

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	Development Site At Millbank Complex, 25 Millbank, London, SW1P 4QP		
Proposal	Refurbishment and replacement of facades and erection of 2 additional floors and plant enclosure to both Millbank Tower and 1 additional floor to the Y buildings; excavation of basement levels; demolition of rear car park in association with re-landscaping and reconfiguration of wider site; all in association with the use of the Tower as 207 private residential flats (Class C3) and Skybar (ancillary to adjacent Class C1), the south podium and part of Tower as an arts/ cultural facility (Class D1) and the north podium and Y buildings as a 150 bedroom hotel (Class C1) with restaurant, bar and cafe at ground floor level. Use of roof of podium building as a terrace with associated alterations. [EIA Development]		
Agent	Tom Sweetman		
On behalf of	Basio Holdings Ltd		
Registered Number	15/07756/FULL 15/09739/LBC	Date amended/ completed	February 2016
Date Application Received	20 August 2015		
Historic Building Grade	Grade II		
Conservation Area	Outside Conservation Area		

1. RECOMMENDATION

1. Subject to the views of the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure the following:

- i. The provision of a cultural facility on a 125 year lease with a peppercorn rent, with the end user to be agreed by the City Council;
- ii. A contribution of £2.5million (index linked) towards the fitting out of the cultural facility;
- iii. The provision of a publically accessible 'Skybar' with no admission fee;
- iv. Costs of all highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions, returning the footway on Thorney Street and footway repaving;
- v. Provision of public art to the sum of £100K (index linked);
- vi. Comply with the Council's Code of Construction Practice, to provide a Site Environmental Management Plan and provide a financial contribution of £110,000 (£55,000 per annum based on 2

year demolition / construction period) prior to commencement of demolition to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;

vii. Employment and Training Strategy for the construction phase and the operational phase of the development;

viii. Costs of monitoring the S106 agreement.

2. If the S106 legal agreement has not been completed by 1 May 2016 then:

a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which 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.

3. Grant conditional listed building consent, subject to Historic England Authorisation.

4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

The Millbank Complex is made up of three main components; the tower; a Y-shaped building; and a Podium. The building is currently in office use, with some entertainment uses within the tower, including a cinema at basement level and corporate function spaces on the second and twenty ninth floors. A residential building, Millbank Court is located to the rear of the site on John Islip Street, which is separated from the main building group by a multi-storey car park and an area of open space.

The site is located outside of a designated conservation area, but is within the Core Central Activities Zone (CAZ). The buildings are listed grade II.

The scheme proposes significant refurbishment, alteration and extension of the existing site in association with the change of use of the buildings to provide a hotel within the podium and Y buildings, residential accommodation and skybar within the tower and a cultural centre within the podium building at the western end of the site. Associated works include the excavation of basements, re-cladding of the buildings, demolition works, re-landscaping and extension of the tower by 2 storeys (plus plant room) and 1 storey to the Y building.

The proposals have been amended during the course of the application, namely a reduction in the height of the tower (by 1 storey) and Y building (by 2 stories) resulting in a reduction in the amount of flats from 215 to 207 and hotel rooms from 195 to 150; removal of additional restaurant storey to podium building; removal of courtyard infill; reduced extent of demolition; and alterations to basements (including 1 less basement level). This had led to alterations to landscaping, servicing, the provision of a new terrace atop the podium building and relocation of the skybar to the top of the tower.

The key issues with this application are:

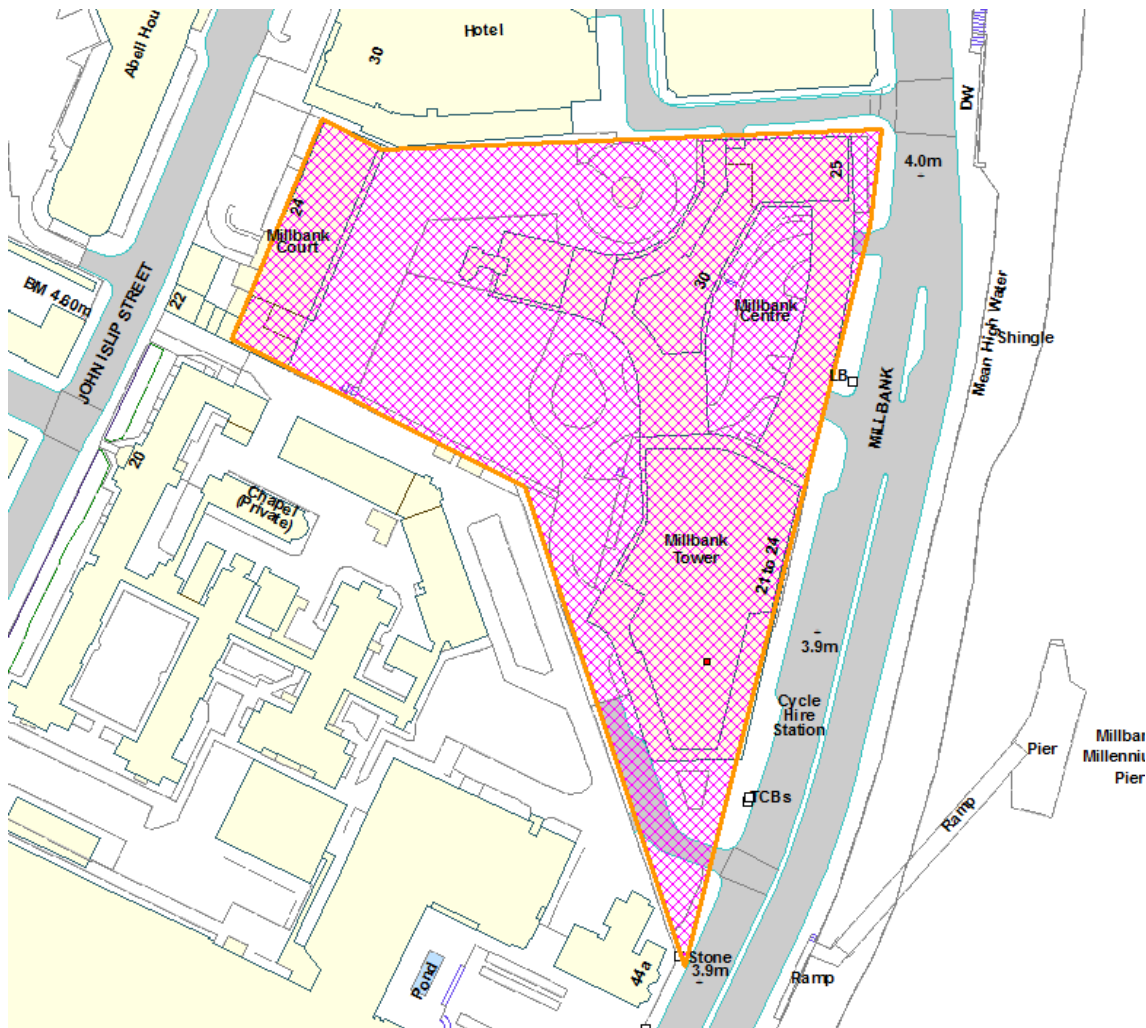
* The impact of the changes to the external appearance and additional height of the buildings on the

special character of the building, neighbouring conservation areas and the setting of the Parliament Square World Heritage Site.

- * The loss of a significant amount of employment floorspace.
- * The amount of affordable housing proposed.
- * The environmental impact of the development including the impact on amenity of nearby residents
- * The highway implications of the scheme.
- * The impact on neighbouring amenity.

The alterations to this listed building are significant, both physically and in terms of its new uses. On balance, given the need to refurbish the building to ensure its future, it is considered that the proposals are acceptable and in accordance with policies in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP) and are therefore recommended for approval subject to a S106 legal agreement to secure a number of benefits.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.

All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



**View of Tower
from rear gardens**



View of rear of 'Y' Building



Satellite Image of Site

5. CONSULTATIONS

Representations received to original submitted scheme:

WARD COUNCILLORS:

Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY:

Objection raised to the re-cladding of the building, increased height to the tower and Y buildings, infilling of the front courtyard and the substantial demolition (particularly the loss of car ramp). No objection to the proposed change of uses or associated internal alterations.

COUNCIL FOR BRITISH ARCHAEOLOGY:

Objections raised on the following grounds: The building should be retained in office use as originally designed. The details of the proposed cladding will impact on the light transparent appearance of the faceted skin of the tower. The additional storeys on the Y building might, on balance be acceptable, but the additional height to the towers is considered that have a negative impact on the listed building and views from the Houses of Parliament and along the Thames. The infilling of the courtyard would also have a detrimental impact on the buildings significance. Twentieth Century Society comments endorsed.

SOCIETY FOR THE PROTECTION OF ACIENT BUILDINGS:

Any response to be reported verbally.

ANCIENT MONUMENT SOCIETY:

Any response to be reported verbally.

THE FOUNTAIN SOCIETY:

Any response to be reported verbally.

THE GEORGIAN SOCIETY:

Any response to be reported verbally.

THE VICTORIAN SOCIETY:

Any response to be reported verbally.

THORNEY ISLAND SOCIETY:

Objection on the following grounds: Loss of office floorspace; loss of open courtyard; widening of front podium will devalue the building; additional height to buildings will have a negative impact on its setting and inter-relationship; cultural centre is less important than the provision of affordable housing, particularly given location next to Tate Britain; the short south facing podium is overly fussy in design; new curtain walling is too dissimilar to existing, altering the appearance of the building; impact of the loss of the spiral ramp; servicing access via Thorney Street is undesirable.

WESTMINSTER SOCIETY:

No objection to proposed new uses, residential mix or increase in height of the Tower or Y buildings. Landscaping will make a considerable improvement. Concerns in relation to coach parking. Objection raised on the grounds of lack of affordable housing or contribution in lieu to the Affordable Housing Fund.

GREATER LONDON AUTHORITY (GLA):

- Comment that the proposed uses and mix are appropriate for the CAZ and are acceptable in strategic planning terms.
- Suggest that a contribution cascade is included within a S106 in case of funding being provided for cultural use allowing for an affordable housing contribution being viable.
- 10% of hotel rooms should be wheelchair accessible.
- Increased activation of embankment is welcomed.
- Recommend that the rear garden is made public / semi-public space. Alterations to the building (height and cladding) are acceptable in historic building terms.
- Alterations to provide more inclusive access are welcomed, some further detail in relation to vehicular drop off to the hotel entrance foyer are requested to ensure routes along Millbank are safe and inclusive.
- In terms of sustainability the proposals meet the London Plan requirement for a 37% carbon dioxide saving, but some further details are requested in relation to efficiencies, cooling, CHP and renewables.
- The green roofs and planted terraced areas are welcomed, however a condition is recommended for climate change adaption measures and potential of discharge of residential surface water directly into the Thames.
- Recommend that the level of residential car parking is reduced, and recommend that wheelchair parking is secured by condition.
- The level of cycle parking is acceptable, however details of the 'short stay' cycle bays is requested.
- Existing coach parking is adequate for the hotel, however TfL will require details of a taxi rank.
- Alterations to public realm supported, further details of vehicle tracking to Thorney Street are requested to demonstrate safe travel of delivery vehicles. A Construction Management Plan is requested to demonstrate that the adjacent cycle docking station is not impacted as a result of the development.
- A Delivery and Servicing Plan (DSP) should be secured by condition.
- A detailed travel plan should be secured by S106 legal agreement.
- A mayoral CIL payment will be required, but a Crossrail payment will not.

TRANSPORT FOR LONDON (TfL):

- The level of car parking is excessive.
- 20% of parking spaces should be active and 20% passive levels of Electric Vehicle Charging Points, which should be secured by legal agreement or a Car Park Management Plan.
- Unclear where 103 short stay cycle parking spaces are to be provided.
- Minor inaccuracies in terms of trip generation, but it is likely that there will be a net reduction, with minor increase at peak hours.
- Alterations to public realm supported, further details of vehicle tracking to Thorney Street are requested to demonstrate safe travel of delivery vehicles. A Construction Management Plan is requested to demonstrate that the adjacent cycle docking station is not impacted as a result of the development.
- A Delivery and Servicing Plan (DSP) should be secured by condition.

LAMBETH COUNCIL:

Objects on the following grounds: Loss of employment floorspace; Lack of affordable housing; Increased height of tower will compromise the composition of the Vauxhall Cluster when compared to the Westminster World Heritage Site; Adverse impact on two LVMF views which protect the setting of the Westminster World Heritage Site.

DESIGNING OUT CRIME OFFICER:

Potential of Vehicle Borne Improvised Explosive Device (VBIED) being detonated on Thorney Street from delivery vehicles awaiting entrance to service yard impacting on adjacent government buildings. Recommended that traffic plan is revisited to alter route of delivery vehicles.

ENVIRONMENT AGENCY:

Recommend that the finished floor levels are ideally 300mm above the flood breach level. Recommend that the emergency planning team is consulted to ensure that mitigation measures are implemented in case of a flood.

PORT OF LONDON AUTHORITY:

No objection. Comment that the travel plan should seek increase use of river bus use by construction workers, residents and visitors to the site. Should the applicant wish to discharge into the River Thames then the PLA should be contacted and a River Licence will be required.

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT:

No comment.

HISTORIC ENGLAND:

Objection, the cumulative impact of the proposals would cause substantial harm the special architectural and historic significance of the building. It is considered that the public benefits do not outweigh the harm and are contrary to the NPPF.

LONDON RIVERS ASSOCIATION:

Any response to be reported verbally.

NATIONAL RIVERS ASSOCIATION:

Any response to be reported verbally.

THAMES WATER:

No objection however provides recommendations in relation to waste surface water drainage and water. Recommend that non-return valves are installed. It is the applicant's responsibility to ensure that water drains to the ground, water courses or a suitable sewer.

TATE BRITAIN:

General support to the provision of a mixed use development, particularly the new cultural use. They are also keen to improve linkages in the area as part of the 'Millbank Urban Strategy'. Reserves the rights for further comment in relation to potential loss of light.

ARBORICULTURAL OFFICER:

At least one of the trees is under the ownership of TfL, who should be consulted. Some trees appear to be missing from the tree plan. Objection to loss of trees to both the front and rear of the site. Insufficient information in relation to both landscaping and trees. No details of soil depth provided for the rear landscaping or roof gardens. No objection to proposed roof planting. Unclear if any public realm improvements being offered, will need to ensure any street trees can be accommodated with in-street servicing.

ENVIRONMENTAL HEALTH:

No details in relation to noise between commercial and residential premises and from servicing vehicles. Queries in relation to noise assessment, ventilation and overheating. No primary

cooking to commercial premises at lower levels. Funding is likely to be required for the Environmental Inspectorate.

BUILDING CONTROL:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Any response to be reported verbally.

HOUSING MANAGER:

Any response to be reported verbally.

CLEANSING:

Any response to be reported verbally.

GO GREEN PROJECTS OFFICER:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 611

No. of replies: 18 letters of objection raising the following comments:

Amenity:

- Loss of light, increased sense of enclosure and loss of privacy from additional height.
- Increased noise particularly from visitors to new park.
- Hotel use would negatively impact on area due to intensification and use beyond existing office hours.

Design:

- Negative impact of new cladding.
- Increased bulk and height will have negative impact on the heritage asset.
- Alterations to the proportions, height and bulk of the building will have impact on its listing.
- Increased height will have a negative impact on views.
- Change of use and new cladding will have negative impact on the original fabric of the building.

Land Use:

- The proposals should include the provision of social / affordable housing.
- Local people should be consulted on occupier of the D1 use.
- Loss of employment due loss of offices is unacceptable and contrary to local and regional policies.
- Alternative uses are recommended in place of the museum such as a hostel.
- The cultural space is not required and will not benefit local people.

Highways:

- Insufficient parking provided.

Other:

- Noise, pollution and disruption from building works.
- Security concerns from new park.
- The local car parking and amenities will not be able to cope with additional flats.

- The new garden should be open to the general public.
- The health and fitness facilities in the hotel should have reduced rate for local residents.
- Loss of views of the Thames.
- Roots and trees should be protected during construction.
- The current rear pleasant garden space will be lost/altered as a result of the proposals.

PRESS ADVERTISEMENT/SITE NOTICE:

Yes

The same consultations were undertaken for the revised scheme in February, here follows a summary of the responses received:

WESTMINSTER SOCIETY:

Previous objection sustained: Revised scheme does not address lack of contribution towards affordable housing.

THORNEY ISLAND SOCIETY:

Uphold objections to the principle of a change of use from offices. The area is losing its mixed-use to luxury flats. Existing tenants will find it hard to find replacement accommodation in the area. The alterations to the heights will still detract from the elegant proportions of the building. The 'push out' windows will negatively impact on the appearance of the building. The retention of the open courtyard is welcomed, however area under the podium should not be used as parking which would inhibit pedestrians and detract from the aesthetics of the building. The garden and planting is overly fussy. The cultural centre may be desirable, but should not be in place of affordable housing. The car ramp to Thorney Street should be retained.

GREATER LONDON AUTHORITY (GLA):

- The revised scheme is not considered to cause harm to the historic environment or strategic views and is therefore in accordance with the London Plan.
- Recommend a revised approach in terms of the energy strategy, where the CHP is optimised as the lead heat source, with water source heat pump acting as a top up.
- Increase in car parking and reduced cycle parking not supported.
- Encourage liaison with TfL in relation to London Taxis and Private Hire and changes to the pedestrian environment.

HISTORIC ENGLAND:

The alterations to the scheme are broadly welcomed, however the cumulative impact of the proposals still represent harm to the architectural and historic significant of the listed building but this is now less than substantial in terms of the NPPF. This harm has to be weighed against the public benefits which are required to convincingly outweigh it, namely securing a long term viable future for this important building. The City Council will need to ensure that the impact on the Westminster World Heritage site is assessed.

HISTORIC ENGLAND ARCHAEOLOGY:

No objection subject to conditions.

ENVIRONMENT AGENCY:

No objection.

THAMES WATER:

No objection however provides recommendations in relation to waste surface water drainage, piling, effluent consent, ground water discharge. Recommend that non-return valves are installed. It is the applicant's responsibility to ensure that water drains to ground, water courses or a suitable sewer.

DESIGNING OUT CRIME OFFICER:

Concerns in relation to the proposed staff entrance on Thorney Street and possible lingering / casual unwanted surveillance.

PORT OF LONDON AUTHORITY:

No objection however comment as follows: Little mention to promote Riverboat usage or use of river for bulk removal of materials. Promote the use of a Heat Source Heat Pump, but comment that a River Works License will be required.

HIGHWAYS PLANNING MANAGER:

No objection raised, however comment as follows:

- The provision of 224 car parking spaces is acceptable.
- A car park and lift management plan is required to detail how the valet parking, space allocation, car charging and lift maintenance will function.
- Long stay cycle parking inline with FALP requirements, but there is a shortfall of 59 short stay cycle parking spaces.
- Off street servicing welcomed, however a legal agreement is required for alterations to Millbank.
- Recommend a condition for the provision of a servicing management plan to ensure deliveries are spread across the day.

CLEANSING:

No objection subject to a condition to secure waste storage.

ENVIRONMENTAL HEALTH:

No objection subject to conditions and in relation to noise and informatives in relation to contaminated land and building works.

ENVIRONMENTAL HEALTH S106 OFFICER:

No objection subject to securing of costs for Environmental Inspectorate.

ARBORICULTURAL OFFICER:

Objection to the loss of trees within rear garden space. The one mature London plane tree that is to be retained is at high risk of loss due to level of excavation proposed around it. Recommend that street trees are secured via S106 given the losses to the rear. The revised scheme does not remove previous objection to the lack of soil depth provided to the rear above the newly excavated basement. Should permission be granted, conditions are recommended.

BUILDING CONTROL:

No objection, the structural method statement is considered acceptable.

GO GREEN PROJECTS OFFICER:

A connection to the Pimlico District Heating Undertaking (PDHU) is feasible, which is likely to be beneficial over its lifetime compared to the local CHP proposed. Clarity over the functionality of the proposed Water Source Heat Pump in combination with the CHP is requested.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 612

No. of replies: 1 objection on behalf of the freeholder and management company of Millbank Court on the grounds that the revised should not have been considered as an amendment to the scheme, but a new application submitted; the loss of office space; impact on the amenity of neighbours from both the use and additional bulk; and impact on the special character of the building.

PRESS ADVERTISEMENT/SITE NOTICE:

Yes

6. BACKGROUND INFORMATION**6.1 The Application Site**

The Millbank Complex is made up of three main components; a 39 storey tower; a 9 storey Y-shaped building and a 2 storey Podium. The buildings are currently mainly in office use, but also includes a restaurant at the eastern end of the site, entertainment uses within the tower, including a cinema at basement level and corporate function/event spaces within the tower building. The site is located outside of a designated conservation area, but is within the Core Central Activities Zone (CAZ) and the buildings are listed grade II.

Millbank Court, a residential building is located to the rear of the site on John Islip Street and originally formed part of the complex. This application does include the basement areas of this building but not the main residential accommodation on the upper floors. The building is separated from the main tower/Y buildings by a 3 storey car park (partially below ground level) and an area of open space.

Millbank runs along the eastern side of the site, which is a TfL managed Red Route. Adjacent to this is the River Thames and the Millbank Millennium Pier. To the south of the site is the grade II* listed Tate Britain, which lies within the Millbank Conservation Area. To the north on the other side of Thorney Street sits Thames House, which is also listed grade II and is within the Smith Square Conservation Area.

6.2 Recent Relevant History

Various applications for the installation of antennae and telecommunications equipment.

Various applications for minor repairs and alterations to the external facade, such as the installation of louvers and internally.

Permission granted on 27 October 2011 for the use of 28th floor for office, conference centre and private function use (sui generis).

Permission granted on 16 December 2010 for the use of ground floor and first floor mezzanine as cinema , conference centre, bar and private function centre (Sui Generis).

Permission granted on 10 December 2009 for the use of second floor of Millbank Tower for office, conference centre and private function use (sui generis).

Permission granted on 23 April 2009 for the use of 29th floor for office, conference centre and private function use (sui generis).

Permission granted on 21 June 2007 for the use of part of ground floor as an auditorium/conference centre and Class A4 bar (sui generis).

Permission granted on 21 June 2004 for use of ground floor office suite (Class B1) as retail (Class A1) and associated alterations.

Permission granted on 26 October 2001 for the recladding of plinth around tower base with granite. Replacement of top paving slabs. Installation of canopy on west elevation of tower

Permission granted on 11 February 1959 for the erection of buildings on site of 21-44 Millbank, John Islip Street, Thorney Street and Queen Alexandra hospital for use as offices and ancillary accommodation and residential block of flats.

7. THE PROPOSAL

The scheme proposes significant refurbishment, alteration and extension of the existing site in association with the change of use of the buildings to provide a hotel within the podium and Y buildings, residential accommodation and skybar/restaurant within the tower and a cultural centre within the podium and lower levels of the tower building at the southern end of the site. There is also to be a publically accessible restaurant on the corner of Millbank and Thorney Street, a café to the rear of the Y building and a hotel bar in a new infill between the Y building and the Tower, all at ground floor level. The hotel includes a pool and spa facilities at basement levels and conference facilities at first floor level.

The existing two storey (plus basement) car park at the rear of the site adjacent to Millbank Court is to be demolished to make way for a larger garden space, with the parking relocated to the new basement. Associated works include the excavation of basements, re-cladding of the buildings, demolition works, re-landscaping and extension of both the tower and Y buildings by 1 and 2 storeys rep

The proposals have been amended during the course of the application, namely a reduction in the height of the tower and Y buildings resulting in a reduction in the amount of flats from 215 to 207 and hotel rooms from 195 to 150; removal of additional restaurant storey to podium building; removal of courtyard infill; reduced extent of demolition; alterations to basements (including 1 less basement level). This had led to alterations to landscaping, servicing, the provision of a new terrace atop the podium building and relocation of the skybar to the top of the tower.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S1 of the City Plan seeks to promote a mix of uses consistent with supporting the vitality, function and character of the Central Activities Zone. The application proposes a mix of residential, hotel, restaurant, café and cultural uses. The floorspace for each use is set out in the table below.

Table 1: Existing and Proposed Land Uses (GEA)

Use	Existing (sqm)	Proposed (sqm)
Offices (B1)	57,453	0
Restaurant (A3)	541	0
Event Space (Sui Generis)	4,458	0
Cultural (D1)	0	5,474
Hotel (C1)	0	20,242
Residential (C3)	0	45,190
Total	62,453	70,906

8.1.1 Loss of office use

The applicant considers the current office accommodation to be outdated and the building in need of refurbishment, particularly with the external cladding of the building coming to the end of its life. The applicant considered that the requirement to refurbish represents an opportunity for altering the mix of uses across the site. The proposal will result in an overall loss of 57,453sqm of office floorspace.

Policy S47 of the City Plan advises that ‘when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... to secure development that improves the economic, social and environmental conditions in the area.’

Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications for change of use to residential and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Whilst there would be a net reduction in office floorspace and employment as a result of the development, there is no evidence to suggest that the economic impact of the proposals on this part of the City as a whole would be sufficiently harmful in this instance to withhold permission. The mixed use proposal will incorporate a hotel and cultural use which would provide economic benefits and employment, and the proposed residential element would provide social benefits with the provision of a net increase of 207 residential units.

There are no policies within Westminster’s UDP or City Plan which safeguard the existing office floorspace. However, the City Council recognises that adopted development plan policies relating to office and mixed use policies are out of date and that, given recent pressures to convert office buildings to residential use, there is now an under-supply of office accommodation within the borough, eroding the character of commercial areas and resulting in a need to protect existing office floorspace. However, this objective still needs to be balanced against the requirement to provide new homes. Consequently, interim measures, (set out in an initial statement dated 1 March 2015), have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floorspace, (and applications for the provision of new office floorspace). From 1 September 2015, any such applications will be determined under a

'presumption in favour of sustainable development' in line with national policy. This means that within the Core CAZ (and in other specified locations) housing is no longer acceptable in principle where it results in the loss of office floorspace. A further statement (dated 22 July 2015) confirmed that the loss of offices will be acceptable where they are to other commercial uses, or outside of the Core CAZ or other specified locations.

As the current application was submitted in August 2015, it is not subject to consideration under the interim measures or emerging policies, but should be considered in the light of adopted development policies which do not protect existing office uses.

8.1.2 Residential use

Policies S14, S15 and S16 of the City Plan and H3, H4, H5, H8 and H10 of the UDP are relevant to the consideration of this application.

The proposal would create a total of 45,190sqm of residential floorspace. The mix of residential units is set out in table 2 below.

Table 2: Residential Mix

Units	No provided	% of Mix
1 bed (2 person)	77	37.2%
2 bed (4 person)	89	43%
2 bed (4 person) duplex	7	3.4%
3 bed (6 person)	30	14.5%
4 bed (8 person)	4	1.9%
Total	207	100%

The provision of new residential accommodation is supported under Policies S14 of the Westminster City Plan: Strategic Policies and H3 of the UDP. Policy H11 within the UDP relates to housing density and recommends 250-500 habitable rooms per hectare in this location. The proposed density is 413 habitable rooms per hectare, which is considered acceptable.

The optimisation of housing delivery is a key strategic objective for the Council. All of the proposed flats meet the requirements of National Housing Standards in terms of their floorspace. The mix and the layout of the flats have been led by the size and shape of the floorplate of the existing building and is therefore considered to be in accordance with Policy S14 of the City Plan, which seeks to optimise the number of residential units on development sites.

Westminster City Plan Policy S15 and UDP Policy H5 require the provision of an appropriate mix of units in terms of size in new housing schemes. Policy H5 requires at least 33% family-sized (i.e. 3+ bedrooms) of which at least 5% should have five or more habitable rooms but does allow for some flexibility with regard to the overall mix. Paragraph 3.74 of the UDP acknowledges that a lower level of family accommodation may be acceptable in some circumstances.

The residential mix which is heavily weighted towards 2 bed units, fails to meet the Council's Policy H5 in the UDP. In this case 16.4% of the units are family sized (34 units). The City Council may accept a lower level of family sized accommodation having regard to the nature of the development and the character of the environment. It is considered that there is a case for a slightly lower amount of family housing given the constraints of the existing floorplate of the building, lack of private amenity space and to maximise the number of units provided.

Policy H10 of the UDP expects housing developments to include the provision of amenity space. Within the CAZ this can be in the form of balconies and roof terraces subject to satisfactory design and amenity issues. These should be provided for 25% of the units and should mainly be in association with the family size units. This has not been possible, given that the provision of balconies would have a negative impact on the special character of the listed building, particularly the cladding which is such an integral part of the interest of this building (discussed in part 8.2.3 below). Communal outside space is provided in the form of a roof terrace on the podium building and the extensive rear garden, which is considered acceptable.

Playspace:

UDP Policy SOC6 requires children's play space to be provided in residential developments of 25 or more family sized units and in developments in or near to Priority Areas for additional play space and additional green open space for play. The development is not in a Priority Area for additional play space or open space. London Plan policy 3.6 also seeks to ensure that all children and young people have access to play space. The Environmental Statement has stated that the development would trigger the requirement for 200sqm of playspace in accordance with the GLA's Supplementary Planning Guidance. The proposals include the provision of a 10,982sqm of private open space of which over half will be grassed. It is regrettable that the new rear gardens are not provided for public use, given that the existing green space to the rear is currently publicly accessible, however it is noted that this is a private space and that the owner is not currently required to allow access. The proposals do include an area of publically accessible open space to the rear of the proposed cultural facility, which is considered acceptable.

The applicant's landscape strategy demonstrates that consideration has been given to provide play space, it is recommended that the final landscaped design of this open space be secured by condition. The increased size and re-landscaped gardens are considered to be acceptable.

8.1.3 Affordable housing

The new residential floorspace prompts a requirement for the provision of affordable housing under the terms of Policy S16 of the City Plan. The City Plan requires housing developments of either 10 or more additional units or over 1,000sqm additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing.

The proposed residential floorspace is 45,190sqm (GEA). Using the calculations set out in the Interim Guidance Note, this requires 25% of the total residential floorspace to be provided as affordable housing. This equates to 11,298sqm or 141.2 units.

Policy S16 requires the provision of affordable housing on-site. It adopts a 'cascade' approach and states that "where the Council considers that this is not practical or viable, the affordable housing should be provided off site in the vicinity. Offsite provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity..." If these options are not feasible, then a financial contribution in mitigation is an appropriate alternative, calculated according to our Interim Affordable Housing Note. A policy compliant payment in lieu is £57,352,792 (updated to April 2016 standards).

The applicant has submitted a viability report that sets out the maximum reasonable amount the scheme can afford in terms of London Plan Policy 3.12. The viability report concludes that the proposed scheme cannot provide any amount of affordable housing either on site, off site or through a payment in lieu.

The City Council's independent consultants (Lambert Smith Hampton) reviewed the findings of the applicant's report (based on the revised scheme) and conclude that the findings are reasonable.

8.1.4 Hotel use (with ancillary conference facilities)

The main policies relating to new hotel accommodation are TACE 2 within Westminster's UDP and S23 within Westminster's City Plan. These policies state that new hotels will be directed towards the Opportunity Areas and the Core CAZ within streets which do not have a predominantly residential character. The proposals are considered to comply with these policies given that the area is predominantly commercial in character and the site is located within the Core CAZ.

The proposals include the provision of a café, restaurant and bar at ground floor level and 'sky bar' at thirty fifth floor level within the tower, all of which will be open to the public, but managed by the hotel. The hotel will also operate a business centre within the main podium building facing the Thames at first floor level. A condition is recommended that these uses are not accessible to the general public between the hours of 02:00 and 07:00 each day to protect the character of the area and the amenity of neighbours.

Café and bar:

At ground floor level a new hotel bar is proposed in the new infill between the Y and the Tower buildings. To the rear of the Y building a new café is proposed, which is accessed through the hotel and will have access onto its own terrace/garden on the northern side of the building. Due to the location of the café, to the rear of the site, it is likely to mainly be used by hotel guests. The bar has a more prominent location and is likely to also be used by new residential occupiers. Both facilities have a floorspace of c.200sqm and are therefore assessed against policies TACE 8 (café) and TACE 9 (bar). These policies seek to ensure that such uses do not have a negative impact on the character of an area or on the local environment as a result of noise, vibration, smells, increased late night activity or increased parking. Given that these functions are inherent to the hotel use it is considered unreasonable to limit the opening hours, conditions are however recommended to limit the hours of use of the terrace and the submission of details in relation to ventilation for any cooking facilities the proposals are considered acceptable in land use terms.

Restaurant:

There is an existing restaurant (Use Class A3) on the site, located at ground floor level at the northern end of the site facing Millbank, which has floorspace of around 270sqm. Policy S21 within the City Plan states that such uses will be protected from changing to uses that do not serve visiting members of the public. The proposals include a new restaurant in the same location as the one existing, with a slightly larger floorspace of 350sqm, which is welcomed. As with the café, such uses are considered against policy TACE8 within the UDP. Like the café it is not considered a condition to limit the open hours is required as the restaurant will be used by hotel guests, again a condition for the submission of details of ventilation is recommended.

Skybar:

At thirty fifth floor level a new 'skybar' is to be provided with a floorspace of around 520sqm (excluding core) providing views across London. This is proposed to be publically accessible, free of charge, via a dedicated entrance at ground floor level within the tower. It will consist of seating areas, a bar and a terrace which wraps around the building. There are similar existing uses within the tower at 2nd, 28th and 29th floor levels, which provide conference / bar type uses as well as

dinning, but do not have a terrace. The existing facilities include conditions to restrict the opening hours to between 07.00 and 02.00 and the number of customers on the premises to 600.

Policies S24 and TACE 10 relate to entertainment uses in the CAZ over 500m² and are therefore relevant. The policies states that entertainment uses may only be permissible in exceptional circumstances. A list of possible exceptional circumstances is given in paragraph 8.95 of the UDP which includes:

- a) a general reduction in adverse effects on residential amenity and local environmental quality when compared with the existing activity on the site;
- b) the retention of a use which has a longstanding association with the area, or makes a major contribution to its character or function;
- c) the retention of a valued central London activity which is of national or international importance;
- d) proposals which are shown to be necessary to improve health and safety standards, or access for disabled people.

The policy goes on to say that where, in exceptional circumstances, the City Council decides to grant planning permission for large or very large entertainment uses, it will, where necessary and appropriate, impose conditions to control the use.

As a result of the proposals the nearest residential accommodation will be located on the floor below (34th floor level). The nearest existing residential is located in Millbank Court to the rear. Environmental Health has not raised objection to the proposals subject to the provision of conditions to ensure that sufficient mitigation measures are installed to ensure that noise does not transfer through the building.

A 2m high safety balustrade is to be provided around the perimeter of the terrace, which will provide protection from wind and some noise screening.

Given that there has been similar established uses within the building since 2009 and subject to conditions to restrict the use of the bar including the capacity, noise and opening hours, it is considered sufficient exceptional circumstances existing to allow the proposed use in this instance, in line with Policy TACE 10 of the UDP. In addition in order to ensure that the Skybar is maintained as a public benefit it is to be secured as publically accessible and free of charge by legal agreement.

8.1.5 Cultural use

Policy TACE 5 of the UDP and S22 of the City Plan relate to Arts and Cultural uses. These policies states that new arts and cultural uses will be granted in the Core CAZ where they would be compatible with the character and function of the area, there would be no adverse effects on residential amenity and no adverse environmental or traffic effects. The proposals are considered to comply with these policies given that the area is predominantly commercial in character and the site is located within the Core CAZ. The transport considerations are discussed in section 8.4 of this report.

The provision of the cultural facilities has resulted in increased development costs, which have been included within the viability assessment submitted with the application. These costs have been part of the viability case put forward by the applicant, which has resulted in the conclusion that the development proposals cannot viably provide any affordable housing contribution. The

provision of this cultural facility is welcomed in policy terms, however given that this may, at least in part, have impacted on the viability of the scheme it is necessary to ensure that this facility is secured. The draft heads of terms seek to secure the provision of the cultural facility, on a peppercorn rent. As the end user has not as yet been selected, a payment of £2.5million towards fit out costs is also to be secured by legal agreement. These will need to be provided prior to occupation of the residential accommodation. Should any subsequent applications for significant alterations to the cultural centre be proposed, a revised viability case will need to be provided.

As the final occupier of the unit has not yet been selected, a condition is recommended for details to be submitted in relation to the proposed use. Subject to the aforementioned legal agreement and condition, the proposed cultural use is considered to be acceptable in this instance.

8.2 Townscape and Design

The Millbank Complex was designed by Ronald Ward and Partners and completed in 1963. It consists of three distinct elements, tower, Y building and podium and, when built, was the tallest building in London. It is generally considered one of the most significant 1960's developments in London and was listed grade II in 1995. Many consider it one of the finest podium and tower compositions in the world. The complex has a prominent position on a bend of the River Thames between the grade II listed Tate Gallery and the grade II listed Thames House. The complex makes a distinctive and confident statement to this established townscape and the entire riverfront composition is best admired from the south bank of the river. From here, it is apparent that the step down in height from the adjacent Thames House is significant and designed to break the uniformity of height and scale of the 1920's office developments to the north. The tower, the Y building and the unifying element of the podium can be seen to be a carefully crafted composition designed to address the bend in the river and provide a "visual break" between the monolithic development to the north and the Tate Gallery to the south.

The buildings are concrete framed with applied cladding, one of the first such curtain wall designs to be built in the UK. The quality of construction was high and the complex has been well-maintained over the years. However, after 50 years the original cladding and external framing is in need of replacement. Specialist Engineers have studied the cladding in detail and consider that complete replacement is required to maintain a long term future for the building complex.

The scope of the proposed works has been much modified after discussions with Officers and other stakeholders, including Historic England. In brief, the proposal now is to raise the height of the tower by two storeys, the Y building by one storey, remove the raised car park and ramp, minor internal alterations to accommodate a cultural use, re-landscaping and complete removal and replacement of the façade cladding.

8.2.1 The extent of demolition

The raised car park bounding Millbank Court and associated spiral ramp are proposed to be demolished in entirety. The car park is of no interest and its removal is welcomed. This land would be landscaped as gardens for the hotel and residential users. This is considered to be a positive aspect of the scheme. The car park ramp, however, is a significant element of the overall composition and has inherent architectural quality in its own right. However, with the removal of the car park, the ramp becomes redundant in any functional sense. Consideration was given to retaining this feature, but it sits within a key part of the site that is required for gaining access to

the basement car park. The loss of this ramp is considered to be harmful and its loss will have to be weighed against any public benefits that the scheme may bring.

A small and very distinctive external stair to the south west side of the building is also to be demolished and not replaced. This is to allow for fire engines to access the rear of the building as the width remaining between a new basement ramp and the building is insufficient to meet the requirements of fire access. While this is regrettable, the need for fire access has to be met somehow, and the loss of this comparatively small element of the building complex will have to be weighed against any public benefits.

Some removal of internal fabric at the prow end of the podium is required to allow the location of the cultural facility. These elements are of no significance. The external cladding to the entire complex will also be replaced and while this is of high significance, its future life span is limited. Subject to suitable replacement by new cladding this element is considered acceptable.

The roof top elements of both tower and Y building will be removed to allow for the new floors. These are of high significance and their removal is dependent on the quality of replacement. The antennae and other equipment that currently disfigures the roof of the tower will be removed and will not be returned to the building – this is considered an enhancement.

There is little internal fabric of any architectural or historic significance other than in the two ground level foyers where some original fabric remains and both foyers retain interiors which are sympathetic to the 1960's period. A condition is attached which requires a full schedule of original fixtures and fittings to be made and arrangements to be made for their re-use in the building complex.

8.2.2 The impact on views

The most significant and contentious proposal is the increase in height of the tower and Y building. The tower is to be increased by a height of 6.2m, raising the height from 118m to 124m. The detailing of the cladding to the top of the tower is replicated, albeit there will be a 2m high glass barrier to the Skybar terrace. The telecoms equipment and satellite dishes that currently disfigure the silhouette of the top of the building will be removed and relocated within the plantroom screen or removed from the site completely. The tower is visible from many viewpoints around the City, including from within the World Heritage Site. The applicants have provided extensive views analysis to assess the impact on these townscape views. The analysis shows that the increase in height is apparent in most views but the impact is largely negligible. When seen against the clear sky, the increase is subtle and the improvement to the skyline from the removal of the telecoms equipment is more apparent than the increase in height. Where it is seen in the context of other buildings, for example LVMF View 18A.3, then the increase in height is more apparent. However, it is not considered that any of these views have major harm caused to them, though some are considered to cause minor harm (as in LVMF View 18A.3). This "less than substantial harm" will need to be considered with regard to any public benefits that the scheme may have. It should also be borne in mind that a considerable number of high towers at Vauxhall have been permitted which would also impact on many of these views, though there is no certainty as to whether these will be built. The applicants have provided outlines of these consented schemes on their townscape impact views for information. In terms of impact on the World Heritage Site, the only new impact is shown in LVMF View 27B.2 from Parliament Square where the impact is so minimal and screened by trees (even in winter) that it is difficult to assess any impact. More distant views show a subtle increase in height but not to the extent that it could be considered harmful to these views.

The Y building is to be increased by 3.3m raising the height from 33m to 36m (excluding plant room). This building does not impact on more distant views, but plays an important part in the proportions of the overall composition of the three building elements – podium, tower and Y building. The proportionality between these elements is only altered marginally by the proposals and there is no harm to the overall building composition. Significantly, the Y building retains a step down in height from the adjacent Thames House which was one of the key aims of the original design for this site.

8.2.3 The external cladding

It is extremely unusual to have a listed building proposal that removes the external fabric of the building in its entirety and replaces it with new. Historic building philosophy and practice emphasises the importance of retaining historic fabric rather than wholesale replacement. However, with a C20 building of this type, there are significant problems with retaining the existing external envelope. For a start, it is cladding and has no structural relevance to the building. The concrete core is the structure of the building and this has no historic or architectural value at all. Therefore, virtually all the historic and architectural significance of the building fabric is contained within its external cladding, all of which is proposed to be removed and replaced. This aspect of the scheme has raised significant objections from the C20 Society who state (in their response to the first proposal) that they “remain to be convinced that this (replicating the existing cladding) will be possible in a way that does not impact detrimentally on the appearance of the listed building and thus have a negative effect on its significance.”

The existing cladding is original to the building and is of great subtlety and historic interest as one of the first such cladding systems in the UK. The tower and the Y building/podium have subtly different cladding systems. The cladding to the tower is characterised by the external vertical rails in stainless steel with every fifth one being a different dimension and in bronze which was designed to take the window cleaning cradle. This provided an extremely subtle pattern across the façade of the tower. The glazing system was then hung behind this. The concave and convex faces of the building, allied with the single glazing and type of glass, provide extraordinary reflections of sky and water which was apparently an original design intention. It will be important to ensure that any new cladding system does not lose this important reflective quality.

The Y building and podium has a different system without the external mullions and with horizontal bands of glazing and mosaic panels to the spandrels. Both systems have similar glazed elements but there are subtle differences between the two.

The applicants have submitted a Structural Engineer’s Technical report on the state of the existing cladding which shows that there are significant defects in the existing system and that, in their opinion, wholesale replacement is required. Given that the existing cladding is now over 50 years old, it is perhaps not surprising that it now needs replacement. The existing cladding system also has a poor environmental performance with substantial heat loss and gain and a high likelihood of interstitial condensation.

There is a strong evidence base, therefore, to justify the removal and replacement of the existing cladding. While the desire on all parts is to replicate the existing cladding and glazing system as closely as possible, there will inevitably be some difference due to the different technical requirements of the modern systems – for example, the issues of double or triple glazing, the possible need for opening windows and different types of glass to reduce solar gain. It is considered absolutely essential to the success of the restoration to ensure that the new cladding

systems to both the tower and Y building replicate the appearance and materiality of the existing systems as closely as possible. This includes the framing elements, their size and profile, the type of glazing (to ensure the current system's reflective nature is maintained) and the cladding to spandrels and panels. As such, extensive conditions have been attached to any permission requiring full details of cladding to be submitted for approval including inspection of full size bays for approval. Due to the importance of the cladding system to the significance of the listed building, these conditions have been made pre-commencement conditions meaning that no works may start on site until the replacement cladding has been approved.

8.2.4 Changes to the ground plan/public realm

The removal of the car park deck allows for an increase in the amount of landscaped space around the building. The construction of the new basement to the rear will result in the loss of most of the mature trees, though a new planting and landscaping proposal will include replacements and the overall amount of landscaping to the rear and side of the building will be increased, details of both hard and soft landscaping is to be secured by condition. On balance, this is considered to be an enhancement to the setting of the listed building.

The removal of the car park ramp, as mentioned above, is more contentious. It is to be replaced by the new car lift access to the basement car park. A condition is attached requiring further details of this, but there is no reason why this structure could not be a "one-off" design of exceptional quality to justify to some extent the harm of losing the distinctive car park ramp.

For vehicles to gain access to the new car lift a section of ground floor of the building has to be removed to allow for vehicle access from the courtyard. Where there is a current vehicle access under the building, this is in turn proposed to be infilled. Depending on the details of these works, which are conditioned, they are not considered to be harmful.

The distinctive and evocative space within the centre of the podium remains open to the sky and fundamentally unaltered. Some ground level rearrangement to paving and fittings is proposed to rationalize the movement of vehicles and pedestrians, but these will not detract from the quality of the space or the views from it.

8.2.5 Design conclusions

In design terms, it is considered that the proposals do cause some limited harm to the listed building and its setting. The increase in height, loss of existing roof fabric, car park ramp and small stair to the south-west façade are all regrettable. It is considered that these works would cause less than substantial harm to the building within the terms of the guidance in the NPPF. The loss of the cladding system and its replacement would be considered substantial harm were it not for the fact that the cladding system is of considerable age and has significant deficiencies in its environmental performance. Given these factors its replacement can be seen as necessary to maintain the future long life of the asset and as long as the replacement cladding maintains the visual and material integrity of the existing, it is not considered that this amounts to anything more than minor harm. The renovation of the building complex, the removal of the car park deck, the improved public realm and landscaping and the provision of a major cultural facility are all considered to be positive elements of the scheme which constitute public benefits within the terms of the NPPF. It is considered that these public benefits would outweigh the less than substantial harm generated by other aspects of the proposal.

8.3 Residential Amenity

Policy ENV13 of the UDP and S29 of Westminster's City Plan: Strategic Policies aim to safeguard the amenity of residents from the effects of new development with particular regard to overlooking, sense of enclosure and loss of daylight and sunlight. The amended scheme has reduced the extent of development, by reducing the tower from 3 additional storeys to 2 and the Y building from 3 to 1 additional storey. To the front of the building the roof extension to the podium has been removed and a terrace has been put in its place.

Objections have been received in relation to loss of light, increased sense of enclosure and loss of privacy from residents to the west of the site in Millbank Court as a result of the increased height of the buildings. Concerns have also been raised in relation to noise from the newly landscaped and enlarged garden space to the rear, which separates Millbank Court from the Millbank Complex and in relation to increased intensification due to use of the site outside of the current office hours. One objection has been received from the management company/freeholder of Millbank Court in relation to the revised proposals, who maintain their objections.

8.3.1 Sunlight and Daylight

The applicant has carried out a daylight and sunlight assessment in line with Building Research Establishment (BRE) guidelines, analysing the windows of the affected residential properties in Millbank Court. An addendum report has also been undertaken to assess the amendments made to the application. Both assessments indicate that all windows pass the requirements set out by the BRE, the proposals are therefore considered acceptable in terms of light.

8.3.2 Sense of Enclosure

The rear windows within Millbank Court will be most affected by the increase in height of the Y building, which is approximately 27m away, and to a lesser extent by the additional height to the tower, which is set further away (circa 80m). Given the layout of the buildings with the narrowest part of the Y building being closest to Millbank Court, the separation between the buildings and relatively small amount of additional bulk, it is not considered that the additional storey (plus plant room) will have such a significant impact as to justify refusal.

8.3.3 Privacy

There is mutual overlooking between the existing office occupiers and surrounding buildings. The main impact in privacy terms, comes from the change of use rather than from the additional windows from the roof extensions. Again the nearest windows will be in the rear elevation of the Y building which will serve hotel bedrooms. These windows will be partially obscured by the existing and extended stair core, which runs up the full height of the Y building. The hotel rooms are more likely to be in use during morning and evening hours, which is a change to existing activity associated with the predominantly daytime office use. While there are windows already in this elevation which serve the office, a condition is recommended for these windows to be obscured in order to ensure that overlooking between any occupiers of the hotel and residents within Millbank Court are limited. The hotel rooms will maintain an outlook to the north and south, which is considered acceptable. The detail of how the windows will be obscured will need to ensure that this does not have a negative impact on the fabric of the replacement cladding and will be subject to consideration.

In relation to the windows in rear of the main tower, which will be in residential use, given the separation of the tower from the Millbank Court, it is not considered that conditions in relation to obscure glazing are required.

The proposals also include the provision of balconies and a terrace at the base of the tower and above the podium at third floor level. In order to limit overlooking towards Thames House, access is not possible onto the flat roof at the northern end of the site. A condition is recommended to secure this arrangement. A condition is also recommended to ensure that planting within this area does not exceed 0.5m in height to ensure that should anyone use the area they will be readily visible.

8.3.4 Noise and disturbance

There is an existing green space which separates the main Millbank Complex from Millbank Court. The garden is currently accessible by the general public, however it is private land and given its tucked away location is not currently utilised a great deal.

The proposals will increase the size of this open space through the removal of the concrete car park which adjoins Millbank Court. Objections have been received on the grounds of noise and general disturbance as a result of people utilising this space. The nearest windows within Millbank Court are in excess of a storey above the level of the enlarged garden, which currently look down onto the car parking deck. The proposed landscaping scheme includes a fence which makes the majority of the open space into a private garden for the flats within the tower. The hotel is also to have a slightly sunken area of open space located to the north of the Y building. In order to mitigate the impact of noise disturbance to residents of Millbank Court a condition is recommended to limit the opening hours of the open spaces to 10pm daily. Given the design benefits of removing the large car parking decks and the provision of the enlarged open space, and subject to the aforementioned condition the proposals are considered acceptable in terms of noise and disturbance.

8.4 Transportation/Parking

TfL have noted that a draft Travel Plan has been submitted, which is of good quality. They have requested that a subsequent more detailed Travel Plan be secured and funded through a S106 agreement. Westminster Officers do not consider that a formal Travel Plan is required, given sufficient car parking provided on site for the residential part of the development. A condition is recommended to promote riverboat use, which is considered acceptable.

8.4.1 Car Parking

224 parking spaces are to be provided for the 207 flats. The GLA and TfL have commented that this level of parking is excessive and should be reduced. The Highways Planning Manager notes that the Westminster parking standards would allow for 1.5 spaces per dwelling for flats with 3 bedrooms or more and the latest Minor Alterations to the London Plan (MALP) standards would allow for some of the bigger flats to have up to two car parking spaces. 224 car parking spaces is considered to be within the maximum range allowed for the development, but is considered to be acceptable.

Such a large number of spaces are served by only two car lifts down to the basement car park, which may be a little difficult to manage but this is proposed to be mitigated through the use of a valet parking system. There is proposed to be valet parking spaces on the forecourt so that residents can leave their cars off-street to be valet parked. Highways officers are confident that the system can work safely and without causing cars to have to queue on the highway to enter the building, as there are proposed to be seven short stay spaces for vehicles that are waiting to be parked or collected, one of which will be a disabled space. As the cars are to be valet-parked, there is no necessity for disabled parking spaces to be provided within the basement car park. A

condition is recommended for the submission of a Car Park and Lift Management Plan to explain in detail how the valet system will work, including that car parking spaces will be unallocated, maintained for the life of development, how the spaces will cater for at least 20% of vehicles needing to be charged and how the lift maintenance schedule will seek to ensure as little downtime as possible. Subject to such a condition the proposed car parking arrangements are considered acceptable.

No parking is proposed for the non-residential uses, which is considered acceptable.

8.4.2 Cycle Parking

There are proposed to be a total of 419 cycle parking spaces, which is in line with the London Plan (March 2015) standards for long-term cycle parking provision, although the applicant does acknowledge that it falls short of what is required for short-term parking. Only 46 spaces are proposed for short-term parking, whereas the FALP suggests there should be 105. The GLA and TfL have commented on this shortfall. Given that the scheme includes a total reworking of the public realm, an amending condition is recommended to indicate the provision of the additional short stay cycle parking to be provided at street level, where it is most likely to be required in order to ensure that bikes are not chained up to the nearest random immovable object.

8.4.3 Servicing

All servicing is to be provided to and from the site by an existing access off Millbank to the south of the building, this will lead via a ramp down into a new off street servicing bay within the newly excavated basement. The off street servicing is welcomed, however the new lane down to the basement is narrow. It will operate two-way, but can only accommodate one vehicle at a time. A signalised entry system is proposed with a lay-by located off the highway so that any vehicle trying to enter the site while another is leaving, will be able to wait off the highway. This arrangement will require the access point off Millbank to be widened and there will need to be an agreement with TfL to enable such works to be carried out as TfL is the Highway Authority for Millbank.

The applicant has offered a Servicing Management Plan as a condition of any planning permission to ensure, for example, that deliveries are spread across the day and do not all arrive in the morning peak, in order to mitigate any problems of vehicles queueing on Millbank to get into the development. Subject to such a condition which will identify process, storage locations, scheduling of deliveries and staffing, no objection has been raised by the Highways Officer.

The revised proposals no longer service from Thorney Street due to both Highways and Crime prevention reasons. A condition is recommended to ensure that no vehicles enter or exit the site from this side, a condition is also recommended for further details to be submitted of the ground floor elevation. As no servicing is now proposed from the existing access point on Thorney Street, the existing footway crossover should also be returned to standard footway to match the rest of the footway in that part of Thorney Street, which will require a S278, secured by legal agreement.

8.5 Economic Considerations

Objections have been received on the grounds that the loss of office floorspace is unacceptable and contrary to policy, as discussed within section 8.1.1 above the principle of the loss of office floorspace is considered acceptable in this instance.

The Environmental Statement (ES) advises that once completed the proposed development will generate 431 net operational jobs across the site. The conversion from office to residential is likely to result in a net loss of 4,065 jobs, resulting in a minor adverse effect on the labour market, but there is a strong likelihood that existing occupiers will be able to locate and move to suitable alternative local premises. It concludes that the development will have a beneficial economic effect through additional local spending during construction and occupation as well as the social benefits from the provision of additional housing and cultural and leisure facilities, which are welcomed.

8.6 Access

All flats will be fully accessible, designed to Lifetime Homes standards with 10% of the units being wheelchair accessible or easily adaptable.

Vehicular access into the courtyard is to be maintained, providing hotel and residential drop off. Valet parking will be provided for the residential occupiers via allocated spaces in the courtyard. Service vehicles will enter from Millbank and descend to the integrated off-street servicing area at basement level.

The site is well served by public transport with buses running along Millbank and Pimlico Tube station a 10 minute walk away. A condition is recommended to promote the use of the Millennium Pier which is adjacent to the site on the Thames. Should coaches wish to service the site, there is parking on Millbank, which the Highways Planning Manager has confirmed is acceptable. An informative is recommended for the applicant to liaise with London Taxi and Private Hire as to whether a taxi rank can be provided on site at the request of TfL.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Noise & Plant equipment:

The proposals include mechanical plant at basement level and within plant enclosures at roof levels. An updated acoustic report has been submitted with the revised scheme to address some concerns raised by Environmental Health Officer (EHO) to the original proposals in relation to noise and ventilation. The EHO has raised no objection to the revised scheme subject to standard conditions in relation to a post commissioning noise report to be submitted once plant selection has been finalised and to limit noise transfer and internal noise levels. In particular these conditions seek to protect the new residents of the development once complete, who will be the most sensitive in terms of location from noise transfer both within the building and from external sources. Subject to these conditions the proposals are considered acceptable.

A condition has also been recommended in relation to the provision of details of suitable kitchen ventilation for the restaurants/hotel/café/skybar, which is considered acceptable.

8.7.2 Refuse /Recycling

Subject to conditions to secure the waste stores as shown on the plans, no objection has been raised by the Cleansing Officer. A Servicing Management Plan will also detail that Cleansing vehicles will be able to collect waste at the same time as other deliveries taking place from within the Off-Street servicing bay.

8.7.3 Trees

The proposals include radical re-landscaping and extension of the garden to the rear between Millbank Complex and Millbank Court. The proposals include the removal of the majority of the trees within the rear garden save for a London plane which is proposed to be retained. The Arboricultural Officer has raised concerns in relation to the trees which are to be retained (1 to the rear and 3 to the South), due to the impact of the construction works, and raised objection to the loss of a number of good specimens within the rear garden. Concerns are also raised in relation to the lack of soil depth across the site, with only planters providing substrate for plant growth. While the loss of the trees within the rear gardens is regrettable, it is not considered that refusal on these grounds could be sustained given that the site falls outside of a conservation area, Conditions are recommended to secure tree protection, landscaping and planting details to ensure future greening and amenity to the gardens.

The applicant has provided more information in relation to soil depth indicating areas which have a soil depth of more than 1.2m. While not strictly in accordance with policy, in general terms, the overall landscaping approach within the new development is considered to be acceptable, subject to conditions.

8.7.4 Biodiversity

The proposals include the provision of an increased area of open space to the rear and additional greenery on the podium roof, the associated benefits in terms of increased biodiversity are welcomed.

8.7.5 Archaeology

Historic England (Archaeology) recommend an archaeological condition requiring details of a written scheme of archaeological investigation to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines.

8.7.6 Energy and Sustainability:

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable design and inclusive design and architecture.

Policy S39 states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The applicant has submitted an Energy Statement in support of their application. It is proposed to deliver a 36% improvement in carbon emissions over benchmark, which the GLA consider

acceptable. The development has also been designed to enable future connection to a district heating network, as the scheme is not viable in other terms, it is not considered that a requirement to link the development to a district heat network could be sustained, given the high costs of such works.

The proposals include the use of a Water Source Heat Pump (WSHP) in addition to a Combined Heat and Power system (CHP). Both the GLA and Westminster Sustainability Officers have requested further details in relation to how the proposed WSHP and the CHP systems will function together. A condition is recommended to secure this detail.

London Plan policy requires 20% of car parking spaces in developments to have electric vehicle charging points and it is recommended that this be secured by condition.

The application confirms that both the Hotel and Cultural uses can achieve a BREEAM 'Excellent' rating, which is to be secured by condition.

8.8 London Plan

The GLA have indicated in their Stage 1 referral report that the development is broadly acceptable but issues in relation to the revised scheme include a recommendation for a revised approach to optimise the CHP as a lead heat source; the increase in car parking and reduced cycle parking; and encourage liaison with TfL in relation to London Taxis and Private Hire and changes to the public Highway which should be addressed before stage 2 referral. It is considered that these issues have been addressed elsewhere in this report. Once the City Council has resolved to determine the application, it will be referred back to the Mayor for his decision.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three 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.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced in May 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i. The provision of a cultural facility on a 125 year lease with a peppercorn rent, with the end user to be agreed by the City Council;
- ii. A contribution of £2.5million (index linked) towards the fitting out of the cultural facility;
- iii. The provision of a publically accessible 'Skybar' with no admission fee;
- iv. Costs of all highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions, returning the footway on Thorney Street and footway repaving;
- v. Provision of public art to the sum of £100K (index linked);
- vi. Comply with the Council's Code of Construction Practice, to provide a Site Environmental Management Plan and provide a financial contribution of £110,000 (£55,000 per annum based on 2 year demolition / construction period) prior to commencement of demolition to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- vii. Employment and Training Strategy for the construction phase and the operational phase of the development;
- viii. Costs of monitoring the S106 agreement.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

The proposal would attract a payment to the Mayor's Community Infrastructure Levy which could be dealt with by way of an Informative

8.11 Environmental Impact Assessment (EIA)

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In putting forward this recommendation, officers have taken into account the Environmental Statement submitted with the application. Officers are satisfied that the environmental information as a whole meets the requirements of the EIA Regulations and that sufficient information has been provided to enable assessment of the environmental impact of the application.

The purpose of the EIA is to predict how environmental conditions may change as a result of the proposed development and to specify any investigative measures. The Environmental Statement (ES) has considered the potential direct, indirect and cumulative impact of the proposal and these are identified as: Adverse (negative); Neutral (neither beneficial nor positive); or Beneficial (positive).

Where adverse or beneficial effects have been identified, these are classified as:

- Negligible – imperceptible effect;
- Minor – slight, very short or highly localised effect;
- Moderate – noticeable effect (by extent duration or magnitude), which is considered a significant change; or
- Major - considerable effect (by extent, duration or magnitude) of more than local scale that may be in breach of recognised acceptability, legislation, policy or standards.

The applicant has submitted a Non-Technical Summary which summarises the impacts, in addition to the detailed assessments and appendices.

The Socio Economic, Ecology, daylight/sunlight, archaeology, built environment, townscape and visual effects are discussed elsewhere within this report (namely sections 8.5, 8.7, 8.3 and 8.2) and are considered to be acceptable.

8.11.1 Refurbishment and Construction

The ES sets out the main phases of development from enabling works to final fit-out. It sets out that an Environmental Management Plan (EMP) and Construction Management Plan (CMP) will be developed with the City Council in order to mitigate against the potentially significant effects of construction. These will be secured by condition and legal agreement.

8.11.2 Traffic and Transport

The ES states that there will be a temporary effect on the road network during construction and refurbishment, however through the use of a CMP the impact will not be significant. Post completion there will be a decrease in traffic as a result of the change of use and there will be no anticipated residual effects.

8.11.3 Noise and Vibration

Again the report indicated that there will be a temporary minor adverse effect as a result of construction traffic; a moderate adverse significant effect from noise from plant and equipment during the refurbishment and construction, but this will only occur for short periods when works are at their noisiest stages. The proposed construction activities are not uncommon in central London and will be managed through a CMP and conditions to limit working hours.

Following completion plant and equipment will be conditioned to operate in line with Westminster noise conditions to ensure no significant impact. No significant degree of change is expected from

traffic. The building will be designed to minimise the impact of environmental noise from sources in the vicinity.

8.11.4 Air Quality

During construction the CMP will again mitigate and manage dust and emissions, which will result in the risk of the effects on receptors being minimised or prevented, resulting in a low risk, negligible effect which is not significant.

Post completion the effect of NO₂ from the Energy Centre plant and road traffic emissions will result in a minor adverse effect, which is not significant. It is not predicted that there will be a significant adverse effect post occupation of the development.

8.11.5 Wind Microclimate

A desk based assessment has been undertaken to predict and analyse the wind environment at the site and surroundings. The assessment has shown that across the site the results are largely suitable for their intended pedestrian use, however there are a number of locations around the site where conditions are worse than their intended use which results in a significant adverse effect. Mitigation measures are recommended in the form of a 2m high balustrade around the perimeter of the terrace at the top of the tower and soft and hard landscaping to incorporate screening to reduce wind speeds within the rear garden. With the inclusion of these mitigation measures, the residual effects are expected to be not significant (negligible to minor adverse), with noticeable improvements to the existing baseline conditions.

8.11.6 Water Resources, Drainage, Flood Risk and ground conditions

There is a moderate risk of contamination as a result of construction. The EMP will outline preventative measures to reduce the release of suspended sediments during construction, protect waters and drainage network from the release of oils and hydrocarbons, reduce water consumption and wastewater generation. Post completion Sustainable Urban Drainage will minimise runoff from the site. Subsequently, no significant effect is expected.

8.11.7 Health and Wellbeing

The direct (housing, access to public services, opportunities for physical activity, air quality, noise and neighbourhood amenity, accessibility and Transport) and indirect (crime reduction, access to healthy food, access to work, social cohesion/community capital, resource minimisation and climate change) influences are not likely to result in a negative outcome on health and wellbeing at the development site or within the surrounding area.

8.11.8 Cumulative Effects

During the refurbishment and construction of the proposed development it is predicted that there will be a moderate temporary benefit to socio-economics generated through employment of construction workers.

Post completion it is predicted that the development will have a major to moderate beneficial permanent socio-economic effect on the Greater London economy and a moderate to major beneficial effect on the ground conditions of the surrounding environment. It would also have no impact to a beneficial effect on the Townscape and Visual Impact, Ground Conditions. The only moderate adverse effect is a due to a cumulate impact on air quality with Abel and Cleland House, due to existing high background No₂ levels. The ES notes that all other disciplines would lead to no significant cumulative effect on completion.

8.12 Other Issues

8.12.1 Basement Excavation

The applicant has provided a structural engineer's report explaining the likely methodology of excavation works. This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

8.12.2 Construction impact

A detailed Site Environmental Management Plan is to be secured by legal agreement and will be monitored by Environmental Health. The Transport Assessment and Environmental Statement (ES) set out a proposed indicative programme of demolition and construction works. The expectation is that the demolition and construction works will take approximately 3 years. In terms of construction vehicles and site access, it is proposed that construction access into the site will from the south along Millbank and exit to the north. This route means that vehicles will not need to cross oncoming lanes of traffic, minimising any delay on the highway network.

The applicant would have to apply separately for a highways license before any construction equipment such as scaffolding, skips or hoardings can be placed on the road or pavement.

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. It is recommended that the necessary contributions to ensure compliance with the Council's Code of Construction Practice, and to secure the monitoring expertise of the Council's Environmental Sciences Team, the latter of which controls noise, dust and vibration emanating from the site through a site specific Site Environmental Management Plan (SEMP). This will be secured and monitored by the Council's Environmental Sciences team under the terms of the S106.

A condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday (with no excavation work on Saturdays). The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

8.12.3 Re-consultation

An objection has been received that the scheme has been amended to such an extent that it should not have been accepted and a new application made. As the scheme has been reduced in terms of its bulk from the original scheme and a full round of re-consultation has taken place in order to allowed for any additional representations to be made, it is considered that the application process has been handled acceptably.

9 BACKGROUND PAPERS

1. Application form
2. Response from Twentieth Century Society, dated 23 September 2015
3. Response from the Council for British Archaeology, dated 11 October 2015
4. Response from Westminster Society, dated 15 September 2015 and 17 February 2016

5. Response from Thorney Island Society, dated 23 September 2015, 25 and 29 February 2016
6. Response from London Borough Of Lambeth, dated 15 December 2015
7. Responses from Designing Out Crime Officer, dated 6 November 2015, 25 February, 17 and 31 March 2016
8. Response from Greater London Authority, dated 8 October 2015 and 17 March 2016
9. Response from Transport For London, dated 22 September 2015
10. Response from Thames Water Utilities Ltd, dated 27 August 2015 and 24 February 2016
11. Response from the National Planning Casework Unit, dated 27 August 2015
12. Response from Historic England, dated 15 October 2015 and 3 March 2016
13. Response from Historic England Archaeology, dated 8 March 2016
14. Response from Environment Agency (Thames Region), dated 10 September 2015 and 4 March 2016
15. Response from Port of London Authority, dated 8 September 2015 and 4 March 2016
16. Response from Arboricultural Officer, dated 9 November 2015 and 17 March 2016
17. Response from Cleansing, dated 12 March 2016
18. Response from Environmental Health, dated 13 October 2015 and 16 March 2016
19. Response from Environmental Health S106 Monitoring Officer, dated 16 March 2016
20. Response from Building Control dated 22 March 2016
21. Response from Highways Planning dated 21 March 2016
22. Letter from the Head Of Regeneration & Community Partnerships, Tate Galleries, dated 6 October 2015
23. Letter from occupier of Flat 23 Millbank Court, 24 John Islip Street, dated 17 September 2015
24. Letter from occupier of 78 Millbank Court, John Islip Street, dated 21 September 2015
25. Letter from occupier of Flat 108, Millbank Court, dated 22 September 2015 ????
26. Letter from occupier of Flat 86-88 Millbank Court, 24 John Islip Street, dated 22 September 2015
27. Letter from occupier of Flat 9 Morland House, Marsham Street, dated 22 September 2015
28. Letter from Paris Smith, Number 1, London Road, dated 23 November 2015
29. Letter from Drew Planning & Development, 86 Calbourne Road, London, dated 23 September 2015
30. Letter from John Islip Street Freehold Ltd, 24 John Islip Street, London, dated 6 October 2015 and 29 March 2016
31. Letter from occupier of 76 Millbank court, John Islip Street, dated 23 September 2015
32. Letter from occupier of 15 Millais House, London, dated 23 September 2015
33. Letter from occupier of 82 Millbank Court, 24 John Islip street, dated 23 September 2015
34. Letter from occupier of 51 Millbank Court, 24 John Islip Street, dated 23 September 2015
35. Letter from occupier of 77 Millbank Court, 24 John Islip Street, dated 23 September 2015
36. Letter from occupier of 94 Millbank Court, John Islip Street, dated 24 September 2015
37. Letter from D2 Planning, Suites 3 & 4 Westbury Court, Church Road, Westbury on Trym, dated 28 September 2015
38. Letter from occupier of Flat 21, Millbank Court, 24 John Islip Street, dated 29 September 2015
39. Letter from occupier of 21-24 Millbank, Millbank Tower, dated 1 October 2015

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

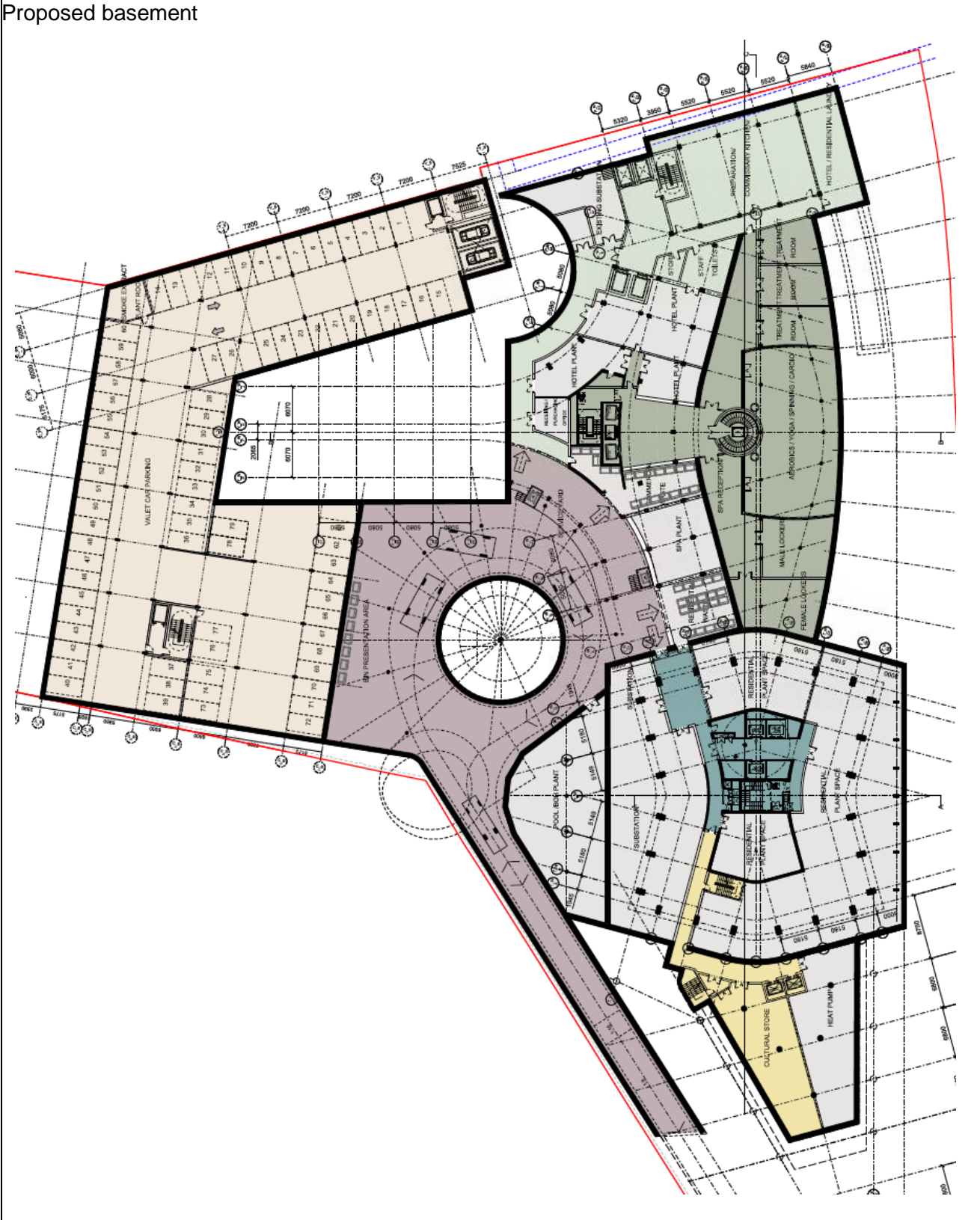
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT RUPERT HANDLEY ON 020 7641 2497 OR BY EMAIL AT rhandley@westminster.gov.uk

Item No.

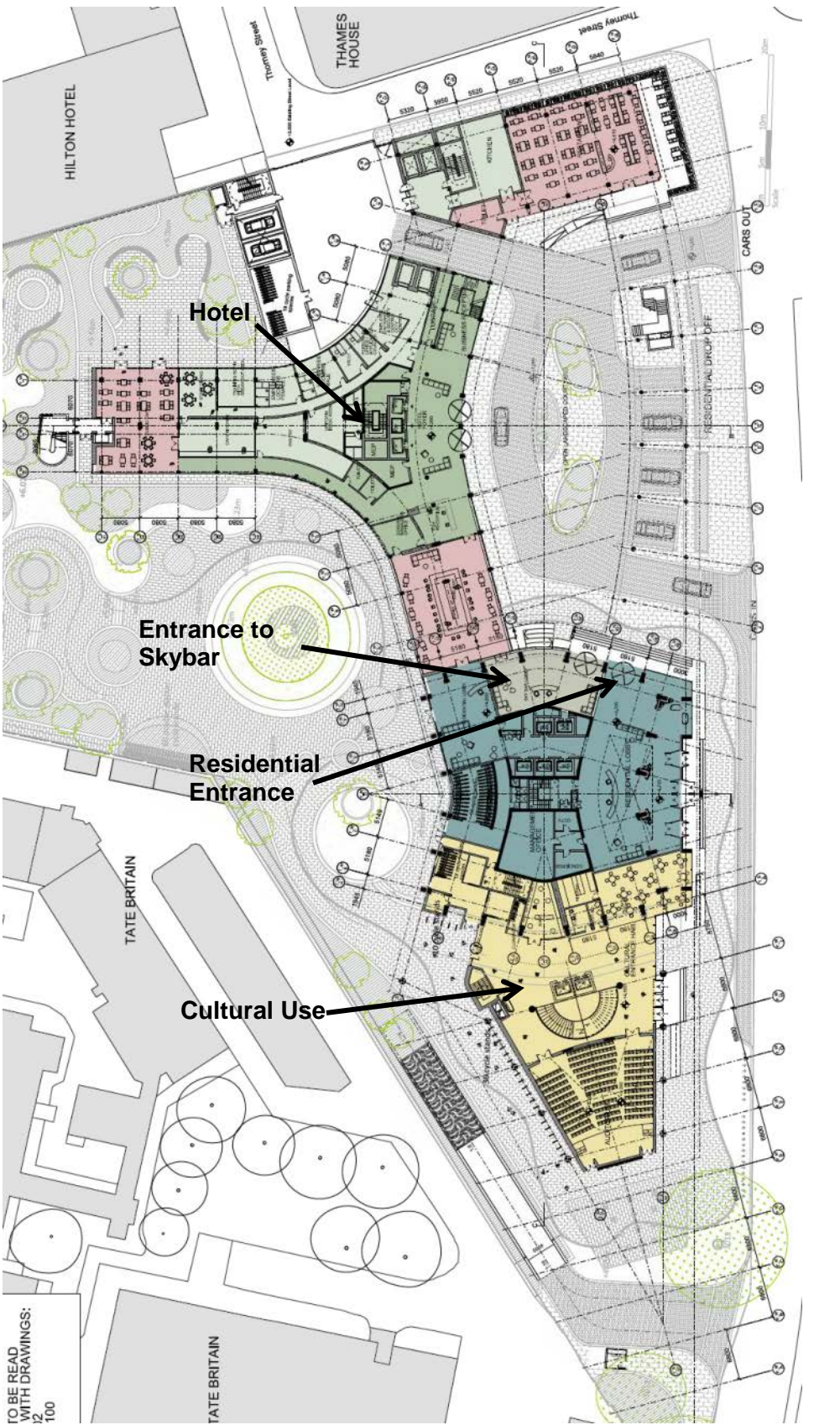
4

10 KEY DRAWINGS

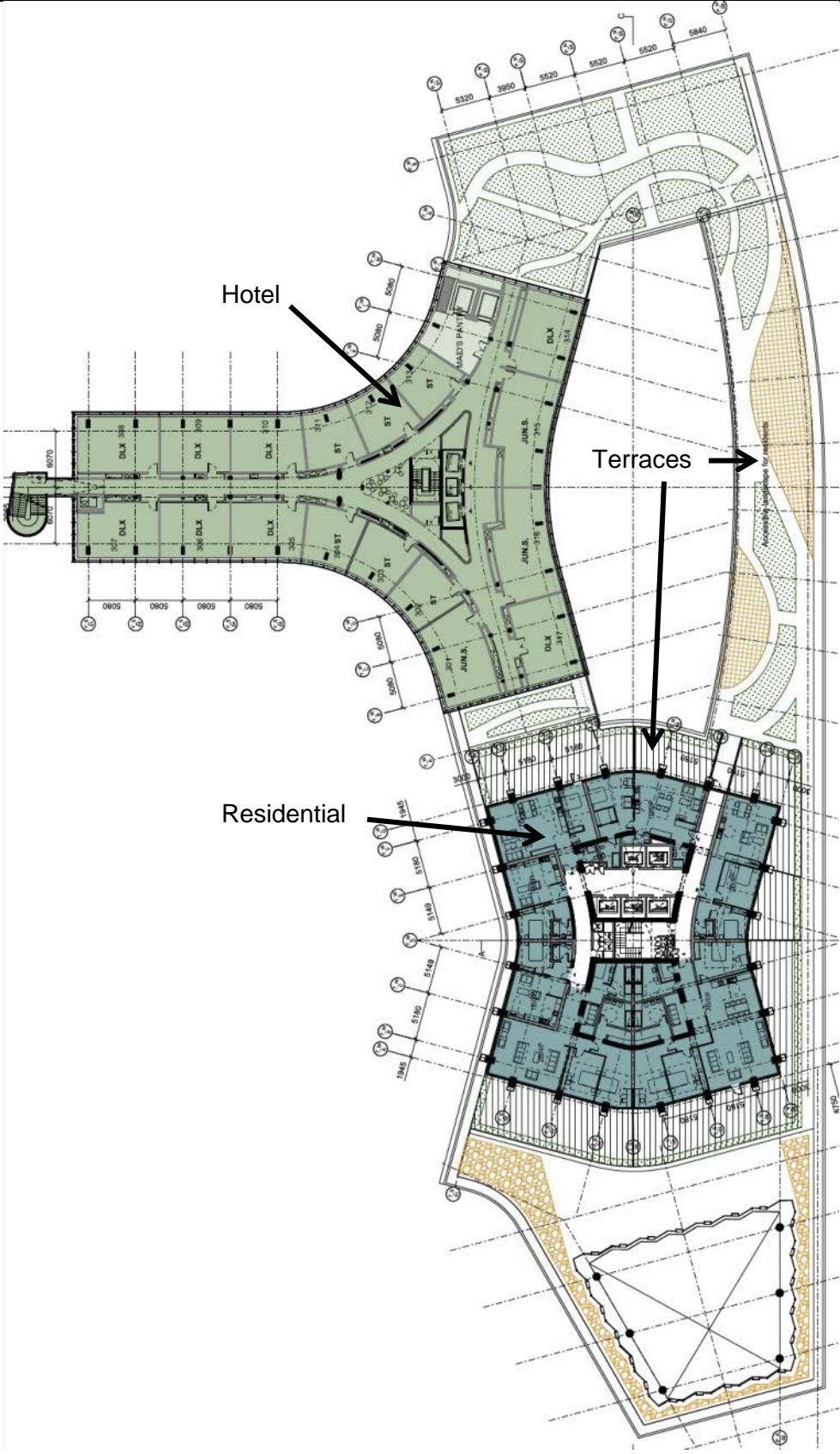
Proposed basement



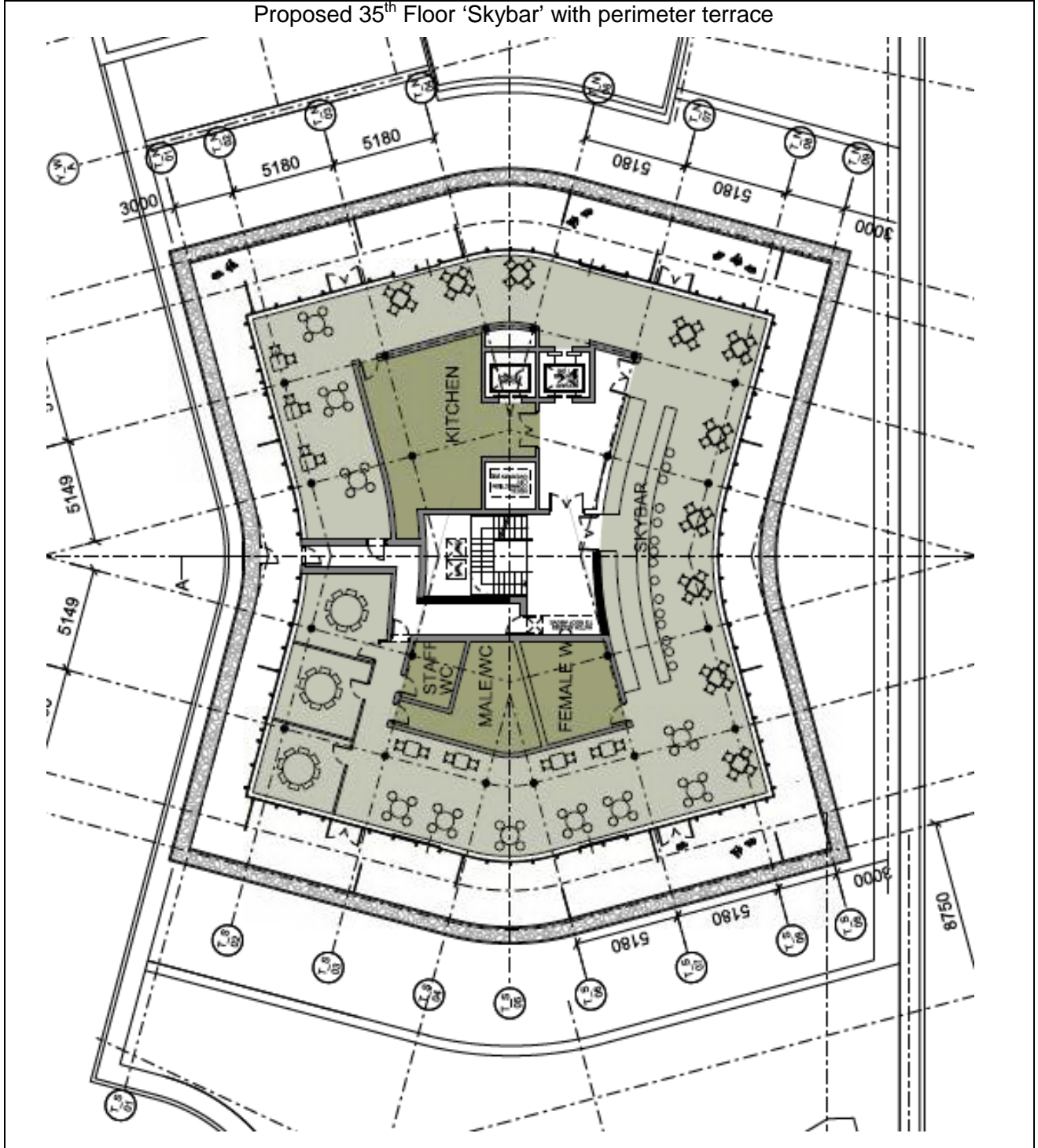
Proposed Ground Floor



Proposed Third Floor



Proposed 35th Floor 'Skybar' with perimeter terrace





Existing East Elevation



Proposed East Elevation

DRAFT DECISION LETTER

- Address:** Development Site At Millbank Complex, 25 Millbank, London, SW1P 4QP
- Proposal:** Refurbishment and replacement of facades and erection of 2 additional floors and plant enclosure to both Millbank Tower and 1 additional floor to the Y buildings; excavation of basement levels; demolition of rear car park in association with re-landscaping and reconfiguration of wider site; all in association with the use of the Tower as 207 private residential flats (Class C3) and Skybar (ancillary to adjacent Class C1), the south podium and part of tower as an arts/ cultural facility (Class D1) and the north podium and Y buildings as a 150 bedroom hotel (Class C1) with restaurant, bar and cafe at ground floor level. Use of roof of podium building as a terrace with associated alterations. [EIA Development]
- Plan Nos:** Statement of community involvement; heritage impact assessment dated August 2015 and addendum dated February 2016; façade investigation report by Sandberg; Statement of significance; townscape and visual assessment dated February 2016; Design and access statement dated August 2015 and addendum dated February 2016; transport assessment dated August 2015 and addendum dated February 2016; energy report dated August 2015 and addendum dated February 2016; sustainability report dated August 2015 and addendum dated February 2016; construction management plan dated August 2015 and addendum dated February 2016; planning statement dated August 2015 and addendum dated February 2016; drainage assessment dated August 2015 and addendum dated February 2016; environmental statement non-technical summary dated August 2015 and addendum dated February 2016; environmental statement volume 1 dated August 2015 and addendum dated February 2016; environmental statement volume 2 dated August 2015 and addendum dated February 2016; environmental statement volume 3 dated August 2015 and addendum dated February 2016; File note by Alan Beadle dated 17 March 2016; 1631-G200-P-B3-001 B; 1631-G200-P-B2-001 E; 1631-G200-P-B1-001 F; 1631-G200-P-00-001 E; 1631-G200-P-00-002 E; 1631-G200-P-01-001 F; 1631-G200-P-02-001 F; 1631-G200-P-03-001 D; 1631-G200-P-04-001 D; 1631-G200-P-05-001 B; 1631-G200-P-06-001 B; 1631-G200-P-07-001 B; 1631-G200-P-08-001 D; 1631-G200-P-09-001 B; 1631-G200-P-10-001 A; 1631-G200-P-32-001 C; 1631-G200-P-33-001 D; 1631-G200-P-34-001 D; 1631-G200-P-35-001 D; 1631-G200-P-36-001 A; 1631-G200-S-AA-001 A; 1631-G200-S-AA-002 A; 1631-G200-S-BB-001 A; 1631-G200-S-CC-001 A; 1631-G200-E-N-001 A; 1631-G200-E-E-001 B; 1631-G200-E-S-001 A; 1631-G200-E-W-001 A; 1631-JC20-P-B-100 B; 1631-JC20-P-00-001 B; 1631-JC20-P-01-001 B; 1631-JC20-P-TY-001 B; 1631-JC20-P-RF-001 B; 1631-JC20-EX-E-N-001; 1631-JC20-EX-E-S-001; 1631-JC20-EX-E-E-001; 1631-JC20-EX-E-W-001; 1631-G100-XP-AL-001 P1; 1631-G200-XP-AL-002 P1; 1631-G200-XS-BB-100 P1; 1631-G200-XP-B-001 P1; 1631-G200-XP-MG-001 P1; 1631-G200-XP-00-001 P1; 1631-G200-XP-01-001 P1; 1631-G200-XP-02-001 P1; 1631-G200-XP-03-001 P1; 1631-G200-XP-11-001 P1; 1631-G200-XP-25-001 P1; 1631-G200-XP-31-001 P1; 1631-G200-XP-32-001 P1; 1631-G200-XP-33-001 P1; 1631-G200-XP-RF-001 P1; 1631-G200-ES-AA-001 P1; 1631-G200-ES-BB-001 P1; 1631-G200-ES-CC-001 P1; 1631-G200-EX-E-N-001 P1; 1631-G200-EX-E-E-001 P1; 1631-G200-EX-E-S-001 P1; 1631-G200-EX-E-W-001 P1.
For information only: basement impact assessment dated August 2015 and

Item No.
4

addendum dated February 2016; structural concept report dated August 2015 and addendum dated February 2016;

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of details of the following:

- 1) Provision of targets for river bus use for the different occupiers of the building (which reflect the targets set out within the River Action Plan);
- 2) Measures to encourage river bus use.

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

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2, TRANS 3, TRANS 12 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007.

- 4 Notwithstanding that shown on the approved plans, 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 until we have approved what you have sent us. You must then carry out the work using the approved materials.
Pre-Commencement Condition.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1,

DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 5 You must apply to us for approval of a full size (1:1 scale) sample of a typical bay of both the tower and Y building facades. These must be inspected alongside an original, corresponding, bay (to the tower and Y building) either in situ or removed from the building and reconstructed for the purpose. You must not start work until we have approved what you have sent us. You must then carry out the work in accordance with the approved samples. Pre-Commencement Condition.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 6 You must apply to us for approval of detailed drawings showing the proposed window blinds for the building complex. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work in accordance with the approved details.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 7 Notwithstanding that shown on the approved plans, you must apply to us for approval of detailed plans, elevations and x-sections of the new cladding systems for the building complex. Similar details of the existing cladding systems at the same scale must be submitted for comparison purposes. You must not start work until we have approved what you have sent us. You must then carry out the work according to these approved details. Pre-Commencement Condition.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 8 Notwithstanding that shown on the approved plans, you must apply to us for approval of detailed drawings including a plan to show the location on the site of the following parts of the development:

- i) the car lift structure and adjacent cycle store at a scale of 1:50
- ii) any new external doors at a scale of 1:10
- iii) any new gates, railings, boundary walls or balustrades at a scale of 1:10
- iv) the new opening in the ground floor (access to car lift) at a scale of 1:50
- v) the infilled section of the ground floor at a scale of 1:50

vi) the cycle store within the rear garden

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 9 You must not put any satellite or radio antennae or other structures on the roofs of the complex unless they are wholly contained within the approved roof top enclosures. They must not project beyond the top of any enclosure.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development protects the setting of adjacent and nearby conservation areas. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 9 (F), DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces or balconies unless otherwise indicated on the approved drawings.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 11 You must apply to us for approval of details of public art including drawings, materials, samples etc and any other supporting documents as appropriate. You must not start work on the relevant parts of the development until we have approved what you have sent us. You must then carry out the work in accordance with these details and you must install the public art in accordance with the details approved prior to occupation, unless we approve an alternative timeframe in writing.

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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 12 You must provide the waste store shown on drawing 1631-G200-P-B1-001 F or in accordance with other arrangements as submitted to and approved by the City Council before anyone moves into the buildings. You must clearly mark them and make them available at all times to everyone using the buildings. You must store waste inside the property and only put it outside just before it

is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 13 You must provide each cycle parking space shown on the approved drawings prior to occupation of each phase. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 14 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme an additional 59 short stay cycle parking spaces. You must not occupy any part of the site until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To provide cycle parking spaces for people using the development as set out in Table 6.3 of the London Plan adopted March 2015.

- 15 Prior to the occupation of any part of the building an updated Delivery Service Management Plan must be submitted to and approved in writing by the City Council. The updated DSMP will outline clearly the operating procedures for servicing of the proposed site to include details of storage locations, scheduling of deliveries and staffing (to include coach activity). The servicing must thereafter only be operated in accordance with these details.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 16 You must provide a headroom of at least 4.5m (clear unobstructed height above the floor surface level) across the full width of the entrance to the service bay, and throughout the service bay itself. (C23EA)

Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23BB)

- 17 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 S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 18 You must apply to us for approval of details of a Car Park and Lift Management Plan, which should explain in detail how the valet system will work, including that car parking spaces will be unallocated, maintained for the life of development, how the spaces will cater for at least 20% of vehicles needing to be charged and how the lift maintenance schedule will seek to ensure as little downtime as possible. You must not occupy the residential part of the development until we have approved what you have sent us. Thereafter the development shall be managed in accordance with the approved plan.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 No vehicles shall enter the site from Thorney Street.

Reason:

To avoid blocking the surrounding streets and to protect the environment and safety of people in neighbouring properties as set out in S42 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 20 (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 by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless

and until a fixed maximum noise level is approved 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 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 L A90, 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 21 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 22 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 including to residential dwellings within the application site itself, as set out in Condition 20 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 23 (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 cultural or skybar 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 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 cultural or skybar 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 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 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 24 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

The design of the separating wall and/or floor should be such that the received value in the residential habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LFM_{ax} in the octave bands of 63 Hz & 125 Hz.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 25 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the sound insulation will be sufficient to protect residential from break-out of internal activity noise and that the development will comply with the Council's noise criteria set out in Condition 23 and 24 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 26 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and

acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 27 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) 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 by an emergency loss of power.
- (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.

Reason:

As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 28 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 commence works to build out the sub-structure of the relevant parts of the development until we have approved these details. You must then carry out the works in accordance with these details and maintain them thereafter.

Reason:

To protect the environment of people in neighbouring properties as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 29 No live or recorded music shall be played in the non residential parts of the building that is audible outside of the premises.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 30 You must not use the Class D1 floorspace hereby approved, until further details of the proposed occupier and operation of the floorspace have been submitted to and approved by us in writing. The further details shall include information on the nature of the Class D1 use, hours of use, numbers of staff and customers/visitors and indicative layout plans for the premises.

The Class D1 use must thereafter operate in accordance with the details approved by us under

this condition.

Reason:

Because this is a residential neighbourhood, we need to prevent use of the property for any unsuitable purposes. This is as set out in S29 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and SOC 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R10AC)

- 31 Customers shall not be permitted within the skybar at 35th floor level outside the following times: between 07.00 and 02.00 (the following day)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 32 The gardens to the west of the 'Y' building and the terrace at 35th floor level of the tower shall not be used outside of the following hours 07:00 and 22:00.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and ENV13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 33 The glass that you put in the end windows in the easternmost elevation of the Y building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 34 You must not use the roof of the Y building, car lift, northern or southern end of the podium (as shown on the approved third floor plan) for sitting out or for any other purpose. You can however use the roofs to escape in an emergency or for maintenance purposes. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 35 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. 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 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 S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 36 Notwithstanding the submitted drawings, you must apply to us for approval of detailed drawings (including cross referenced plans to show their location) of a hard and soft landscaping scheme which includes:
- i) The number, size, species and position of trees and shrubs;
 - ii) details of wind mitigation measures as set out in section 12.20 (or suitable alternative arrangements) of the Environmental Statement Addendum Non-Technical Summary Volume I;
 - iii) details of the planting at the northernmost end of the podium roof (third floor level) which must not exceed 0.5m in height when mature.

You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, to improve its contribution to biodiversity and to enhance the quality of local environment. This is as set out in S29 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 37 (a) You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the details of such supervision including:
- o identification of individual responsibilities and key personnel.
 - o induction and personnel awareness of arboricultural matters.
 - o supervision schedule, indicating frequency and methods of site visiting and record keeping
 - o procedures for dealing with variations and incidents.

You must not start any work until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

(b) You must produce written site supervision reports as detailed in part (a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees,

root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 38 Notwithstanding that shown on the approved plans, you must not put planters, tubs, tables, chairs or adverts on the road or pavement. (C24BA)

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

39 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

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

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 40 **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, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

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

receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

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 STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 41 Prior to occupation of any part of the building, you must submit for approval in writing by the City Council, in consultation with the GLA details of how the Water Source Heat Pump and Combined Heat and Power systems will work together to optimise efficiencies. This should include of how the building has been designed to minimise pipe lengths as far as possible. The development shall thereafter be carried out in accordance with these approved details and maintained thereafter.

Reason:

To ensure the development achieves carbon reduction through the use of onsite sustainable technologies, in accordance with S40 in Westminster's City Plan: Strategic Policies that we adopted in November 2013.

- 42 The Hotel and Cultural uses shall achieve BREEAM 'excellent' rating of higher (or any such national measure of sustainability for non residential design that replaces that scheme of the same standard). You must not occupy these parts of the building until a copy of a Building Research Establishment (or equivalent independent assessment) Final post Construction Stage Assessment and Certification, confirming that the non-residential building has achieved BREEAM 'Very Good' rating or higher, has been submitted to an approved by us.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

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 Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, 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 You are advised that you will need to obtain a license from the Port of London Authority for the provision of a Water Source Heat Pump. Contact details are as follows: 01474 562385 www.pla.co.uk
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 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 phone 020 7641 2642. 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). (I09AC)
- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 6 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all

administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 7 The term 'clearly mark' in condition 12 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 8 You are encouraged to liaise with London Taxi and Private Hire as to whether a taxi rank can be provided on site.
- 9 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 10 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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 11 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;

* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;

* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;

* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;

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

- 12 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

* Lighting - ensure luminaires can be safely accessed for replacement.

* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

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

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

- 13 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 14 You should ensure that the details you submit to satisfy the construction management and tree protection conditions are prepared in conjunction with each other, as adequate protection of trees on and adjacent to the site will rely heavily on an appropriate means of construction

- 15 Condition 35 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:

* the order of work on the site, including demolition, site clearance and building work;

- * who will be responsible for protecting the trees on the site;
- * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
- * how you will deal with accidents and emergencies involving trees;
- * planned tree surgery;
- * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
- * how you will remove existing surfacing, and how any soil stripping will be carried out;
- * how any temporary surfaces will be laid and removed;
- * the surfacing of any temporary access for construction traffic;
- * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- * the place for any bonfires (if necessary);
- * any planned raising or lowering of existing ground levels; and
- * how any roots cut during the work will be treated.

- 16 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:

Contaminated Land Officer
 Environmental Health Consultation Team
 Westminster City Council
 Westminster City Hall
 64 Victoria Street
 London SW1E 6QP

Phone: 020 7641 3153
 (I73CA)

- 17 Waste Comments - Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. You are advised to lease with Thames Water Development Control Department (telephone 0203 577 9998).

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a

developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling

- 18 In relation to condition 38, you are advised to contact the Port of London Authority in relation to the use of the Thames for construction. www.pla.co.uk; telephone 01474 562385.