. You must not start any work on these parts of the development until we have approved what you have sent us. You must then not occupy the development until these measures have been implemented and they must be retained for the lifetime of the development.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 13 No music shall be played in the hotel, restaurant, bar or wellness facilities such as to be audible outside the premises.

Reason:

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

- 14 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest. (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest. (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

(a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

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

and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AD)

Reason:

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

- 16 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)

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)

- 17 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)

- 18 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BC)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

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

Reason:

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

- 20 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 15 and 16 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 21 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 11603-EPR-01-B1-DR-A-TP-099/P03 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. No waste or bins should be left or stored on the public highway.

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)

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

Reason:

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

- 23 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

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)

- 24 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

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)

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

Reason:

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

- 26 You must apply to us for approval of a Servicing Management Plan prior to occupation. The plan should identify process, internal storage locations, hours of servicing/deliveries, scheduling of deliveries, staffing, a clear process for managing coach party arrivals and departures and encourage the use of electric vehicles. You must not commence the hotel until we have approved what you have sent us. The SMP

must thereafter be maintained and followed by the occupants for the life 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)

- 27 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 planting season 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 three 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 the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R30BD)

- 28 You must apply to us for approval of a Construction Management Plan in relation to trees on and close to the site during demolition and construction. Relevant construction management plan details, including (but not limited to) crane dimensions and location(s), piling rigs and requirements, site storage, vehicle access and parking, welfare units and associated temporary services. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 29 You must apply to us for approval of a tree protection plan and method statement explaining the measures you will take to protect the trees on and close to the site during demolition of the existing building and structures. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012 and in addition must include:
- o Details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered, to include a specification to send a written report to the tree officer within 5 days of each visit by the arboricultural consultant.

- o Details of the methods of excavation around tree roots, to inform foundation designs.

- o Relevant construction management plan details.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 30 Notwithstanding the submitted drawings, you must apply to us for approval of the final details of proposed foundations, footings and floor slabs within the Root Protection Area of the London plane (T1). You must include details of the foundation designs, dimensions, and positions, which should be informed by trial excavations and designed to avoid damage to tree roots. You must not start to construct any of these elements until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 31 You must apply to us for approval of a tree protection plan and method statement explaining the measures you will take to protect the trees on and close to the site during construction. You must not start any construction or make changes to physical tree protection measures that may have been installed for the demolition of the existing building and structures until we have approved in writing what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 32 Notwithstanding the submitted drawings, you must apply to us for approval of the final details of the balustrade above the proposed bar and colonnade, in relation with the lowest branches of the London plane (T1). You must not start to construct any of these elements until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 33 **Pre Commencement Condition.** You must apply to us for approval of details of a biodiversity management plan in relation to the blue and green roofs. This shall include

detailed drawings and sections showing:

- o The blue and green roof in relation to the supporting roof structures,
- o The drainage layers,
- o The type and depth of planting substrate
- o Species
- o Size or type of proposed plants (e.g: sedum mat, seed mix, planting plugs or plant sizes),
- o Any extra biodiversity features, such as log piles.
- o Maintenance and sustainable irrigation details.

You must not start any work until we have approved in writing what you have sent us.

You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)

Reason:

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

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

1. Prior to commencement of any work on site including all works of deconstruction and demolition.
2. Prior to commencement of any construction works.
3. Within 3 months of first occupation of the development.

Where the updated assessment submitted pursuant to (a) or (b) above identifies that changes to the design, procurement or delivery of the approved development will result in an increase in embodied carbon (A1-A5) above 416 kgCO₂e/m² and/or Whole Life Carbon (A1-C4) above 607kgCO₂e/m², which are the benchmarks established by your application stage Whole Life Carbon assessment, you must identify measures that will ensure that the additional carbon footprint of the development will be minimised. , ,

You must not commence any work on site and/or construction works (as appropriate pursuant parts (a) and (b) above) until we have approved the updated assessment you have sent us. You must then carry out works, as permitted by the relevant part of the condition, in accordance with the updated version of the Whole Life Carbon assessment that we have approved. The post construction assessment submitted for our approval pursuant to (c) shall demonstrate how the development has been completed in accordance with the updated benchmarks identified in the updated assessment submitted pursuant to part (b). (C17AB)

Reason:

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

- 35 The development shall be carried out in accordance with the approved Energy Strategy (prepared by Introba dated September 2024 and subsequent additions;) and shall

achieve regulated carbon dioxide emission savings of not less than 37% 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.

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)

- 36 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. 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.

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)

- 37 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)

- 38 You must provide, maintain and retain the following flood mitigation measures before you start to use any part of the development, as set out in your application. Blue and blue-green roofs and attenuation tank at basement level. You must not remove any of these features. (C44CA)

Reason:

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

- 39 All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated April 2024, Ref: 2941-07).

Reason:

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

- 40 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 39. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy 35 of the City Plan.

- 41 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general

requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

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

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

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

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

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 42 You must apply to us for approval of an air quality positive verification statement to outline that the development has implemented the measures outlined within the air quality positive statement (ref.6848-2r3), dated 20th March 2024. You must not occupy the development until we have approved in writing what you have sent us.

Reason:

To ensure the development is air quality positive in accordance with Policy 32 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022).

- 43 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.,

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 44 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning

Authority which: (i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works, (ii) Accommodate ground movement arising from the construction thereof,, (iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures. The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i), (ii) and (iii) of this condition shall be, completed, in their entirety, before any part of the building[s] [is] [are] occupied.

Reason:

As required by Crossrail 2 Safeguarding Direction.

- 45 Prior to any above-ground works, details of full 'Secured by Design' Accreditation shall be submitted and approved in writing by the Local Planning Authority. The details shall demonstrate consultation with the Metropolitan Police Designing Out Crime Officers and that each building or such part of a building can achieve accreditation. The development shall only be carried out in accordance with the approved details and maintained thereafter.

Reason:

To ensure a safe and secure development and contribute to reducing crime, in accordance with Policy 44 the City Plan 2019 - 2040 (April 2021).

- 46 You must apply to us for approval of details of the relocation of the bus stop on Semley Place, including swept paths showing a bus can pass a refuse vehicle and that coaches can enter into Victoria Coach Station safely. You must not start construction work until we have approved in writing what you have sent us. You must then carry out the work according to the approved details.

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)

- 47 **Pre-Commencement Condition.** (a) Prior to commencement of any works on site including works of deconstruction and demolition full details of the pre-demolition audit in accordance with section 4.6 of the GLA's adopted Circular Economy Statement guidance shall be submitted to us and approved by us in writing. The details shall demonstrate that the development is designed to meet the relevant targets set out in the GLA Circular Economy Statement Guidance. You must not carry out any works on site including works of demolition until we have approved what you have sent us. The demolition and other pre-construction works shall then be carried out in accordance with the approved details., , (b) Prior to the commencement of any construction works and following completion of RIBA Stage 4, a detailed Circular Economy Statement including a site waste management plan (or updated version of the approved Circular Economy Statement that reaffirms the approved strategy or demonstrates

improvements to it), shall be submitted to us and approved by us in writing. The Circular Economy Statement must be prepared in accordance with the GLA Circular Economy Guidance and demonstrate that the development has been designed to meet the relevant targets set out in the guidance. The end-of-life strategy included in the statement shall include the approach to storing detailed building information relating to the structure and materials of the new building elements (and of the interventions to distinguish the historic from the new fabric). The development shall be carried out in accordance with the details we approve and shall be operated and managed throughout its life cycle in accordance with the approved details. (C17BA)

Reason:

To ensure the development is resource efficient and maintains products and materials at their highest use for as long as possible in accordance with Policy SI7 in the London Plan 2021, Policy 37 in the City Plan 2019 - 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Circular Economy Statements' (March 2022).

- 48 You must apply to us for approval of details to demonstrate that either all combined water network upgrades required to accommodate the additional flows from the development have been completed; or a development and infrastructure phasing plan has been agreed with Thames Water to allow the additional development to be occupied. Where an infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed infrastructure phasing plan. You must not occupy any part of the hotel until we have approved what you have sent us in consultation with Thames Water.

Reason:

The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development; and in order to avoid sewage flooding and/or potential pollution incidents.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:

- o Financial contribution of £491,910 towards the Council's Carbon offset fund (Index linked and payable on commencement of development).
 - o 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data.
 - o Employment and Skills Plan including operational phase employment targets and financial contribution of £35,226.00 to support the Westminster Employment Service (index linked and payable on commencement of development).
 - o Highway Works including repaving of footways, on street cycle parking, access and egress to off-street servicing area on Semley Place, movement of bus stop and changes to on-street restrictions, including the relocation of parking and associated highway work (legal, administrative and physical).
 - o Monitoring costs.
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 4 Please contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.
- 5 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 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 The City Council supports a scheme to provide a free a recruitment service for businesses. Over 90% of people helped into work have been retained for over 6 months by their employing businesses. The scheme uses Workplace Coordinators to match vacancies and candidates. They have helped over 600 Westminster residents into jobs in Westminster businesses across the City. Further details can be found at www.crossriverpartnership.org. The scheme is supported by Westminster City Council, Cross River Partnership, the Crown Estate, New West End Company and Victoria BID.

- 8 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker (salom@westminster.gov.uk)
- 9 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.
- 10 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.
- 11 For advice on BREEAM, including appointment of a licensed assessor and how to obtain a post completion certificate, please visit the Building Research Establishment (BRE) website: <https://bregroup.com/products/breeam/>. (I15AB)
- 12 In relation to the assessment required pursuant to part (c) of Condition 34, the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance: LPG document template (green) (london.gov.uk). To support the results provided in the template, the following minimum evidence requirements should also be submitted: (a) site energy (including fuel) use record, (b) contractor confirmation of as-built material quantities and specifications, (c) record of material delivery including distance travelled and transportation mode (including materials for temporary works), (d) waste transportation record including waste quantity, distance travelled, and transportation mode (including materials for temporary works) broken down into material categories used in the assessment, (e) a list of product-specific environmental product declarations for the products that have been installed. The data collected must demonstrate compliance with the Whole Life Carbon Assessment approved at application stage, as updated pursuant to parts (a) and (b) of the condition and will provide an evidence base that informs future industrywide benchmarks or performance ratings for building typologies. In addition to submitting this information to the Council pursuant to the requirements of part (c) of the condition, where the original application was referable to the Mayor of London you should also submit the post-construction assessment to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the requirements of the mayor's guidance. (I17AB)
- 13 No digging should take place within 5 metres of a High Voltage Cable without contacting National Grid's Plant Protection Team <https://www.beforeyoudig.nationalgrid.com>
- 14 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 15 Some of the trees on the site are protected by a Tree Preservation Order. You must get our

permission before you do anything to them. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.

- 16 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice and to apply online please visit www.westminster.gov.uk/apply-temporary-structure-road-closure-or-crane-licence.
- 17 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 18 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 19 For the avoidance of doubt the Construction Management Plan required under condition 3 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 20 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This

commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 21 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 22 Condition meets the requirements of the direction made by the Department of Transport relating to the Chelsea to Hackney (CrossRail 2) line. If you have any questions about this project, please write to: Crossrail Limited, 25 Canada Square, London E14 5LQ. Tel: 0345 602 3813 (I57AA)
- 23 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 (as amended), the development plan for this part of the City includes the Belgravia Neighbourhood Plan, as well as the City Plan 2019-2040 adopted in April 2021 and the London Plan (adopted in March 2021). In dealing with this application the City Council has had regard to relevant policies the neighbourhood plan as required by Chapter 2 of the NPPF (2019), but has not specifically referenced the neighbourhood plan policies in the reasons given in this decision letter as the relevant policies in this case are in general conformity with the policies in the City Plan 2019-2040 and/or London Plan policies that are referenced.
- 24 Condition 41 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.
- 25 Please contact a Metropolitan Police Designing Out Crime Officers about suitable security measures for your development. You should also check whether these features will need planning permission. The contact details for Designing Out Crime Officers that cover Westminster can be found at the following link: www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#metropolitan-police-service-north-west-region.
- 26 Transport for London is prepared to provide information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.
- 27 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to

support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact: Considerate Group, 2 Eastbourne Terrace, , London , W2 6LG , E-mail: jk@considerategroup.com , Phone: 020 3865 2052

- 28 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature: www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.
- 29 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact: Thames Water Utilities Ltd, Development Planning, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ, Tel: 01923 898072, Email: Devcon.Team@thameswater.co.uk
- 30 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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