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## Appeal Decision

Inquiry opened on 21 May 2024

Site visit made on 29 May 2024

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11<sup>th</sup> June 2024

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Appeal Ref: APP/N5660/W/23/3335892

79 - 87 Westminster Bridge Road, London SE1 7HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by North Lambeth Holding BV against the decision of the Council of the London Borough of Lambeth.
  - The application Reference is 20/03539/FUL.
  - The development proposed is erection of a ground plus 14-storey building (plus two basement levels) comprising gym (Class E) at basement level, retail (Class E) at ground floor; office (Class E) at first floor, light industrial (Class E) at second floor and hotel (C1) at part basement, ground and floors 3 to 14, with plant enclosure at roof level, and associated cycle parking, servicing, all necessary enabling works and associated highways improvements.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of a ground plus 14-storey building (plus two basement levels) comprising gym (Class E) at basement level, retail (Class E) at ground floor; office (Class E) at first floor, light industrial (Class E) at second floor and hotel (C1) at part basement, ground and floors 3 to 14, with plant enclosure at roof level, and associated cycle parking, servicing, all necessary enabling works and associated highways improvements at 79 - 87 Westminster Bridge Road, London, SE1 7HR in accordance with the terms of the application, Ref 20/03539/FUL, subject to the conditions in the attached schedule.

### Preliminary matters

2. The Inquiry sat for seven days from 21 to 24 and 28 to 30 May 2024. By agreement with the parties, I carried out an unaccompanied visit to the site and surrounding area on 29 May 2024.
3. An agreed draft of a S106 Agreement (the Agreement) was discussed at the Inquiry. I allowed a short period after the Inquiry for the document to be signed. The Agreement includes the following:
  - Transport –
    - financial contributions to supporting active travel; disabled parking facilities; healthy routes; cycle hire infrastructure; wayfinding signage; additional step free access to London Underground services; off site cycle parking and travel plan monitoring; and

- o submission of a Delivery, Servicing and Transport Plan, together with arrangements for monitoring and remedial measures.
  - Employment and skills –
    - o submission of an Employment and Skills Construction Plan, together with arrangements for monitoring and remedial measures;
    - o submission of an Employment and Skills Occupation Plan, together with arrangements for monitoring and remedial measures;
    - o target employment opportunities for Lambeth residents for the construction and operational phases; and
    - o an employment and skills financial contribution.
  - Considerate Constructors Scheme – the development to be registered with the scheme and carried out accordingly.
  - Energy and sustainability –
    - o arrangements for **“Be Seen” energy monitoring**;
    - o submission of a District Heating Network Proposal; and
    - o a carbon offset financial contribution.
  - Ground floor and basement uses – submission of a Visitor Management Strategy to ensure that the ground floor and basement uses would be accessible to the public.
  - An Open Space Deficiency financial contribution towards the improvement of a nearby park.
4. The Council provided a statement of compliance with Regulation 122 of the Community Infrastructure Levy Regulations 2010, which set out the policy basis for the various planning obligations. At the Inquiry, these matters were not controversial and no party suggested that any of the obligations would fail to meet the relevant tests. I see no reason to disagree and conclude that the obligations meet the tests set out in Regulation 122. Accordingly, I have taken them into account in my decision.
5. The development plan includes:
- The London Plan (adopted March 2021) (LonP);
  - Lambeth Local Plan 2020-2035 (September 2021) (LLP); and
  - South Bank and Waterloo Neighbourhood Development Plan (2019) (SBWNP).
6. LonP guidance notes and other sources of relevant guidance are set out in the Statement of Common Ground (SoCG).

## Main issues

7. The main issues are:

- whether the proposal would meet the objective of achieving well-designed places;
- the effect of the proposal on the historic environment, including the setting of the Grade II listed Lincoln Tower;
- the effect of the proposal on the balance and mix of land uses in the locality; and
- the nature and extent of any economic, social and environmental benefits.

## Reasons

### *Whether the proposal would meet the objective of achieving well-designed places*

8. The appeal site comprises an open yard with a single storey shed to the rear, extending to 667 sqm in total. The 19<sup>th</sup> century buildings that formerly stood here were cleared at some point before 1920. A garage with petrol pumps was built in the 1950s. The most recent use, storing and maintaining vehicles operated by Duck Tours London, ended around 2010 and the site has been vacant since then. The frontage is enclosed with hoarding and there are some advertisement boards. To the north, the site is adjoined by Nos 89 to 95 Westminster Bridge Road, a locally listed building. There are commercial uses at basement, ground and first floor level with residential flats on the second to fifth floors<sup>1</sup>. To the south, the site wraps around Nos 2 to 4 Hercules Road, which contains two souvenir shops at ground floor level with residential units on the first, second and third floors.
9. The site is at the intersection of Westminster Bridge Road, Kennington Road, Bayliss Road and Hercules Road. Westminster Bridge Road and Kennington Road are major arterial routes and Bayliss Road is also a wide and busy thoroughfare. There are several bus routes passing through and Lambeth North underground station is on the north side of the intersection. The geometry of the intersection has created a large and busy urban space. The Grade II listed Lincoln Tower, which is described more fully below, stands in the angle between Westminster Bridge Road and Kennington Road. It forms a focal point in views along Westminster Bridge Road, particularly when approaching from the north west.
10. At the Inquiry, it was agreed that the buildings fronting the main roads are typically of four to seven storeys. However, the locality is varied in terms of architectural style and scale of development. Two large and tall former office buildings, dating from the mid-20<sup>th</sup> century, have been converted to accommodate new uses. These are the Park Plaza Waterloo Hotel (PPW), which is to the south of the appeal site in Hercules Road, and the Perspective Building, which is to the east in Westminster Bridge Road. The Marlin Hotel (north west of the site) has a taller block which is set behind the buildings fronting Westminster Bridge Road.

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<sup>1</sup> The SoCG notes that there is a restaurant, a gym and a vacant shop unit. At the time of my site visit scaffolding had been erected and it appeared that works of refurbishment were taking place.

11. The undeveloped nature of the appeal site creates a gap in the townscape on the west side of the intersection. In the 19<sup>th</sup> century there was continuous development fronting the footway, turning the corner from Westminster Bridge Road into Hercules Road. The current condition of the site opens up views of the exposed flank walls of No 89 Westminster Bridge Road and No 2 Hercules Road. The flank elevations of the PPW and the Marlin Hotel (rear block) are also in view. The taller element of the PPW has a rather awkward appearance. Whilst it is a strong presence in views from the intersection, it is not well related to the street frontage.
12. The proposal is for a 15 storey structure, which falls within the definition of a “*tall building*” for the purposes of LLP Policy Q26. The site is not within a location specifically identified as suitable for tall buildings in the LLP. However, neither the LonP (Policy D9) nor the LLP state that tall buildings should only be permitted in such locations. Policy Q26 states that, outside such locations, a clear and convincing justification will be required to demonstrate the appropriateness of the site for a tall building. Policies D9 and Q26 both set out factors that will need to be assessed when a tall building is proposed.
13. The appeal proposal is for a mixed-use scheme, with a basement gym, a bar/lounge/restaurant at ground floor level, office and light industrial uses on the first and second floors and hotel accommodation on the upper floors. The base of the building facing Westminster Bridge Road would comprise five double height arches, on a curving alignment. This alignment would turn the corner from Westminster Bridge Road into Hercules Road, recreating the street frontage that was lost in the 20<sup>th</sup> century.
14. At the Inquiry, South Bank and Waterloo Neighbours (SoWN) argued that the arches would be over-dominant and out of keeping with the street scene. The design incorporates a double height space behind the façade, with the office floor being set back at this point. This would maximise views into the ground and first floor spaces from the public realm. Entrance to the public spaces would be directly from Westminster Bridge Road. I consider that this design approach would activate the street frontage, emphasising the mixed-use nature of the scheme and encouraging use of the ground floor by the general public. It is also important to consider the effect of the curving façade, with the arches leading the eye around the corner<sup>2</sup>. To my mind the proposal would create a strong base to the proposed building, which would provide an attractive interface with the adjoining public realm.
15. The top two floors of the proposed building would feature inverted arches, angled back from the main façade. Glazed spandrel panels would create the appearance of double height glazing and the brickwork would taper upwards. This would create a distinctive crown to the building which could be appreciated in longer range views<sup>3</sup>.
16. The vertical elements of the middle floors would be emphasised by increasing the projection of the brick piers between each bay. There would also be subtle changes in brickwork detailing and window proportions to reflect the differing uses at different levels. Curved corner windows at the upper levels would add visual interest and soften the outline of the building. The main facing material

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<sup>2</sup> For example, see View 12 and View 15

<sup>3</sup> For example, see View 11

- would be a buff brick, chosen to give a neutral appearance and to avoid drawing attention away from the Lincoln Tower.
17. Overall, I consider that the base, middle floors and crown would create a harmonious composition, articulating the mass of the building, activating the frontage at street level and turning the corner between Westminster Bridge Road and Hercules Road.
  18. The Council argued that the proposal would be out of keeping with the prevailing contextual height around the intersection, would not step down towards the intersection **as (on the Council's case) the Marlin Hotel and PPW** do, would harm the landmark silhouette of the Lincoln Tower as seen from Westminster Bridge Road and would feature unsightly blank facades adjacent to Nos 2 to 4 Hercules Road.
  19. As noted above, whilst there is a typical height of four to seven storeys along the main road frontages, there is also considerable variation in scale and architectural style in the locality. The Marlin Hotel fronts Westminster Bridge Road, within the Lower Marsh Conservation Area. The top floor of the frontage block is slightly set back and is glazed. The rear block is taller than the frontage block. I have no doubt that these design decisions sought to respect the typical heights along Westminster Bridge Road<sup>4</sup>.
  20. In contrast, the PPW was created by repurposing the concrete frame of a 1950s office building. That building comprised a tall slab rising from a four storey podium. It does not appear to have been designed to establish any particular relationship to the intersection, although it is lower on the Hercules Road frontage. To the east of the site, the tallest element of the Perspective Building has a flank wall rising from the edge of the footway to Westminster Bridge Road.
  21. The townscape along Westminster Bridge Road (within the conservation area) is coherent in terms of scale and building heights. However, the townscape around the intersection (outside the conservation area) is much less so. One is very aware of the contrast in form and scale between the remaining 19<sup>th</sup> century street frontage buildings and the 20<sup>th</sup> and 21<sup>st</sup> century interventions. I consider that the proposal would enhance local character by recreating frontage development which would turn the corner from Westminster Bridge Road into Hercules Road, consistent with LLP Policy Q7(ii).
  22. It is right to point out that the proposal would be considerably taller than existing frontage development. However, LLP Policy Q26 and LonP Policy D9 allow for tall buildings where that can be justified. The appeal site stands at an important location where two arterial routes converge, heading towards Westminster Bridge. In the terms of Policy D9, the proposal would reinforce the spatial hierarchy of the locality. Taken together with the scale of the urban space around the intersection and the opportunity to repair a gap in the urban fabric, I consider that there is a justification for a tall building here.
  23. The Council points out that the gap could be repaired with a less tall building. Whilst that may be so, there is no such scheme before me.

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<sup>4</sup> For example, see Views 16 and 17

24. LLP Policy Q25 identifies the view of the Lincoln Tower south eastwards along Westminster Bridge Road as a landmark silhouette<sup>5</sup>. Whilst the proposal would be visible in this view, it would be to one side and would not affect the ability to appreciate the silhouette of the tower against the sky. The tower would continue to be the focal point of the view, which is contained by the existing frontage development on either side of Westminster Bridge Road. Having regard to the design features discussed above, I do not think that the proposal would be visually dominant, unsightly or intrusive, nor would it compete unduly with the Lincoln Tower. The proposal would therefore accord with Policy Q25.
25. The proposed building would wrap around Nos 2 to 4 Hercules Road. The proposed elevations facing the adjoining site would be left blank, no doubt for the practical reason that this is a site which is thought likely to come forward for redevelopment<sup>6</sup>. Although there would be no windows, recessed brickwork panels would continue the rhythm of window openings on the other elevations and provide some articulation. Details such as curved brickwork corners and curved corner windows at the upper levels would add visual interest. Seen in the round, I do not think the appearance would be harmful.
26. The Council drew attention to a Tall Building Topic Paper (2019) which found that this site would not be suitable for a tall building, due to impacts on heritage assets and locally significant views. It was also submitted that the evolution of the proposed design had not included assessment of a less tall option. Whilst those are fair points to make, they do not alter my conclusions. There is now a fully detailed appeal scheme to assess and I have carried out that assessment in the light of the evidence before the Inquiry and up to date development plan policies.
27. Policies D9 and Q26 set out impacts which proposals for tall buildings should address. There was no dispute that the various functional and environmental impacts would be addressed by the proposal or could be addressed through **appropriate planning conditions and obligations. The Council's concerns** related to heritage assets, which are considered below, and visual impacts.
28. On the first main issue, my overall assessment is that the proposal would meet the objective of achieving well-designed places. It would represent good design, in the terms of the National Planning Policy Framework (the Framework). It would reinforce the spatial hierarchy of the locality and the architectural quality and materials would meet the requirements of Policies D9 and Q26. The design would be visually interesting, well-proportioned and would enhance local character, in accordance with Policy Q7, which seeks to achieve good urban design. There is a justification for a tall building here, consistent with Policy Q26. For the reasons given above, there would be no conflict with Policy Q25.

*The effect of the proposal on the historic environment, including the setting of the Grade II listed Lincoln Tower*

29. The application was supported by a Townscape, Heritage and Visual Impact Assessment (THVIA) which identified heritage assets in the area around the appeal site. The site adjoins the Lower Marsh Conservation Area but is not

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<sup>5</sup> See View 22

<sup>6</sup> Planning permission was previously granted for an eight storey building. As that permission has lapsed, there was no information before the Inquiry about the likely form of any redevelopment.

within the area so designated. A number of Grade II listed buildings were identified within 250m of the site, including at Hercules Road, Kennington Road, King Edward Walk, Lambeth Road, St Georges Road and Westminster Bridge Road. There are also locally listed buildings in the locality, including the adjoining building at Nos 89 to 95 Westminster Bridge Road and Lambeth North Underground Station.

30. There are no heritage assets within the site itself. The Council and the appellant agree that there would be no harm to the setting or significance of the Lower Marsh Conservation Area. Moreover, they agree that there would be no harm to the setting or significance of any heritage assets (whether designated or non-designated), other than the Lincoln Tower. Having regard to the evidence contained in the THVIA, and my own observations on site, I also agree that there would be no harm to any of these other heritage assets.
31. The Lincoln Tower (as it is generally referred to in the evidence) is described in **the list entry as** "*Tower of former Christchurch and Upton Chapel.*" It is listed at Grade II. The list description notes that it is a five-stage tower with a spire, in the Early English style, built in Kentish rag with Portland stone dressings. The Lincoln Tower is the surviving part of a complex which included a chapel, lecture hall and school. The complex was completed in 1876, the centenary of the American Revolution. Funds had been collected in the United States and the tower and spire were dedicated to Abraham Lincoln. It was also meant as a monument to the abolition of slavery. The decoration of the spire includes red sandstone bands and rows of stars, making reference to the American flag. The complex suffered bomb damage during the Second World War and most of the site was rebuilt during the 1950s. The Lincoln Tower survived, albeit devoid of its original architectural context. Significant restoration took place, also in the 1950s. All of these events pre-dated the listing of the tower in 1979.
32. The Lincoln Tower has both historic and architectural interest. The historic interest includes the evidence it provides of the growth and social role of non-Anglican churches in the 19<sup>th</sup> century, the association with Abraham Lincoln and its continued community and social value through religious and community use. The architectural interest includes its design and plan form, its striking spire, fine proportions and detailing. All of these features contribute to its significance as a designated heritage asset.
33. The location of the listed building in the angle between Kennington Road and Westminster Bridge Road is an important aspect of its setting which contributes to its significance. It was intended to be a landmark feature, seen over a wide area. In the current context, the full height of the tower and spire can only be seen from the immediate surroundings and in views from the north west, along Westminster Bridge Road. These are particularly important views, in terms of the ability to appreciate the asset, because the whole tower and spire is visible, with the upper parts seen against the sky. Nevertheless, the upper stage of the tower and the spire are still a landmark in longer views, including views from Westminster Bridge Road (to the east), Bayliss Road and Hercules Road. Such views also contribute to its significance.
34. The appeal site, being vacant, makes no positive contribution to the setting of the listed building. The current condition of the site detracts from the street scene in which the listed building is appreciated. However, in my view this is a

relatively minor impact in relation to the overall ability to experience the asset from the public realm.

35. The appeal scheme would not have any direct impact on the listed building, being sited about 47m away on the opposite side of the intersection. It follows that there would be no effect on those aspects of significance that are embodied in the structure, such as the plan form, historic fabric and architectural detailing. Moreover, there would be no effect on the historic interest. The association with Abraham Lincoln, for example, would be unaffected. The stars and stripes on the spire relate to the historic association with Lincoln, but this feature can only be properly appreciated from nearby viewpoints which would not be affected. The main issue is therefore the effect of the proposal on the ability to appreciate the architectural interest of the tower and spire.
36. The Council submitted that views from Westminster Bridge would be lost altogether and that the ability to experience the Lincoln Tower in other views would be diminished by the presence of the appeal scheme.

#### Westminster Bridge

37. I saw that the spire can be picked out in views from Westminster Bridge<sup>7</sup>. However, it is a small element in a broad and dramatic riverside panorama. Whilst the red banding is just about visible, it is not possible to understand the reference to the American flag at this distance. The spire appears in a gap between large modern buildings which are much closer to the viewpoint. At this range, the spire is not a landmark feature, nor does it perform a wayfinding role.
38. At the Inquiry, there was some discussion as to whether the spire was intended to be visible from Westminster, or would actually have been visible, when it was built. However, the evidence indicates that there is unlikely to have been any significant view of the spire from Westminster at that time due to intervening buildings at St Thomas' Hospital.
39. With the appeal scheme in place, the spire would no longer be visible from Westminster Bridge. However, as I do not consider that this view adds materially to the ability to appreciate the significance of the listed building, that loss would not be harmful in heritage terms. In townscape terms, the upper parts of the appeal scheme would appear in a gap between large modern buildings that would be closer to the viewer. There would be no change to the character of the view.

#### Nearby views

40. I have discussed the relationship between the proposal and the public realm in front of the site under the first main issue. I concluded that there would be an enhancement to the street scene and to the experience of being in, or passing through, this space. Nearby views of the tower and spire from around the intersection would be unaffected by the proposal because the viewer would be looking away from the site.

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<sup>7</sup> For example, see View 18



Westminster Bridge Road – to the north west<sup>8</sup>

41. As noted above, these are particularly important views because the whole of the tower and spire can be seen, with the upper parts seen against the sky. Although the proposal would not be as tall as the spire, in these views it would appear taller because it would be closer to the viewer. However, these views are framed by development on either side of Westminster Bridge Road. The fine detailing and strong vertical emphasis of the tower and spire are central to the view and the eye is drawn to them. Although the proposed building would be a new element in the view, it would not intrude into the frame formed by existing development. I consider that the tower and spire would continue to be the focal point of these views and that the proposal would not harm the ability to experience the asset through competition and/or distraction.

Bayliss Road – to the north east<sup>9</sup>

42. The alignment of Bayliss Road is such that the appeal proposal would form a significant new element in views along the road. The curving alignment of the façade would be readily apparent from this angle and the proportions and detailing of the proposed building would enhance the local character, for the reasons discussed above. The proposed building would appear lower than the listed building and there would be a significant degree of separation, due to the scale of the open space around the intersection. There would be no harm to the ability to experience the listed building.

Westminster Bridge Road – to the south east<sup>10</sup>

43. In the current views most of the right hand side of the tower is seen against the sky. The exposed flank wall of Nos 89 to 95 Westminster Bridge Road is seen in closer views, detracting from the setting. The proposed building would rise to the base of the spire, (or higher from viewpoints further back), thereby reducing the extent to which the tower would be seen partially against the sky. It is important to note that the spire would still be seen against the sky. Even so, there would be some harm, albeit of a minor scale.
44. On the other hand, the appeal scheme would create a new backdrop to these views, closing the gap in the townscape that currently exists. To my mind, that new backdrop would be sympathetic to the listed building. The light tone of the brickwork would not compete with the tower and spire. As the proposed building would be further from the viewer, I do not think that there would be any difficulty in appreciating the detailing of the tower and spire from this angle. Moreover, the design of the base, middle levels and crown of the appeal scheme discussed above would result in a well-proportioned building that would be an improvement on the existing street scene. This would balance any minor harm, resulting in a neutral effect overall<sup>11</sup>.

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<sup>8</sup> For example, see Views 16, 17 and 22

<sup>9</sup> For example, see View 15

<sup>10</sup> For example, see Views 11 and 12

<sup>11</sup> **Inspector's note** – in striking this balance I am mindful of the approach considered in *R (Palmer) v Hertfordshire Council* [2016] EWCA Civ 1061 (CDK 1.3) and *City and Country Bramshill Limited v SSHCLG* [2021] EWCA Civ 320 (CDK 1.4)

Hercules Road- to the south west<sup>12</sup>

45. As one walks along Hercules Road towards the intersection, the listed building is experienced in a kinetic way, with the fine detail becoming more apparent as the viewer approaches. In views from further back, the proposed building would be seen in the context of the taller elements of the PPW. However, both buildings would be to the left of the view whereas the tower and spire appear to the right, rising above development fronting Hercules Road. As one draws level with the PPW, the proposed building would become a more significant element in the view but the tower and spire would also be a stronger feature. I consider that there would be sufficient separation to avoid harm to significance through competition and/or distraction.

Conclusion on second main issue

46. My overall assessment is that there would be no harm to the significance of the Grade II listed Lincoln Tower through development in its setting. I conclude that the proposal would not result in harm to the historic environment. Mindful of the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the setting of the Lincoln Tower, and the settings of the other listed buildings identified in the THVIA, would be preserved. There would be no harm to the character, appearance or significance of the Lower Marsh Conservation Area. The proposal would accord with LonP Policy HC1 and LLP Policy Q20, which seek to conserve the significance and settings of heritage assets. It would accord with LonP Policy D9, insofar as that policy seeks to ensure that tall buildings should avoid harm to the significance of heritage assets.

*The effect of the proposal on the balance and mix of local land uses*

47. The site is located within the Central Activities Zone (CAZ). LonP Policy SD4 seeks to promote and enhance the international, national and London-wide roles of the CAZ, which is based on a rich mix of strategic functions and local uses. Policy SD4(E) states that the concentration and diversity of cultural, arts, entertainment, night-time economy and tourism functions should be promoted and enhanced. LonP Policy E10 deals with visitor accommodation. E10(F) states that, within the CAZ, strategically important serviced accommodation should be promoted in Opportunity Areas, with smaller-scale provision in other parts of the CAZ, except in wholly residential streets or predominantly residential neighbourhoods. The policy goes on to say that the provision of serviced accommodation should be resisted where it would compromise local amenity or the balance of local land uses.
48. The LLP applies Policy E10 to Lambeth. It defines strategically important visitor accommodation as more than 20,000 sqm, which would not include the appeal scheme. For the purposes of Policy E10, the appeal scheme is therefore "*smaller-scale provision*" **which may be considered in locations** (such as the appeal site) which are in the CAZ but not in an Opportunity Area. LLP Policy ED14(C) states that, in Waterloo, additional visitor accommodation will only be permitted within the CAZ where it does not cause unacceptable harm to local amenity or the balance and mix of local land uses.

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<sup>12</sup> For example, see Views 9, A and C

49. The appeal site also falls within a CAZ retail cluster and the Lower Marsh/The Cut/Leake Street Special Policy Area (SPA), both of which are defined in the LLP. LLP Policy PN1 sets out a vision for Waterloo and South Bank, which is that, by 2035, it will continue to be a thriving and competitive area, playing a key role in the central London and Lambeth economy. The various roles of the area are to be supported. These include its roles as a retail cluster, a location for specialist and independent retail (in the SPA), an area for tourism, leisure and entertainment and a mixed residential area. The means of achieving the vision include safeguarding and promoting the role of the SPA as a centre for local needs and specialist independent retailing. Policy PN1(C)(i) states that at least 50% of ground floor units in the SPA are to be in retail use.
50. In this case the Council and the appellant agree that there would be no harm to local amenity. The disagreement between them relates to whether the site is in a predominantly residential neighbourhood (for the purposes of Policy E10(F)) and whether the proposal would harm the balance and mix of local land uses.
51. The Council and the appellant agreed that the area within a 400m walking distance from the site (the study area) should be used to assess the balance and mix of local land uses. Plans showing the land uses within the study area are included in the SoCG. The Council and the appellant agreed the total floor areas of various land uses found within the study area. This exercise showed that residential is the single largest use, comprising around 42% of the total. This means that non-residential uses occupy more than half of the total floorspace.
52. The Council argued that uses that support the residential population, such as schools and other social infrastructure, should be counted as contributing to the residential character of the study area, **resulting (on the Council's analysis)** in a predominantly residential neighbourhood. I do not agree with that approach because uses such as schools, colleges, police stations and ambulance stations are not in themselves residential land uses. No doubt they serve the residents of the study area but they are also likely to serve a much wider area. I consider that the statistical exercise indicates a mixed character rather than a predominantly residential character.
53. In any event, when considering whether the appeal site should be regarded as being in a predominantly residential neighbourhood for the purposes of Policy E10(F), a purely statistical approach is not determinative in my view. Nor is the study area agreed by the parties the only relevant frame of reference. It is necessary to look at the geography of the locality in more detail.
54. There is well-defined corridor of mixed uses, including retail, food and drink, visitor accommodation and social infrastructure running the length of Lower Marsh, along Westminster Bridge Road as far as the intersection with Kennington Road and along Kennington Road. The appeal site is located centrally within that corridor. To the east, there are several housing estates, forming a number of residential enclaves. Although interspersed with some other uses, these areas are predominantly residential. Whilst they are close to the main arterial routes and the SPA, these residential areas are distinctly different in terms of land use and character. To the west of the mixed use corridor are the railway lines leading to Waterloo Station and the associated railway arches. The area close to the railway, and to the west of it, is generally non-residential in character.

55. The Council sought to rely on a townscape area character plan produced as **part of the appellant's evidence on townscape and heritage**. In relation to this issue, I attach greater weight to the land use plans in the SoCG.
56. Drawing all this together, I conclude that the appeal site does not fall within a predominantly residential neighbourhood, so there would be no conflict with Policy ED10(F) in this regard.
57. The Council submitted that the **evidence of the appellant's planning witness** in relation to this matter was inconsistent. I agree. However, notwithstanding that inconsistency, I have reached my own conclusion, drawing on agreed factual material and my observations on site.
58. For this appeal, the question flowing from LLP Policy ED14(C) is whether the additional visitor accommodation proposed would cause unacceptable harm to the balance and mix of local land uses. Referring again to the study area, visitor accommodation currently comprises 17.22% of the total floor area. The effect of the appeal scheme would be to increase this to 18.66%<sup>13</sup>. It is perhaps not surprising that the difference seems relatively small, given the large amount of floorspace (in total) already existing in the study area. Again, I consider that it is necessary to look at the geography of the locality in more detail.
59. There are 5,758 rooms for visitor accommodation within Lambeth, of which 2,716 (47%) are within the study area<sup>14</sup>. That represents a concentration of visitor accommodation at a borough-wide level, no doubt reflecting the highly accessible nature of north Lambeth and the proximity of many tourist attractions and business locations in central London and the South Bank. Moreover, in the area close to the appeal site, the PPW, the Marlin Hotel, the Point A Hotel and the Horse and Stables together provide 826 rooms.
60. The Council **refers to this as an "overconcentration,"** implying that the existing degree of concentration is causing harm in planning terms. Some of the written representations received by the Council, and in response to the appeal, expressed the view that there are already too many hotels in the locality. However, the representative of SoWN<sup>15</sup> (who spoke at the Inquiry) stated that there is a divergence of views within that organisation, with some members **sharing the Council's view** and others welcoming the business activity that hotels bring.
61. The supporting text to LLP Policy ED14 states that, generally, two visitor accommodation uses will not be permitted on adjacent sites. It also comments that the assessment of the balance and mix of uses will have regard to any visitor management plan and the potential to mitigate negative impacts through planning obligations. Whilst the proposed hotel would indeed be adjacent to the PPW, supporting text does not have the status of policy and it is important to note that Policy ED14 itself does not restrict adjacent uses.
62. It is also important, in my view, to have regard to the mixed-use nature of the appeal scheme. The site is currently vacant and therefore contributes nothing

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<sup>13</sup> These are the appellant's figures, which were not disputed by the Council.

<sup>14</sup> **These are the Council's figures.** The appellant did not dispute them although it did point out that the study area boundary cuts through the Park Plaza Westminster Bridge, which accounts for 1,037 rooms. All of these rooms are included in the total.

<sup>15</sup> Mr Clarson explained that the membership of SoWN includes residents and business interests. SoWN did not express a view on hotel use.

to the balance and mix of uses in the local area. Moreover, the appeal scheme would not displace any of the uses which are promoted in the SPA. The proposal would include a basement gym, a bar/lounge/restaurant at ground floor level, office and light industrial uses on the first and second floors and hotel accommodation on the upper floors.

63. I have commented above on the design of the scheme and its interface with the public realm, which in my view would encourage use of the basement and ground floor by non-hotel guests. The design would be reinforced by a Visitor Management Strategy, secured through the Agreement, to ensure that the ground floor and basement uses would be accessible to the public. I consider that the proposed uses at basement, ground, first and second floor would make a positive contribution to the balance and mix of uses in the locality.
64. The proposal would add 186 hotel rooms to the 2,716 rooms for visitor accommodation already present in the study area. The Council argued that the existing concentration of hotels is already causing harm and that the level of harm would be increased by the appeal scheme. The **Council's** concern is that shops, cafes, restaurants and other businesses would adapt their offer to cater for tourists, thereby diminishing the ability of residents to meet their needs within the local area. There is also a concern that the role of the SPA as a location for specialist and independent retail outlets would be harmed. Attention was drawn to souvenir shops already present in the vicinity of the site.
65. **Whilst the Council's concerns are clearly shared by some**, there was no convincing evidence before the Inquiry that the existing level of visitor accommodation is having the effects that the Council is concerned about. Whilst I noted the presence of four souvenir shops in Westminster Bridge Road, these comprise a very small percentage of all the shop units in the study area. I saw that Lower Marsh is a busy and vibrant area. The street scene and public realm are inherently attractive and there is an interesting mix of businesses. I see no reason to think that the vitality of Lower Marsh would be harmed by the appeal proposal.
66. Moreover, there is a good range of shops and other services to meet the needs of local residents, both in Lower Marsh and along Westminster Bridge Road and Kennington Road. Within the study area there are six supermarkets, together with chemists, bakeries, dentists, an optician, a post office and a wide range of pubs, cafes and restaurants. Again, I see no reason to think that this range of shops and services would be harmed or that the ability of residents to meet their day to day needs in the local area would be compromised.
67. As noted above, LLP Policy PN1(C)(i) states that at least 50% of ground floor units in the SPA are to be in retail use. The proposal would not accord with this element of the policy because it would provide a bar/lounge/restaurant at ground floor level rather than any retail uses. However, the Council and the appellant agreed that this would not amount to a significant planning objection. I share that view because the site is currently vacant and the proposal would provide a compatible use, adding to the vitality of the street frontage within the SPA. I consider that the proposal would support the role of the SPA, which is one of the objectives of Policy PN1. Moreover, the policy seeks to optimise the Waterloo and Southbank **area's potential for a full range of** central London and town centre activities, consistent with its CAZ retail cluster status.

Notwithstanding the conflict with PN1(C)(i), I consider that the proposal accords with Policy PN1 as a whole.

68. My overall conclusion on the third main issue is that this mixed-use proposal would make a positive contribution to the balance and mix of uses in the locality. The addition of hotel rooms on the upper floors would not be harmful to the local balance and mix of uses. The proposal would therefore accord with LLP Policy ED14.

*The nature and extent of any economic, social and environmental benefits*

69. The proposal would enable the development of brownfield land on a site which is well-connected by public transport, consistent with LonP Policy GG2. Moreover, it would optimise the site capacity through a design-led approach, consistent with LonP Policy D3.
70. There would be economic benefits, including jobs during construction and in the operational phase of the development. The Agreement includes measures intended to maximise training and employment opportunities for Lambeth residents. Further jobs and economic activity would be generated by construction workers and hotel guests spending in the local economy.
71. LonP Policy E10 seeks to maintain a sufficient supply and range of serviced accommodation in London. London hotels are experiencing high occupancy levels, which indicates a potential need for additional visitor accommodation at a regional level. (I comment on hotel need in Lambeth below). The appeal site is in a highly accessible location, enabling access on foot or by public transport to a wide range of visitor destinations in Lambeth, Southwark and central London. The proposal would therefore support **London's tourism** economy.
72. The proposal would provide opportunities for increased biodiversity on a site which currently has a very low biodiversity value.
73. I consider that the matters discussed in this section are benefits of the proposal that weigh in favour of the grant of planning permission. In this case I do not need to weigh the benefits against planning harm. Consequently, it is not necessary for me to comment further on the weight to be attached to the benefits.

Other matters

74. The Council and the appellant disagreed on whether there is a specific need for **hotels in Lambeth. I attach limited weight to the appellant's evidence on this matter** because it adopted an unrealistic approach to hotel closures in Lambeth. The LLP states that Lambeth has made a strong contribution to **London's** supply of new hotel rooms in recent years. I see no reason to doubt that statement on the evidence before the Inquiry. Moreover, the LonP does not set any targets for visitor accommodation in individual boroughs. On the other hand, there is no policy requirement for the appellant to justify the appeal scheme on the basis of a specific need for more hotel rooms in Lambeth. In my view hotel need in Lambeth is not a factor that weighs either for or against the appeal.
75. The Agreement includes contributions to transport measures, which are mainly directed to supporting active travel and public transport. These contributions are necessary to mitigate the transport impacts of the proposal. Similarly,

carbon offset and open space contributions are necessary to mitigate impacts of the development.

76. In the main, the matters raised by those interested parties who appeared at the Inquiry and/or made written representations have been discussed above. Concerns were also raised about impacts on overlooking, sunlight, daylight, and microclimate. I consider that the adjoining properties most affected would be Nos 2 to 4 Hercules Road and Nos 89 to 95 Westminster Bridge Road.
77. The proposal would wrap around Nos 2 to 4 Hercules Road, which has residential accommodation on the upper floors with windows in the rear elevation. The Council identified that this would result in an unacceptably overbearing and enclosing effect as well as causing an unacceptable level of harm to daylight. To address these issues, the Council and the appellant agreed a Grampian condition which would prevent works on the proposed building (beyond the ground floor slab) until such time as the affected windows had been removed. This could happen either through demolition (if the site comes forward for redevelopment) or through the windows being infilled. I agree that such a condition would address the impacts identified and would meet the relevant tests for planning conditions<sup>16</sup>.
78. The application was supported by a sunlight and daylight assessment. The assessment found that, whilst there would be some impact on daylight and sunlight at Nos 89 to 95, the level of impact would not be unacceptable in planning terms. The Council accepted these findings and I see no reason to disagree. The appeal site abuts the flank wall of No 89. No windows would be provided at levels 3 and 4 where hotel rooms would face the flank wall<sup>17</sup>. Windows in the equivalent rooms on the upper floors would look out over the roof of Nos 89 to 95, so no overlooking of windows would arise.
79. The owner of Nos 89 to 95 made written representations which were generally supportive of the appeal scheme. However, the representation expressed concern that the windows described above would sterilise the future development potential of Nos 89 to 95. In order to assist the Inquiry, the appellant drafted a condition that would require details of windows in the flank elevation of the appeal scheme to be approved<sup>18</sup>. The appellant did not, however, suggest that such a condition would be necessary.
80. The Council considered that such a condition would not be necessary. I agree because the configuration of windows is clearly shown on drawings which the Council (and I) have found to be acceptable, insofar as they relate to the adjoining property. Moreover, it would be physically possible for some flank windows to be blocked (as at levels 3 and 4) if the need arises in the event that a scheme of redevelopment is approved at Nos 89 to 95. In all the circumstances, I do not think that there is a need to impose a planning condition in these terms.
81. The application was supported by a wind microclimate assessment which found that wind conditions around the proposed building would be suitable for the intended uses. No mitigation was found to be necessary in relation to the public

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<sup>16</sup> **Inspector's note** – the suggested condition is negatively worded and there is at least some prospect that the condition would be met. A Grampian condition is therefore appropriate.

<sup>17</sup> This would affect two rooms on level 3 and two rooms on level 4.

<sup>18</sup> ID10

realm. These conclusions were accepted by the Council and I see no reason to disagree.

82. I have had regard to an appeal decision at Nos 124 to 126 The Cut<sup>19</sup>. In that case, the Inspector found that the proposal would be poorly integrated with the street scene and would compete with the heritage assets in question, drawing attention away from them. Those findings were site-specific, relating to the particular townscape and assets under consideration. In this case, I have reached different conclusions, for the reasons given above.
83. I conclude that none of the "*other matters*" discussed in this section weigh either in favour of the appeal or against it.

### Conditions

84. The Council and the appellant agreed a schedule of suggested conditions.<sup>20</sup> I have reviewed the suggested conditions in the light of Planning Practice Guidance. Some pre-commencement conditions are required to address impacts that would arise during the construction phase. These have been agreed by the appellant.
85. Condition 2 requires development to be in accordance with the approved plans in the interests of clarity and certainty. Condition 3 limits the number of hotel bedrooms to ensure that the impacts of the scheme are consistent with those that have been assessed. Condition 4 requires development to be in accordance with the approved Basement and Tunnel Impact Assessment in the interests of managing risks of land instability and flooding. Condition 5 requires the approval of measures to deal with contaminated land in order to manage risks of pollution. Condition 6 requires approval of a Construction and Environmental Management Plan to safeguard users of the public highway and to protect the living conditions of nearby residents.
86. Condition 7 requires approval of a written scheme of archaeological investigation in the interests of protecting the archaeological potential of the site. Condition 8 requires approval of method statements for structures below ground level in the interests of managing risks to London Underground transport infrastructure. Condition 9 requires approval of hard and soft landscaping, and Condition 10 secures implementation of the landscaping, in the interests of biodiversity and the character and appearance of the area. Conditions 11, 12, 13, 14, 15 and 16 secure measures to achieve BREEAM "**Excellent**" rating, to reduce CO<sub>2</sub> emissions and to maximise on-site whole life-cycle carbon savings in the interests of sustainable development.
87. Conditions 17 and 18 restrict changes of ground and basement level uses and require approval of a Flood Warning and Evacuation Plan in the interests of managing risks of flooding. Condition 19 requires approval of a Fire Statement in the interests of fire safety. Condition 20 requires approval of Waste Management Strategies in the interests of sustainable development and the character and appearance of the area. Condition 21 requires approval of cycle parking and Conditions 23 and 24 require approval of travel plans in the interests of sustainable transport. Condition 22 requires approval of a Servicing Management Plan to protect the living conditions of nearby residents and to manage the traffic impacts of the development.

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<sup>19</sup> CDK1.6

<sup>20</sup> CDL1.3



88. Conditions 25 and 26 require approval of facing materials and various building details, and Condition 30 restricts external pipework or vents, in the interests of the character and appearance of the area. Conditions 27 and 28 require approval of security measures and the achievement of “*Secured by Design*” standards in the interests of community safety. Condition 29 requires approval of details of green roofs in the interests of biodiversity and limiting surface water run-off. Conditions 31 and 32 require approval of details of surface water drainage and subsequent management arrangements in the interests of managing flood risk and protecting water quality. Condition 33 requires approval of a lighting scheme in the interests of the living conditions of nearby residents and the character and appearance of the area.
89. Conditions 34, 35 and 36 require approval of plant and extract equipment, including noise data and measures for preventing odours, in the interests of the living conditions of nearby residents. Condition 37 requires approval of a scheme of noise and vibration attenuation to protect future occupiers from external noise and vibration impacts. Condition 38 requires approval of a scheme of noise control for the restaurant, Condition 39 limits amplified music in the gym and Condition 41 limits the opening hours of the bar/restaurant in the interests of the living conditions of nearby residents. Condition 40 requires that 10% of hotel accommodation shall be wheelchair accessible to ensure proper provision for visitors with accessibility requirements.
90. Condition 42 sets emissions standards for construction plant in the interests of air quality. Condition 43 restricts changes of use in relation to the office and light industrial uses in the interests of preserving the mixed-use nature of the scheme. Condition 44 is a Grampian condition which would require windows at Nos 2 to 4 Hercules Road to be removed before development proceeds beyond ground floor slab level, for the reasons discussed above. Condition 45 requires submission of a **post-construction monitoring report in line with the GLA’s Circular Economy Statement Guidance** in the interests of sustainable development. Condition 46 requires approval of noise insulation in relation to the industrial uses in the interests of the living conditions of nearby residents. Condition 47 requires approval of a Visitor Management Plan in the interests of the living conditions of nearby residents and to manage transport impacts.

## Conclusions

91. For the reasons given above, I conclude that the proposal would accord with LonP Policies GG2, D3, D9, E10 and HC1. It would also accord with LLP Policies ED14, PN1, Q7, Q20, Q25 and Q26. Other relevant development plan policies (including those of the SBWNP) have been assessed<sup>21</sup> and, at the Inquiry, no party suggested that any such policies would be breached. I conclude that the proposal would be in accordance with the development plan as a whole. The proposal would result in economic, social and environmental benefits which weigh in support of the appeal. I have not identified any other considerations that indicate a decision other than in accordance with the development plan. It follows that the appeal should be allowed.

***David Prentis***

Inspector

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<sup>21</sup> These are identified in the Committee Report and the SoCG

APPEARANCES

FOR THE APPELLANT	
Neil Cameron KC and Edward Arash Abedian	Instructed by Town Legal LLP
Douglas Inglis BSc Arch BArch ARB RIBA	Lifschutz Davidson Sandilands Design
Dr Chris Miele IHBC MRTPI	Montagu Evans
William Kirkpatrick BSc MRICS	Gerald Eve
Ellie Evans BA	Volterra
Jonathan Marginson MA Hons MRTPI	DP9
FOR THE COUNCIL	
Heather Sargent	Instructed by London Borough of Lambeth, Legal Services
Jack Bennett BArch MArch PGCert ARB	Principal Urban Design Officer, London Borough of Lambeth
Nathan Barrett BPlan Hons	Principal Planner, London Borough of Lambeth
INTERESTED PARTIES	
Russell Gray	Shiva Ltd
David Clarson	South Bank and Waterloo Neighbours

DOCUMENTS SUBMITTED AT THE INQUIRY

ID1	Appearances for the Appellant
ID2	Appearances for the Council
ID3	Opening statement for the Appellant
ID4	Opening statement for the Council
ID5	Presentation pack by Douglas Inglis
ID6	Statement by David Clarson for South Bank and Waterloo Neighbours
ID7	Correction sheet for Chris Miele
ID8	Representation on behalf of Marlin Apartments (16 May 2024)
ID9	Site visit itinerary and pack
ID10	Potential additional condition
ID11	Closing statement for the Council
ID12	Closing statement for the Appellant

## Schedule of conditions

- 1 The development to which this permission relates must be begun no later than three years from the date of this decision notice.
- 2 The development hereby permitted shall be carried out in complete accordance with the following approved plans and drawings, other than where those details are altered pursuant to the conditions of this planning permission:

X0101	Existing – Site Location Plan
X0103	Existing – Ground Floor Plan
X0161	Existing – East Elevation
X0162	Existing – West Elevation
D0101	Existing Ground Floor Plan: Demolition extents
P0001	Proposed – Site Context Plan
P0002	Proposed – Site Location Plan
P0101	Proposed – B2 Lower Basement Floor Plan
P0103	Proposed – Ground Floor Plan
P0104	Proposed – 1st Floor Plan (office)
P0107	Proposed – 3rd to 12th Floor Plan (hotel) (8th floor shown)
P0118	Proposed – 13th to 14th Floor Plan (hotel) (13th floor shown)
P0120	Proposed – Roof Plan
P0161	Proposed – Elevation AA – East Façade (unfolded)
P0170	Proposed – East Elevation in Context
P6101	Proposed Detail Bay Study – WBR Entrance
P6102	Proposed Detail Bay Study – WBR Retail Frontage
P6103	Proposed Detail Bay Study – Newham Terrace Hotel Entrance – Plan, Section, Elevation
P6104	Proposed Detail Bay Study – Newham Terrace – UKPN Substation – Plan, Section, Elevation
P6105	Proposed Detail Bay Study – GF Service Cyclists Entrance – Plan, Section, Elevation
P6106	Proposed Detail Bay Study – GF Loading Bay – Plan, Section, Elevation
P6110	Proposed Detail Bay Study – Typical Office – Plan, Section, Elevation
P6117	Proposed Detail Bay Study – Typical Hotel Floor – Plan, Section, Elevation
P6130	Proposed Detail Bay Study – Upper Hotel – Plan, Section, Elevation
P6132	Proposed Detail Bay Study – Roof Plant Screen – Plan, Section, Elevation
P8001	Proposed – External Works Plan
P0103-A	Proposed – Ground Floor Plan
P0106-A	Proposed – 2nd Floor Plan (light industrial Class E(g))
P0151-A	Proposed – Building Section – AA
P0152-A	Proposed – Building Section – BB
P0162-A	Proposed – Elevation BB – North Façade (unfolded)
P0163-A	Proposed – Elevation CC – West Facade (hotel)
P0164-A	Proposed – Elevation DD – South West Façade (office)
P0165-A	Proposed – Elevation EE – North West Façade (hotel)
P0166-A	Proposed – Elevation FF – South West Façade

P0167-A	Proposed – Elevation GG – South East Façade
P0168-A	Proposed – Elevation HH – South Façade
P6110-A	Proposed Detail Bay Study – Office and Light Industrial – Plan, Section, Elevation
P6135-A	Proposed Detail Bay Study – Blind Panels with Recess – Plan, Section, Elevation

- 3 The development hereby permitted shall provide a maximum of 186 hotel bedrooms (Use Class C1).
- 4 The development shall be carried out in accordance with the approved Basement and Tunnel Impact Assessment by CGL dated October 2020.
- 5 A) No development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site - including vapours, unexploded ordnance and asbestos - have been submitted to and approved in writing by the Local Planning Authority:
  - a) a site investigation scheme to provide information for a detailed assessment of the risks to all receptors, including those off-site, that may be affected;
  - b) the site investigation results and the detailed risk assessment resulting from a);
  - c) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
  - d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be implemented in accordance with the details and measures approved.

B) Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

C) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination will be dealt with.

- 6 No part of the development hereby approved shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for the relevant works. The CEMP shall include details of the following measures as relevant to that part of the works:
- a) a **description of the main contractor's management responsibilities** including complaint recording and management;
  - b) a description of the construction and demolition programme which identifies activities likely to cause high levels of noise or dust and the specific mitigation measures to be employed;
  - c) a **named person for residents to contact within the main contractor's organisation**;
  - d) site logistics arrangements;
  - e) parking, deliveries, and storage;
  - f) a Traffic Management Plan, outlining construction vehicle routing and how traffic congestion and the impact on the surrounding area will be minimised whilst maintaining safe access routes for pedestrians and other key stakeholders;
  - g) a suitably qualified person shall develop a scheme of continuous monitoring and reporting of construction noise and dust impacts against suitable targets in accordance with BS5228 Code of Practice for Noise and Vibration Control and the Mayor of London's SPG 2014, including provision of monitoring results and any actions arising to the Local Planning Authority;
  - h) site delivery hours and other measures to mitigate the impact of construction on the amenity of the area and the safety of the highway network;
  - i) communication procedures with the Local Planning Authority and local community regarding key construction issues;
  - j) a Site Wide Waste Management Plan (SWWMP) demonstrating how waste from demolition and construction will be minimised and dealt with giving due regard to the waste hierarchy, with minimal (target of less than 5 per cent by weight) disposal to landfill. The SWWMP shall include details of the likely destination of all waste streams (beyond the Materials Recycling Facility) and written confirmation that the destination landfill(s) has/have the capacity to receive waste; and
  - k) an Air Quality Dust Management Plan (AQDMP) in accordance with the GLA's Control of Dust and Emissions during Construction and Demolition SPG 2014 to include:
    - i. summary of work to be carried out;
    - ii. proposed haul routes, location of site equipment including supply of water for damping down, source of water, drainage and enclosed areas to prevent contaminated water leaving the site;
    - iii. inventory and timetable of all dust and NOx air pollutant generating activities;
    - iv. list of all dust and emission control methods to be employed and how they relate to the Air Quality (Dust) Risk Assessment;
    - v. details of any fuel stored on site;
    - vi. details of a trained and responsible person on site for air quality with knowledge of pollution monitoring, control methods and vehicle emissions;

- vii. summary of monitoring protocols and agreed procedure for notifying the Local Planning Authority; and
- viii. a log book for action taken in response to incidents or dust-causing episodes and the mitigation measure taken to remedy any harm caused, and measures employed to prevent a similar incident reoccurring.

The relevant works shall thereafter be carried out in accordance with the details and measures approved in the CEMP, unless the written consent of the Local Planning Authority is received for any variation.

- 7 No below ground demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
- a) the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
  - b) the programme for post-investigation assessment and subsequent analysis, publication, dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 8 No below ground demolition or development shall take place until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or 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:
- a) provide Risk Assessment/Method Statements for piling, excavation, props and basement and ground floor slab construction;
  - b) accommodate the location of the existing London Underground structures and tunnels;
  - c) provide for pre and post construction condition surveys; and
  - d) provide details of any cranes and tall plant.

The development shall thereafter be carried out in accordance with the approved design and method statements, and all measures included in the design and method statements shall be completed, before any part of the building hereby permitted is occupied.

- 9 Prior to the commencement of the landscaping works, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The following details shall be submitted:
- a) the quantity, size, species, position and the proposed time of planting of all trees and shrubs to be planted;

- b) an indication of how all trees and shrubs integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance and protection;
- c) specification of which shrubs and hedges to be planted are intended to achieve a significant size and presence in the landscape;
- d) specification of hard landscaping including materials, ground coverage, street furniture, cycle parking stands, features to assist vision impaired pedestrians, refuse disposal points, lighting of external public areas, vehicle crossover points, bollards and all other outside features, together with finished ground levels and site wide topographical levels;
- e) the design and treatment of boundary features;
- f) details of the ecological mitigation and enhancement measures set out in the Woodlands Kennington, Ecological Appraisal and Bat Survey Report dated August 2021;
- g) details of the maintenance of the hard and soft landscaping scheme; and
- h) details of how the development would achieve biodiversity net gain.

All trees, shrubs and hedge planting included within the above specification shall accord with BS3936: 1992, BS4043: 1989 and BS4428: 1989 (or subsequent superseding equivalent) and current Arboricultural best practice. The approved hard landscaping scheme shall be installed in accordance with the approved details prior to first occupation of the development. Soft landscaping shall be carried out in accordance with Condition 10.

- 10 All planting, seeding or turfing comprised in the landscaping scheme approved pursuant to Condition 9 shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 11 No works shall take place following completion of the ground floor slab before a BREEAM New Construction 2018, Other, Fully Fitted, Design Stage (Interim), certificate and summary score sheet has been submitted to and approved in writing by the Local Planning Authority to show that an Excellent rating (minimum score 70%) is being targeted for the whole development.
- 12 Within 6 months of occupation a BREEAM New Construction 2018, Other, Fully Fitted Post Construction Review (Final), certificate and summary score sheet shall be submitted to and approved in writing by the Local Planning Authority to show that an Excellent rating (minimum score 70%) has been achieved for the whole development.
- 13 No works shall take place following completion of the ground floor slab, until an updated Energy Strategy has been submitted to and approved in writing



- by the Local Planning Authority. The updated strategy shall include details of how the development will follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies to secure a reduction in CO<sub>2</sub> emissions below the maximum threshold set in Building Regulations Part L 2021, updated figures, monitoring and expected costs.
- 14 Within three months of occupation, evidence (photographs, copies of installation contracts and as-built worksheets prepared under the National Calculation Method) shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the development has been carried out in accordance with the approved updated Energy Strategy.
  - 15 Within six months of commencement (other than demolition, piling and excavation), an updated Whole Life Carbon Statement shall be submitted to and approved in writing by the Local Planning Authority in line with GLA London Plan Policy and the Whole Life-Cycle Carbon Assessment LPG March 2022. The development shall be implemented in accordance with the approved Statement.
  - 16 Within 3 months of occupation, the post-construction tab of the GLA's whole life carbon assessment template shall be completed accurately and in its entirety in line with the GLA's Whole Life Carbon Assessment Guidance. The post-construction assessment shall provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. This shall be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the Local Planning Authority.
  - 17 The ground and basement floors shall not change use to uses that are defined as 'more vulnerable' uses under Annex 3 of the National Planning Policy Framework 2023 without the prior written permission of the Local Planning Authority.
  - 18 Prior to occupation of the development hereby permitted, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Flood Warning and Evacuation Plan shall be relayed to all site workers and shall be implemented prior to occupation and retained permanently thereafter.
  - 19 Prior to commencement of the development hereby permitted (other than demolition, piling and excavation), a Fire Statement prepared by a suitably qualified person shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Fire Statement.
  - 20 Prior to the occupation of the development hereby permitted, details of waste and recycling storage and a Waste Management Strategy for each permitted use shall be submitted to and approved in writing by the Local Planning Authority. The waste and recycling storage shall be provided and managed in accordance with the approved details prior to the commencement of the uses hereby permitted and shall thereafter be

retained solely for its designated use. The waste and recycling storage **areas/facilities shall comply with the Lambeth's Refuse** and Recycling Storage Design Guide (2022) and Waste and Recycling Storage and Collection Requirements Guide (2023), unless it is demonstrated in the submissions that such provision is inappropriate for this specific development. The Waste Management Strategy shall set out in detail how waste and recycling would be managed and shall set a recycling target of 65%.

- 21 Prior to the occupation of the development hereby permitted, final details of the proposed cycle parking (including ways to improve cycle parking access in line with London Cycle Design Standards) shall be submitted to and approved in writing by the Local Planning Authority with at least 10% of the long stay cycle spaces provided with electric charging plugs and electrical infrastructure. The cycle parking shall thereafter be retained solely for its designated use.
- 22 Prior to the occupation of the development hereby permitted a Servicing Management Plan (SMP) shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall thereafter be operated in accordance with the approved SMP. The SMP shall be based on the principles detailed in the Velocity Outline Delivery and Servicing Plan dated October 2020 and must include the following:
  - a) frequency of deliveries to the site;
  - b) frequency and times of other servicing vehicles such as refuse collections;
  - c) dimensions of delivery and servicing vehicles;
  - d) proposed loading and delivery locations; and
  - e) a strategy to manage vehicles servicing the site with specific controls to manage and minimise the impacts for early morning impacts from 06:30 to 07:30 hours or late night deliveries after 22:00 hours if they are required.
- 23 Prior to occupation of the hotel hereby permitted, a Travel Plan for this use shall be submitted to and approved in writing by the Local Planning Authority. The measures approved in the Travel Plan shall be implemented prior to the occupation of the hotel and shall be so maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variation.
- 24 Prior to occupation of each of the light industrial, office, gym and lounge/restaurant/bar uses hereby permitted, a Travel Plan Statement (or separate Statements) for these uses shall be submitted to and approved in writing by the Local Planning Authority. The measures approved in the Travel Plan Statement(s) shall be implemented prior to the occupation of the relevant use and shall be so maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variations.
- 25 No works shall take place following completion of the ground floor slab until a schedule of all materials to be used in the external elevations, including an invitation to view samples on site, has been submitted to and approved

in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved materials and details.

- 26 No works shall take place following completion of the ground floor slab until detailed construction drawings of all external elevations (at scale 1:10) including the following have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details. This information shall include:
- a) external elevations;
  - b) windows (including technical details, opening methods, elevations, reveal depths, plans and cross sections);
  - c) entrances, canopies and doors (including technical details, elevations, surrounds, reveal depths, plans and sections);
  - d) balustrading;
  - e) roof treatments, cills and parapets;
  - f) rainwater goods (including locations and fixings shown in external elevations); and
  - g) vents, extracts, flues and ducts (including any shown on external elevations).
- 27 The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of the Secured by Design Commercial guide, SABRE, or similar security accreditation. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to above ground construction. The measures shall be implemented as approved prior to occupation.
- 28 The development shall be constructed and operated thereafter to 'Secured by Design Standards'. A certificate of accreditation to Secured by Design Standards shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.
- 29 Prior to commencement of the relevant works, a detailed specification of the green roofs shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include details of the quantity, size, species, position and the proposed time of planting of all elements of the green roofs, together with details of their anticipated routine maintenance and protection. The green roofs shall thereafter be maintained in accordance with the approved details for the lifetime of the development.
- 30 No vents, pipes or extracts shall be fixed to the external faces of the building unless shown on the approved drawings or approved pursuant to Condition 26.
- 31 No development (excluding demolition, piling and excavation) shall commence on site until a detailed design for the surface water management system and associated pipework presented in the Below Ground Drainage Strategy (Document Reference: 2677- MHT-CV-RP-0001) has been submitted to and approved in writing by the Local Planning Authority. The

scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first occupied.

- 32 Prior to occupation of the development, a management and maintenance plan of the final surface water management system and associated pipework shall be submitted to and approved in writing by the Local Planning Authority. The plan shall consider the management and maintenance for the lifetime of the development which shall include the arrangements made to secure the operation of the scheme. The approved plan shall be implemented in full for the lifetime of the development.
- 33 Prior to occupation a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed by a suitably qualified person in accordance with the recommendations for environmental zone E3 in the Institute of Lighting Professionals (ILP) document "Guidance Notes for the Reduction of Obtrusive Light" **GN01:2011** (the Guidance Notes). Before commencement of operation of the approved lighting scheme the applicant shall appoint a suitably qualified member of the ILP to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E3 in the Guidance Notes. The lighting shall be operated in accordance with the approved scheme for the lifetime of the development.
- 34 No works shall take place following completion of the ground floor slab until a scheme providing full specifications of internal and external plant, flues, extraction and filtration equipment (including elevational drawings), with an ongoing maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include a tabulated schedule of all plant, and the associated noise data, with a sound power level of more than 75dB<sub>A</sub>. All flues, ducting and other equipment shall be installed in accordance with the approved details prior to the use commencing on site and shall thereafter be maintained in accordance with the approved details and the manufacturer's recommendations.
- 35 The use hereby permitted, or the operation of any building services plant, shall not commence until an assessment of the acoustic impact arising from the operation of all internally and externally located plant has been submitted to and approved in writing by the Local Planning Authority. The assessment of the acoustic impact shall be undertaken in accordance with BS 4142: 2014 (or subsequent superseding equivalent) and shall include a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed building services plant is 5 dB<sub>A</sub> less than background.  
  
The uses hereby permitted, or the operation of any building services plant, shall not commence until a post-installation noise assessment has been carried out to confirm compliance with the noise criteria. The scheme of attenuation measures shall be implemented as approved and shall thereafter be permanently retained and maintained in working order for the duration of the uses.
- 36 The kitchen use hereby permitted shall not commence until details and full specifications of kitchen fume extraction and filtration equipment, and an ongoing maintenance plan, have been submitted to and approved in writing

by the Local Planning Authority. The scheme of filtration shall take account of the odour risk as assessed in accordance with Appendix 3 of the EMAQ Control of Odour and Noise Guidance and where necessary shall include supporting external and internal elevational drawings and plans of the proposed ventilation layout. The kitchen use hereby permitted shall not commence until the approved details are fully implemented. The approved fume extraction and filtration equipment shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

- 37 No works shall take place following completion of the ground floor slab until a scheme of noise and vibration attenuation and ventilation sufficient to prevent overheating and maintain thermal comfort has been submitted to and approved in writing by the Local Planning Authority. The scheme including performance details and a glazing plan shall achieve the habitable and commercial room standards as detailed in BS8233:2014, taking account of the design principles outlined in the Meinhardt Acoustic Strategy Report dated May 2020 with no relaxation for exceptional circumstances. The scheme must include suitable consideration of  $L_{max}$  and specific details of post construction validation of a suitable range and number of units. All work must be carried out by a suitably qualified person and the approved noise, vibration attenuation and ventilation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.
- 38 Prior to the fit-out of the restaurant and/or bar hereby permitted a scheme of noise control and mitigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be written by a suitably qualified person and shall be undertaken in accordance with the principles of BS 4142: 2014 and BS8233 (or subsequent superseding equivalent) and shall include:
- a) design measures for a scheme of acoustic separation between the bar and adjoining or nearby sensitive receptors;
  - b) the noise level at which amplified music will be played;
  - c) the specification, including a circuit diagram and layout, of the amplifiers and loudspeaker system to be used;
  - d) the frequency and times when amplified or live music shall be played;
  - e) details of how third parties will play music through the system;
  - f) the noise control measures that will be used to automatically limit sound output from the system; and
  - g) a complaint recording and management plan.

The predicted acoustic impact shall not exceed NR30 in neighbouring sensitive residential or commercial rooms and the use hereby permitted shall not commence until the approved details are fully implemented and a suitably qualified person has validated the installation as conforming with the approved scheme. The use hereby permitted shall thereafter be operated in accordance with the approved details.

- 39 The playing of amplified music within the basement gym shall be restricted to ambient and background levels only and there shall be no playing of live

or amplified music at any time for the purposes of public entertainment within that part of the premises hereby permitted.

- 40 At least 10 per cent of the hotel accommodation shall be wheelchair accessible.
- 41 The restaurant and bar shall not be open to non-hotel guests other than between the hours of 07:00 and 23:00.
- 42 If Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW is required on site during the course of the demolition, site preparation and construction phases, it must comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the Local Planning Authority. The developer must register all NRMM at <https://nrmm.london/user-nrmm/register> prior to bringing it on to site and shall keep the register up to date by listing all NRMM used during the demolition, site preparation and construction phases of the development.
- 43 Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) the light industrial use hereby permitted shall be Use Class E(g)(ii) and/or Use Class E(g)(iii) and shall not change to any other use without the prior written permission of the Local Planning Authority.
- 44 No works shall take place following completion of the ground floor slab until planning permission has been granted which would allow the demolition or infill of the six rear windows to habitable rooms at Nos 2 to 4 Hercules Road, as identified on plan SK0312, and all six windows have been removed in accordance with that permission.
- 45 Prior to occupation of the development, a post-construction monitoring **report shall be completed in line with the GLA's Circular Economy Statement** Guidance. The post-construction monitoring report shall be submitted to the GLA (at [circulareconomystatements@london.gov.uk](mailto:circulareconomystatements@london.gov.uk)), along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the Local Planning Authority, prior to occupation of the development.
- 46 Prior to the commencement of development (other than demolition) a scheme of noise insulation and mitigation to manage noise impacts from all Class E(g)(ii) and E(g)(iii) uses (research and development of products or processes and/or any industrial processes, being a use which can be carried out in any residential area) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to meet the standard of NR30 within neighbouring noise sensitive premises for a representative workshop source noise 75dB<sub>A</sub> LAEQ (5 minutes). The scheme shall also demonstrate suitable mitigation of maximum peak internal noise levels of 88dB<sub>A</sub> LA<sub>max fast</sub> from individual noise sources against a rating limit of NR30

within neighbouring noise sensitive premises and shall provide written supporting evidence for compliance with these noise targets. All work must be carried out by suitably qualified person and the approved noise, vibration attenuation and ventilation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

- 47 Prior to occupation of the hotel use, a Visitor Management Plan (VMP) shall be submitted to and approved in writing by the Local Planning Authority. The VMP shall set out how the impacts of additional visitors in the area, including noise, litter, patron behaviour and coach parking, shall be managed. The hotel hereby permitted shall thereafter be operated in accordance with the approved VMP for so long as that use continues.

*End of schedule of conditions*