

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 May 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Vincent Square	
Subject of Report	Development Site At Millbank Complex, 21 - 30 Millbank, London, SW1P 4QP		
Proposal	Variation of Conditions 1 and 43 of planning permission dated 28th June 2016 (15/07756/FULL) for '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 hotel (Class C1) with restaurant, bar and café at ground floor level. Use of roof of podium building as a terrace with associated alterations' NAMELY to allow changes to list of approved plans to allow an increase in number of hotel bedrooms from 150 to 232, complete demolition and rebuilding of the prow to allow for reconfiguration of arts/cultural facility, amendments to the residential mix/layouts in the tower, re-configuration of basement car parking and servicing area, adjustments to landscaping and associated amendments.		
Agent	DP9		
On behalf of	Basio Holdings Ltd		
Registered Number	18/09095/FULL and 18/09096/LBC	Date amended/ completed	24 October 2018
Date Application Received	24 October 2018		
Historic Building Grade	Grade II		
Conservation Area	Millbank		

1. RECOMMENDATION

Recommendation

1. Grant conditional permission subject to the views of the Mayor and subject to a deed of variation to the S106 legal agreement dated 28th June 2016 (ref 15/07756/FULL) to secure:

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

- i. The provision of a cultural facility on a 125 year lease with a peppercorn rent for 50 years, with the end user to be agreed by the City Council prior to the occupation of the cultural facility;
- ii. A contribution of £2.5million (index linked) towards the fitting out of the cultural facility to be paid prior to the proposed occupier of the cultural facility starting its works to fit out the proposed cultural facility;
- iii. The provision of a publicly 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. A payment of £59,115.84 (index linked and payable on commencement) towards Employment, Training and Skills Development;
- viii. Costs of monitoring the S106 agreement;
- ix. Unallocated parking.
- x. A payment of £619,000 towards Carbon Offset (index linked and payable on commencement)
- xi) A payment of £1,685,577 towards the council's affordable housing fund (index linked and payable on commencement of development) with a late stage review mechanism.

The applicant has requested that the payment towards carbon offset is split 50:50 on commencement and prior to occupation. Whilst this request is noted our normal policy is for planning obligation payments to be made on commencement to allow for the carbon offsetting projects to be planned so that they can be in place prior to the occupation of the development.

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution (7 July 2020) then:

- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
- b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent

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

2. SUMMARY

The Millbank Tower complex is made up of three main components; the tower; the 'Y-shaped' building and the podium. The building is listed grade II. The complex is currently in office use, with some bar, restaurant and cafe uses within the podium and some entertainment uses within the tower at second and twenty ninth floors.

The site is located outside of a designated conservation area but is within the Core Central Activities Zone (CAZ) and the Millbank Strategic Cultural Area. The site falls within Flood Zone 3 (Rapid Inundation Zone).

Millbank Court is a residential block of flats built at the same time as the Millbank Tower complex and located to the rear of the site on John Islip Street. Millbank Court which is under separate ownership, is separated from the Millbank Tower complex by a multi-storey car park and an area of landscaped open space.

Planning permission and listed building consent were granted on 28 June 2016 for significant refurbishment, alteration and extension of the buildings on the site in connection with the change of use to provide 207 private residential flats within the tower, a 150 bedroom hotel within the podium and 'Y-shaped' building and an arts/cultural facility (D1) within the podium and part of the tower. The scheme included the excavation of basements, re-cladding of the buildings, demolition works, re-landscaping and extension of the tower by two storeys (plus plant room) and one storey to the 'Y-shaped' building. A certificate of lawfulness granted on 25 June 2019 confirms the lawful implementation of this planning permission. This permission is referred to as the extant planning permission in this report.

A s96A (non-material amendment) application was approved on 16 March 2020 to amend the description of development to the extant planning permission, namely to remove reference to the number of bedrooms proposed in the hotel and to add a new condition to state 'The proposed development shall provide the following in accordance with the plans hereby approved: a 150-bedroom hotel (Class C1)'.

The revisions to the extant permission have been submitted as a s73 application under the Town and Country Planning Act 1990 (as amended) to vary conditions 1 and 43 of the extant planning permission (also known as a minor material amendment application). The amendments sought include changes to the layout and mix of the residential units within the tower, (the number of residential units to remain at 207), additional demolition work and excavation to the prow, an increase in the size of the hotel (hotel bedrooms to increase from 150 to 232.) and amendments to basement servicing, basement car parking and landscaping.

The key issues with this application are:

- * The impact of the additional demolition of the prow on the special character of the Millbank complex;
- * The reassessment of the amendment application against our affordable housing policies;
- * The impact of the proposed amendments to the hotel on the amenity of nearby residents; and
- * The impact of the proposed amendments on parking and servicing.

Objections have been received to the amendment application on the grounds of loss of office floorspace and that the proposed residential use is contrary to Policy S20 of the City Plan. However, permission has previously been granted for the change of use from office to residential and the extant permission is a significant material consideration. Given that the amendment application is substantially similar to the extant planning permission in terms of the loss of office accommodation, the proposal is considered acceptable in land use terms.

A letter of support has been received from University of Arts London stating that the BFI would be a welcome addition to Millbank and would strengthen the local cultural offer considerably.

The changes to residential layout and mix of the residential flats complies with policy and is considered acceptable. The financial viability of the amendment application has been retested and full details of this are set out in the main report. In summary it has been concluded that the scheme can support a payment of £1.685m in lieu of affordable housing. It is recommended this is secured through a S106 deed of variation.

The design conclusions for the extant scheme were that some of the works proposed lead to less than substantial harm to the heritage asset of the Millbank Complex within the terms of the guidance in the NPPF. However, it was concluded that the public benefits associated with the extant planning permission scheme would outweigh the less than substantial harm generated within the terms of the NPPF. It is considered that the additional demolition to the prow proposed as part of the amendment application to allow the British Film Institute to occupy the cultural use as their Future Film Centre would also lead to less than substantial harm to the heritage asset. However, it is also considered that the public benefits associated with scheme would outweigh the less than substantial harm generated within the terms of the NPPF, namely the renovation of the building complex, the removal of the car park deck, the improved public realm and landscaping, the provision of a major cultural facility at a peppercorn rent for 50 years (with £2.5million towards fitting out), and free public access to the 'Sky bar'. Details of how the BFI intend to use the cultural space are set out in the main report.

The principle of providing a hotel within the Y building and podium has been agreed as part of the extant planning permission. The amendment application seeks to increase the size of the hotel with an additional 4265sqm of hotel floorspace and to increase the number of bedrooms from 150 to 232. Given that the hotel retains adequate on-site facilities, including basement servicing, spaces for the setting down and picking up of visitors by taxis and coach parking on Millbank and that conditions are recommended to control the hours of operation of the 'Sky bar' and hotel gardens, it is not considered that the larger hotel that forms part of the amendment application will cause adverse environmental and traffic effects or cause harm to residential amenity of neighbouring occupiers.

Other than minor works to the prow and to the hotel plant room on the Y building, the amendment application remains substantially similar to the extant planning permission in terms of height, bulk and massing. On this basis the impacts to residents of Millbank Court in terms of loss of daylight, sunlight and privacy remain the same as with the previously approved scheme.

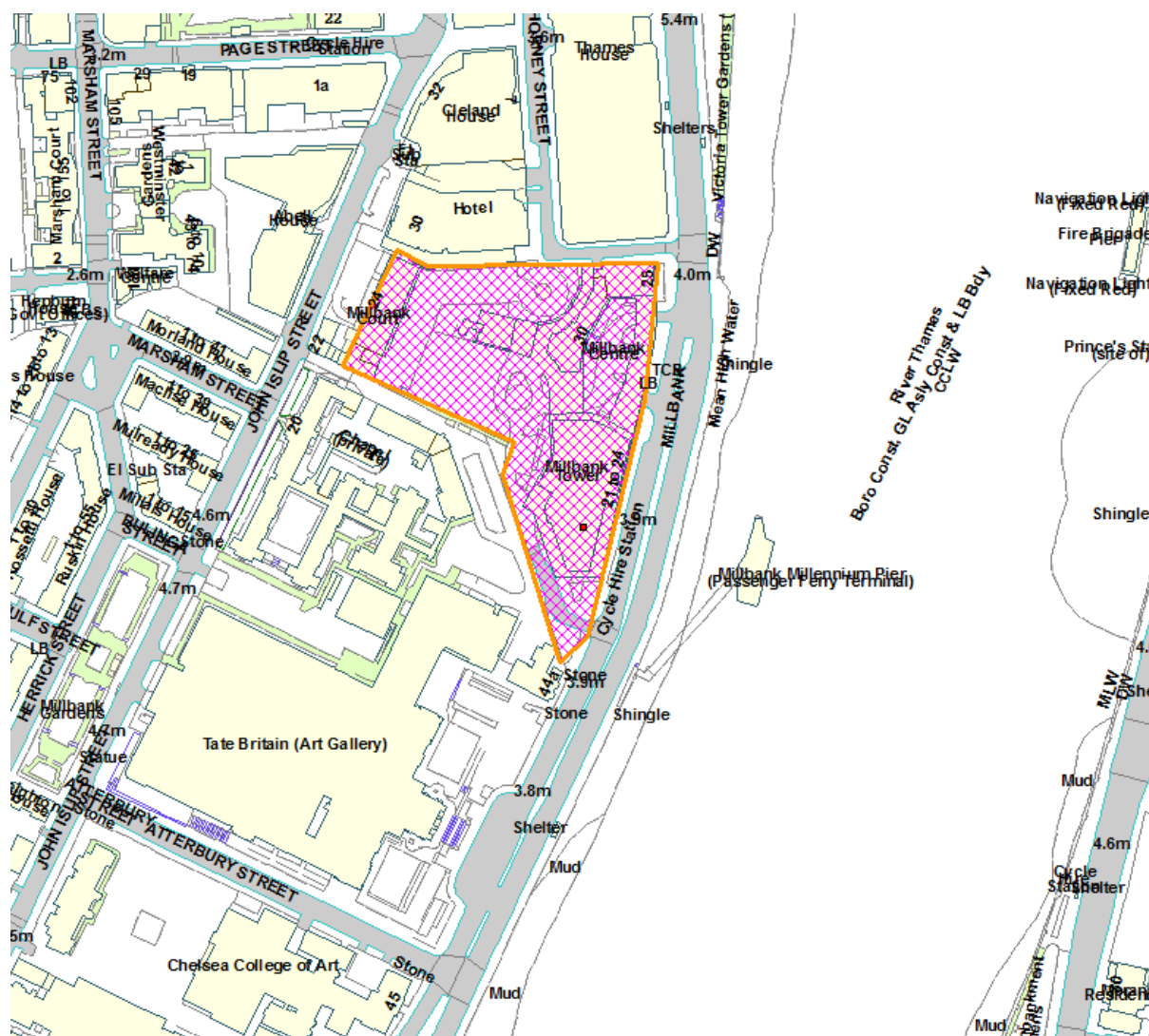
In all other respects the scheme remains similar to the extant planning permission. Minor changes are proposed to basement servicing, basement car parking and landscaping. However, for the reasons set out in the main report these are considered acceptable in policy terms.

Letters of objection have been received to the scheme from residents of Millbank Court, from the

Millbank Court Management Company, from an occupier of Millbank Tower and from the Thorney Island Society largely on amenity, design and land use terms. For the reasons set out in the report a refusal on these grounds is not considered reasonable. Concerns have also been raised as to whether the scope of the amendments proposed could be considered to fall within a minor material amendment (s.73) application. Officers are satisfied that the proposed changes in the amendment application do not amount to a fundamental alteration to the extant scheme and so can be considered as a minor material amendment. The changes have been assessed under current policy including the affordable housing through the submission of an updated financial viability report.

For the reasons set out in this report, the proposed development accords with the relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). As such, it is recommended that planning permission is granted, subject to the conditions set out in the draft decision letter and the completion of a deed of variation to the legal agreement dated 28th June 2016 secured under the extant planning permission. (ref 15/07756/FULL).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Satellite image of Millbank Complex showing the tower, the Y building and the podium. Millbank Court sits to the rear.



View of Millbank Tower from rear



View of rear showing existing service road and rear elevation of Y building.

5. CONSULTATIONS

Ward Councillors for Vincent Square

Request that this application be referred to committee for determination.

Historic England

Do not wish to offer any comments.

Historic England (Archaeology)

The development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. A two-stage archaeological condition could provide an appropriate safeguard. This would comprise evaluation to clarify the nature and extent of surviving remains followed if necessary by a full investigation.

Environment Agency (Thames Region)

No objection to the proposed variation of condition. Westminster City Council is the competent authority on matters of evacuation or rescue and therefore should assess the adequacy of the evacuation arrangements.

Transport for London

The residential car parking is excessive. It should be revised to Draft London Plan policy which in this location should be car-free with blue badge provision only. TfL does not support the re-provision of car parking to Millbank Court. Any car parking proposed should incorporate 20% active and 80% passive Electric Vehicle Charging Points. The cycle parking should be updated to reflect Draft London Plan policy. A Delivery and Servicing Plan and Construction Logistics Plan should be secured by condition.

Greater London Authority

London Plan and draft London Plan policies on the CAZ; culture; employment; housing; affordable housing; urban design; historic environment; inclusive design; transport; and climate change, are relevant to this application. The application does not fully comply with the London Plan and the draft London Plan in terms of Climate change (Further information regarding energy efficiency and renewable energy is required, Transport (the proposed level of car parking is excessive).

Port of London Authority

No objection in principle to the variation of condition 1. However, the PLA considers that an updated Travel Plan should consider measures to promote riverbus services.

Natural England

No comment to make on the variation of condition 1.

Highways Planning Team - City Highways

No objections to the amended car parking, cycle parking or servicing arrangements. The reduction in available parking to Millbank Court residents is considered acceptable given the circumstances of the case.

Waste Project Officer

No objections subject to attaching waste condition.

Arboricultural Section

Objects to the loss of trees from the site and to the design of the new landscaped areas which will be provided in discrete areas of raised planters and small individual planters. It is suggested that details of tree protection, landscaping and green roofs are reserved by condition and a section 106 agreement to provide offsite tree planting is secured.

Thames Water Utilities Ltd

Any response to be reported verbally.

Designing Out Crime

Any response to be reported verbally.

London Borough Of Lambeth

No objection

Thorney Island Society

- Disappointed there has been no change to the mix of residential units
- It is extremely difficult to assess how the windows on the building will look in reality and in comparison to the present appearance of the facades.
- The rebuilding of the prow is inevitable with such a radical reconfiguration of the interior. We are concerned that the double height space will be conspicuously different from the rest of the façade.
- Comment that the glazing in the prow is shown as clear in contrast to the existing tinted glass (the glass should be the same as on the rest of the façade), the new hotel windows and the extended plinth below are out of sympathy with the sleek Modernist style of the building and will the reduction in Millbank Court parking spaces affect demand on local streets?

National Rivers Authority

Any response to be reported verbally.

London Rivers Association

Any response to be reported verbally.

Building Control - Development Planning

Any response to be reported verbally.

National Planning Casework Unit

Any response to be reported verbally.

Westminster Society

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 235

Total No. of replies: 11

No. of objections: 10

No. in support: 1

Letters of objection have been received from individual Millbank Court residents, from the Freeholder and Management Company of Millbank Court and from a commercial occupier of the 20th floor of Millbank Tower. The letters raise the following issues:

Amenity

- Loss of sunlight and loss of outlook to Millbank Court residents from the additional height.
- Additional noise and disturbance from the hotel.
- The additional hotel bedrooms would bring about undesirable impacts on the amenity enjoyed by the residents of Millbank Court from additional servicing, late night arrivals, taxis, coaches and late night functions.

Design

- The extra height and the intensification of uses will harm the listed building.

Land Use

- There has been a substantial change in the adopted development plan policy since the previous consent was granted. e.g. Policy S20 Offices and other B1 Floorspace.
- The council should consider development plan policies that have changed significantly since the grant of the original permission. Protecting office space from being converted to residential use is a significant change and one that is fundamental to the scheme irrespective of whether an existing permission exists.
- Do not believe that there are any benefits associated with the proposals, as required by S20, which outweigh the significant impact the proposals will have on the economy.
- A new application would not be acceptable today as the scheme proposes the loss of existing office space and the absence of any affordable homes.
- Proposal will intensify impact e.g. additional hotel bedrooms, smaller residential units and increased leisure facilities.
- The use of the cultural facility by the BFI appears to be more like a D2 use than a D1 use and the screenings are likely to lead to the potential for noise and disturbance.
- Further details on the proposed BFI use are required.

Procedure

- The changes requested under the variation of condition are too substantial / fundamental to be carried out under a Section 73 application. e.g. increase in hotel bedrooms from 150 to 232 (50% increase).
- The changes should be considered as a new planning and listed building application and not an amendment.
- If a new planning application is not considered necessary all aspects of the scheme should be considered in light of current policies which have evolved since 2016.

Other

- There has been at least 5 years consecutive building noise pollution in the area. e.g. On Horseferry Road.
- The approved scheme is not implementable.

Support

One letter of support has been received from the University of the Arts (UAL). This letter states that the proposed cultural facility would be a very welcome addition to Millbank and it would strengthen the local cultural offer considerably. The grouping of the BFI alongside the UAL would create a very compelling cultural destination to Londoners covering a broad range of cultural interest.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The Millbank Tower complex is made up of three main components; the tower; the 'Y-shaped' building and the podium. The building is listed grade II. The complex is currently in office use, with some bar, restaurant and cafe uses within the podium and some entertainment uses within the tower at second and twenty ninth floors.

The site is located outside of a designated conservation area but sits between Smith Square Conservation Area to the north and Millbank Conservation Area to the south. The complex is also prominent in backdrop views of the Westminster World Heritage Site, (Palace of Westminster and Westminster Abbey including St Margaret's Church).

The site is within the Core Central Activities Zone (CAZ), the Millbank Strategic Cultural Area and Flood Zone 3 (Rapid Inundation Zone).

Millbank Court is a residential block of flats built at the same time as the Millbank Tower complex and located to the rear of the site on John Islip Street. Millbank Court which is under separate ownership, is separated from the Millbank Tower complex by a multi-storey car park and an area of landscaped open space. There is however a dedicated access point from the Millbank Court forecourt to the multi-storey car park.

6.2 Recent Relevant History

20/00947/NMA

Amendments to planning permission dated 26 June 2016 (RN: 15/07756) for 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 Sky bar (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, NAMELY, to amend the description of development to the following: '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 Sky bar (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 hotel (Class C1) with restaurant, bar and café at ground floor level. Use of roof of podium building as a terrace with associated alterations' and that a new condition be added to the planning permission to state 'The proposed development shall provide the following in accordance with the plans hereby approved: o 150-bedroom hotel (Class C1)'.

Agree non-material amendment 16 March 2020

19/03492/CLEUD

Confirmation of lawful implementation of planning permission dated 28 June 2016 (RN: 15/07756/FULL) for the: 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 Sky bar (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.

Grant certificate 25 June 2019.

18/07687/EIASCO

Request for scoping opinion for Variation of Condition 1 of planning permission dated 26 June 2016 (15/07756/FULL), NAMELY to allow changes to list of approved plans to allow an increase in number of hotel bedrooms from 150 to 232, re-configuration of the arts/cultural facility within the prow, amendments to the residential mix/layouts in the Tower, adjustments to landscaping and associated amendments pursuant to Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Observations issued on applicant's scoping report 6 November 2018

15/07756/FULL & 15/09739/LBC

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 Sky bar (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.

Application Permitted 28 June 2016

Discharge of Planning Conditions

A number of planning conditions have been discharged relating to the extant planning permission 15/07756/FULL and the listed building consent 15/09739/LBC

17/10149/ADFULL

Details of contaminated land investigation report (Phase 1 site history and environmental information) pursuant to Condition 40(1).

Permitted 27.11.2017

17/10726/ADFULL

Details of written scheme of investigation for a programme of archaeological work pursuant to Condition 39(a).

Permitted 22.12.2017

18/01430/ADFULL

Details of Trees Method Statement pursuant to conditions 35 and 37 (a)

Permitted 27.04.2018

18/04762/ADFULL

Details of Ground Investigation and Contaminated Land pursuant to Condition 40 (Phase 2)

Permitted 18.09.2018

18/08015/ADFULL & 18/08016/ADLBC

Samples of facing materials, detailed drawings of typical bay of both the tower and Y building facades and details of cladding system pursuant to conditions 4,5,7 of the planning permission and 5,6,8 of the listed building consent.

Permitted 19.11.2018

19/00492/ADFULL

Details of ground investigation and contaminated land assessment (remediation strategy) pursuant to condition 40 (phase 3)

Permitted 13.02.2019

7. THE PROPOSAL

Table 1 Land Use Mix

Land Use	Existing GEA (sqm)	Consented scheme (GEA) (sqm)	Revised scheme GEA (sqm)	Change from consented (sqm)
Offices (B1)	57,453	0	0	0
Restaurant (A3)	541	0	0	0
Event Space (Sui Generis)	4,458	0	0	0
Cultural (D1)	0	5,474	4,624	-850
Hotel (C1)	0	20,242	24,507	4265
Residential (C3)	0	45,190	43,599	-1591
Total	62,453	70,906	72,730	1824

A minor material amendment (MMA) application has been submitted under s73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 1 and 43 of planning permission dated 26 June 2016 (15/07756/FULL). The permission which is to be varied has been implemented and is therefore extant. A s19 application has been sought for changes to the approved listed building consent (15/09739/LBC). One of the key drivers for the revised scheme is a change to the intended occupier of the cultural space. At the time planning permission was granted in June 2016 a specific user for the Class D1 cultural space had not been confirmed, whereas now the British Film Institute (BFI) is the preferred partner to occupy the space.

The main amendments sought under the s73 and s19 applications are:

- A revised residential layout and unit mix in the tower with the number of residential units remaining at 207.
- Additional demolition and excavation works to the prow to meet the BFI's specific requirements.
- An increase in the size of the hotel and in the number of hotel rooms from 150 to 232 to meet the requirements of the hotel operator.
- A reduction in the size of the basement for servicing and parking. The number of residential parking spaces to be reduced from 224 to 208.
- Increase in the size of the plant room to the roof of the Y-Building.
- Changes to the landscaping design.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The extant planning permission includes the change of use of the tower from B1 office use to C3 residential use. The justification given by the applicant at the time the extant planning permission was granted was that the current office accommodation was outdated, and the building was in need of refurbishment, particularly with the external cladding of the building coming to the end of its life. The applicant considered at the time that the requirement to refurbish represented an opportunity for altering the mix of uses across the site.

The policy context with regard to the loss of office accommodation in the Core CAZ has changed since the granting of the extant planning permission. Policy S20 [Offices and other B1 Floorspace] of the City Plan dated November 2016 states that "Inside the Core Central Activities Zone.....changes of use from office to residential or replacement of office floorspace with residential floorspace will only be acceptable where the council considers that the benefits of the proposal outweigh the contribution made by the office floorspace, including:

1. the degree to which the employment and housing targets set out above, and as referred to in Policies S18 and S14, or in the case of the Victoria and Paddington Opportunity Areas, the targets set out in Policies S3 and S4 are being achieved;
2. the extent to which the office floorspace contributes to meeting Westminster's business and employment needs; and

3. the extent to which the mix of type, size and tenure of housing proposed meets or exceeds Westminster's needs. Where this is not met due to site constraints and/or viability, the floorspace will be retained as B1 office floorspace."

Objections have been received to the amendment application on the grounds of loss of office floorspace and that the proposed residential use is contrary to Policy S20. These objections are understood however permission has previously been granted for the change of use from office to residential and the extant permission is a significant material consideration. Given that the amendment application is substantially similar to the extant planning permission in terms of the loss of office accommodation, the proposal is considered acceptable in this instance. A refusal on the basis of loss of office accommodation in the Core CAZ could not therefore be justified.

Residential use

The principle of providing 207 units of residential accommodation with the tower has already been established by the extant planning permission. The policy context for providing new residential units has not substantially changed since the extant permission. The provision of new residential accommodation is supported by Policies S14 of the Westminster City Plan: Strategic Policies and H3 of the UDP. The 207 residential units proposed will help the council achieve and exceed its borough housing target set out in the London Plan. Table 1 indicates that the amendment application proposes a small reduction in the amount of residential floorspace compared to extant scheme, however, there is no change proposed to the number of units.

The amendment application proposes changes to the residential mix which are set out in Table 2 below.

Table 2: Residential mix

Units (Mix)	Extant permission	Amendment application
1 bed	77 (37%)	71 (34%)
2 bed	96 (46%)	96 (46%)
3 bed	30 (15%)	36 (17%)
4 bed	4 (2%)	4 (2%)
Total	207	207

City Plan Policy S15 states that "Residential developments will provide an appropriate mix of units in terms of size, type and affordable housing provision to contribute towards meeting Westminster's housing needs, and creating mixed communities." UDP Policy H5 requires the provision of an appropriate mix of units sizes in new housing schemes with at least 33% family-sized (i.e. 3+ bedrooms). Paragraph 3.74 of the UDP acknowledges that a lower level of family accommodation may be acceptable in some circumstances.

The residential mix in the amendment application is substantially similar to the extant planning permission and is considered acceptable in policy terms. All of the proposed flats meet the requirements of National Housing Standards in terms of their floorspace. There will be a small increase in the number of family sized units as part of the amendment application which is welcome.

The residential flats are to have openable windows, however, given the potential overheating issues raised comfort cooling is to be provided. Environmental Health has advised that mechanical ventilation should have sufficient air changes to ensure that

properties will not overheat. It is recommended that an overheating assessment is secured by condition so that this issue can be examined in more detail.

The arrangements for providing amenity space for future occupiers are similar to those approved as part of the extant planning permission. The communal space is to be provided in the rear garden and at the podium level. The podium will also provide private terraces for those flats that open out at the podium level. Policy 3.6 and Policy S4 of the draft London Plan seek to ensure that development proposals include suitable provision for play and recreation, and incorporate good quality, accessible play provision for all ages, of at least 10 square metres per child. Details of playspace have not been provided with the application therefore it is recommended that full details of playspace is secured by condition.

Affordable Housing

The extant planning permission was assessed under policies H4 of the UDP, S16 of the City Plan and the City Council's Interim Guidance Note on Affordable Housing (November 2015) however the applicant made a viability argument that the scheme could not support any affordable housing contribution, either on site, off site or through a payment in lieu. At the time the City Council's independent consultants, Lambert Smith Hampton, reviewed the findings of the applicant's viability case and concluded the findings to be reasonable. The existing use value, along with the exceptional costs associated with restoration of the listed building, and the delivery of the proposed cultural facility, were accepted as fundamental constraints on the delivery of affordable housing. A policy compliant affordable housing contribution for the extant planning permission was 25% affordable housing floorspace equating to 11,298sqm or 141.2 affordable units on site. A policy compliant payment in lieu of affordable housing for the extant planning permission was £57,352,792.

The policy context for securing affordable housing remains similar to that in place for the extant planning permission, namely London Plan Policy 3.12 'Negotiating Affordable Housing', Policy H4 of the UDP, Policy S16 of the City Plan and Interim Guidance Note on Affordable Housing (November 2015). Policy S16 requires this affordable floorspace to be provided on-site. Only where the council considers that this is not practical or viable, affordable housing should be provided off-site in the vicinity. Off-site provision beyond the vicinity will only be acceptable where the council considers that the affordable housing being offered is greater and of a higher quality than would be possible on or off-site. A financial contribution in lieu will only be acceptable where the above options are not possible.

In June 2017 the council issued its Interim Statement of our new approach to Housing Delivery. This set out that in terms of the affordable housing cascade set out in Policy S16, the council's aim is to see more actual delivery of affordable homes, rather than payments in lieu. In August 2017 the GLA adopted its Affordable Housing and Viability Supplementary Planning Guidance in August 2017. Under the SPG schemes that do not provide 35% affordable housing or meet other relevant policy criteria, or that provide off-site or cash in lieu contributions, must follow the Viability Tested Route and are subject to viability scrutiny and late, as well as early, review mechanisms

The applicant has provided a financial viability report with the amendment application. This concludes that once again the proposal cannot support any affordable housing

contribution for the same reasons given for the extant planning permission. A policy compliant affordable housing contribution would be 25% affordable housing floorspace on site which equates to 10,900sqm or 136 affordable housing units. A policy compliant payment in lieu for the amendment application would be £55,087,336.

The council once again appointed Lambert Smith Hampton (LSH) as viability consultants to assess the applicant's financial viability report and the application has been the subject of detailed viability discussions with the GLA. LSH have concluded that the scheme can afford to make an affordable housing contribution of £1,685,577. LSH conclude that it would not be viable for the payment in lieu to be replaced by on-site affordable housing. This is a very high value scheme with high average private residential values which means that it would produce only 2 to 3 units of affordable for the equivalent payment in lieu. Such a low number of units is unlikely to be economic for any Registered Provider to manage. The provision of the cultural facility has once again resulted in increased development costs, which have been included within the viability assessment submitted with the application. LSH recommend that a Late Stage Review is undertaken, as per the Mayor's SPG. This is because of possible significant cost savings if the kitchen in the basement area is not built out or if revenue increases. The conclusions of the LSH viability review have been shared with the GLA. The applicant has advised the council that, whilst they do not agree with the conclusions of the LSH report, they are focused on bringing discussions on the amendment application to a conclusion and are prepared to make an affordable housing payment of £1,685,577. This can be secured through the S106 deed of variation.

Hotel Use

The principle of providing a hotel within the Y building and podium has been agreed as part of the extant planning permission. The approved hotel had 150 bedrooms with ancillary café, restaurant and 520sqm 'Sky bar' bar/restaurant facility (with outside terrace) at 35th floor level and a small hotel terrace at ground level. The amendment application seeks to increase the size of the hotel with an additional 4265sqm of hotel floorspace and to increase the number of bedrooms from 150 to 232. The amendments proposed include an increase in back of house functions at basement level, a more generous lobby and café at ground floor level, the expansion of the hotel into the podium to displace the business centre and the previously approved cultural use, the provision of a dedicated spa entrance at ground floor level and the provision of an additional hotel garden to the north of the Y building. The hotel proposed as part of the amendment application will also include similar ancillary facilities that were also provided as part of the extant scheme, namely a café, restaurant and bar use at ground floor level and the 'Sky bar' at 35th floor level.

The main policies relating to new hotel accommodation are TACE 2 within Westminster's UDP and S23 within Westminster's City Plan. Although the size of the hotel has increased, the hotel retains adequate on-site facilities, including basement servicing, spaces for the setting down and picking up of visitors by taxis and coach parking on Millbank. The Highways Planning Manager does not object to the servicing strategy for the hotel use. Given that the proposed ancillary entertainment facilities are substantially similar to those approved as part of the extant planning permission, they are once again considered acceptable in principle as part of the current scheme. Conditions are once again proposed to restrict the opening hours of the 'Sky bar' to between 7am and 2am and the hotel garden areas to between 7am and 10pm. It is considered that with these

conditions and with conditions to secure the details of kitchen extract facilities, the amendment application complies with Policies TACE 2 and TACE 8-10 of the UDP and Policy S23 of the City Plan. On this basis it is considered that the larger hotel that forms part of the amendment application will not cause adverse environmental and traffic effects or cause harm to residential amenity of neighbouring occupiers, including those within Millbank Court.

It is recommended that the S106 deed of variation once again secures public access to the 'Sky bar' with no admission fee.

Cultural use

The extant planning permission included a cultural use within Class D1. This was originally designed to be the Holocaust Memorial Centre, however, shortly before the planning application for the extant scheme was submitted, this offer was withdrawn. At the time the permission was granted for the extant scheme the occupier of the cultural facility was unknown. The S106 Agreement linked to the extant planning permission secured the provision of the cultural facility on a 125 year lease with a peppercorn rent for 50 years, with the end user to be agreed by the City Council and a contribution of £2.5million (index linked) towards the fitting out of the cultural facility.

The amendment application once again includes a cultural use although its location within the building and its layout has been reconfigured. This is because the proposed cultural facility has been designed to accommodate the requirements of the British Film Institute's (BFI) Future Film Centre who are now intended to occupy the space.

The principle of providing a cultural facility within the development is once again considered acceptable given the extant planning permission. The site is located within the Millbank Strategic Cultural Area and Policy S6 (Core Central Activities Zone) of the City Plan states that 'Development sites within the Millbank Strategic Cultural Area between Lambeth and Vauxhall bridges will deliver a mix of uses including those that support culture and the creative industries - including arts and cultural uses, affordable business floorspace, workshops and studios'. As part of the extant planning permission, the cultural facility was located in the prow and part of the first and second floors of the tower whereas now the facility is to be located exclusively within prow at basement and ground to third floor levels. The occupation of the cultural facility by the BFI will require additional demolition and basement excavation works to accommodate an auditorium and to ensure the space is fit for purpose (see Section 8.2).

The BFI Future Film Centre will be open to members of the public and will provide space for exhibitions, talks, an auditorium for film screenings and a café. A more private space will allow the BFI to develop its Future Film Academy which includes film making workshops and editing facilities to support the British Film Institute's (BFI) 'Future Film Institute'. The BFI state that the Future Film Centre will not replace their premises on the South Bank and that it is not their intention to show commercial films from the auditorium on a regular basis. Whilst the use of the proposed cultural facility by the BFI is considered acceptable, it is recommended that full details of how the cultural facility is to be used and managed including details of opening hours and levels of public access are set out in an Operation Management Plan to be secured by condition. A letter of support has been received from University of Arts London stating that the BFI would be a welcome addition to Millbank and would strengthen the local cultural offer considerably.

Policies S22 of the City Plan and TACE 5 of the UDP state 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 proposed cultural facility is to be smaller than the one approved as part of the extant planning permission and given that the area is predominantly commercial in character and the site is located within the Core CAZ, the amendment application is considered to comply with these policies and is welcomed in land use terms. As the provision of the cultural facility impacts on the viability of the scheme it is necessary to ensure that this facility is secured. It is therefore recommended that the deed of variation secures the cultural facility on similar terms agreed as part of the extant scheme, namely the provision of the cultural facility on a 125 year lease with a peppercorn rent for 50 years and a contribution of £2.5million (index linked) towards the fitting out of the cultural facility.

8.2 Townscape and Design

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

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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

Introduction

The Millbank Complex was designed by Ronald Ward and Partners and completed in 1963 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 is located outside of a designated conservation area but sits between Smith Square Conservation Area to the north and Millbank Conservation Area to the south. The complex is also prominent in backdrop views of the Westminster World Heritage Site, (Palace of Westminster and Westminster Abbey including St Margaret’s Church).

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 and that complete replacement is required to maintain a long term future for the building complex.

The extant planning permission was a result of collaboration with Westminster officers and other stakeholders, including Historic England. The policy context for the assessment of the amendment application is substantially the same as that for the extant planning permission and each element of the amendment application will be assessed in turn.

The extent of demolition

The amount of demolition proposed is substantially similar to that proposed in the extant planning permission. The raised car park bounding Millbank Court and associated spiral ramp and small and very distinctive external stair to the south west side of the building are again proposed to be demolished in their entirety. The car park is of no interest and its removal is welcomed. Although the car park ramp has inherent architectural quality in its own right, its demolition formed part of the extant planning permission. The demolition of the external stair 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. The loss of the ramp and stair is once again considered to be harmful and their loss to be weighed against any public benefits that the scheme may bring.

The key additional area of demolition relates to the prow at the southern end of the site. The extant planning permission includes partial demolition of the prow including all facades, structural slabs and internal columns. The proposed areas of retained structure are a strip of slab flanking the outer edges of the prow and eight external columns. The amendment application seeks to remove these additional elements of the structure which in essence means that the prow will be demolished in its entirety. The additional demolition work proposed is to accommodate the operational requirements of the BFI. The additional demolition work proposed is harmful but in the context of the heritage asset and the extant permission it is considered to be less than substantial harm and this harm should be weighed against the public benefits of the proposal.

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.

The impact on views

The amendment application once again proposes to increase the height of the tower by two additional storeys and the height of the Y building by one additional storey. The tower height is to increase by 6.2m, raising the height from 118m to 124m and the Y building from 33m to 36m. The detailing of the cladding to the top of the tower is replicated, albeit there will be a 2m high glass barrier to the 'Sky bar' terrace. The telecoms equipment and satellite dishes that currently disfigure the silhouette of the top of the building are again proposed to 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 applicant has provided extensive views analysis to assess the impact on these townscape views as part of the amendment application. Given that the additional height proposed in the amendment application has already been approved as part of the extant planning permission, the additional height proposed is considered acceptable in principle. In terms of the views analysis, 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, and some of these towers are currently under construction. The applicant has 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. For the reasons set out above the changes to the setting of adjacent conservation areas are considered to be largely imperceptible and not harmful.

In terms of the Y building, the provision of an additional storey is considered acceptable given that it has already been approved as part of the extant planning permission. The key change with the amendment application is the proposal to increase the footprint of the roof top plant room by extending it rearwards by 4m. The Y building plays an important part in the proportions of the overall composition of the three building elements – podium, tower and Y building. This additional bulk proposed to the plant room does not impact on views and is considered acceptable. Overall the works proposed to the Y building, both in terms of the additional storey and to the plant room are considered acceptable in design and heritage terms.

As part of the rebuilding of the prow the amendment application proposes to increase the internal height of the prow's lantern by 1m and to extend its footprint by approximately 3m. Whilst this will bring the lantern closer to the tower, the separation between the two elements will still be meaningful. The existing metal structure is to be retained and reused but the existing Reglit glass is to be replaced with cast glass. This

revision to the extant planning permission is considered acceptable in design and heritage terms and the details will be secured by condition.

The external cladding

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. 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.

As part of the approved scheme, permission and consent were granted to remove the external fabric of the building in its entirety and replace it with new. It was accepted that there was a strong evidence base to justify the removal and replacement of the existing cladding on both age and environmental performance grounds. The amendment application does not change this part of the approved scheme and once again proposes to replace the existing cladding. Since the extant permission and approved consent samples of facing materials, detailed drawings of typical bay of both the tower and Y building facades and details of cladding system have been submitted by the applicant and approved by the council (see history section). Full scale mock-ups of the bay panels have been viewed on-site by officers alongside the existing panels and were considered to be a good match for the existing. A condition is recommended to ensure the amendment application is carried out in accordance with these details approved. For the reasons set out above the proposal to remove the external fabric of the building in its entirety and replace it with new is again considered acceptable in design and heritage terms.

The Podium Roof and Public Realm

As part of the extant planning permission the podium provides an area of communal amenity space, as a location for service ducts and small private terraces for some flats within the tower. This arrangement is proposed as part of the amendment application but with some minor changes, namely the residential terrace height has been dropped to ensure that the necessary balustrades remain at 1.01m above the height of the existing podium parapet, vertical glass screens are proposed to act as terrace wind mitigation measures and a small plant room is proposed at the back of the podium roof to serve the hotel.. These amendments are considered acceptable in design and heritage terms. The reconfiguration of the basement carparking proposed under the amendment application means the amount of landscaping at ground floor level is increased and more of the existing landscaped area and trees can remain. This is welcome in design terms and is considered to be an enhancement to the setting of the listed building.

Design Conclusions

The design conclusions for the extant scheme were that the removal, of original cladding to the building, increase in height, loss of existing roof fabric, car park ramp and small

stair to the south-west façade would lead to less than substantial harm to the heritage asset of the Millbank Complex within the terms of the guidance in the NPPF. However, it was concluded that the public benefits associated with the extant planning permission scheme would outweigh the less than substantial harm generated within the terms of the NPPF. The public benefits remain substantially similar with the extant scheme, namely the renovation of the building complex, the removal of the car park deck, the improved public realm and landscaping, the provision of a major cultural facility at a peppercorn rent for 50 years (with £2.5million towards fitting out), and free public access to the 'Sky bar'. It is considered that the additional demolition to the prow proposed as part of the amendment application would also lead to less than substantial harm to the heritage asset. However, it is also considered that the public benefits associated with scheme set out above would outweigh the less than substantial harm generated within the terms of the NPPF.

8.3 Residential Amenity

Policy ENV13 of the UDP and S29 of the City Plan 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. Objections to the amendment application have been received in relation to loss of light from residents to the west of the site in Millbank Court.

The extant scheme has permission for two additional storeys to the tower and one additional storey to the Y building. As part of the extant permission the applicant demonstrated with a daylight and sunlight assessment that all windows in Millbank Court pass the requirements set out by the Building Research Establishment. The amendment application does not propose any increase in height to the tower beyond that already approved under the extant planning permission. Small increases in bulk are proposed to the lantern to the prow and to the proposed plant room on the Y Building. However, it is not considered that these amendments will cause any significant harm to residential amenity in terms of sunlight, daylight or sense of enclosure. These proposed amendment application is therefore considered acceptable in residential amenity terms.

The impact on privacy as a result of the change of use to residential and hotel uses was assessed as part of the extant planning permission and was considered to be acceptable. Although the amendment application proposes changes to the mix and layout of the approved residential units and to the number of hotel bedrooms, it is not considered that this will have any significant impact to the privacy of Millbank Court residents. The nearest windows to Millbank Court 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. As per the extant planning permission, a condition is recommended for windows in the west elevation of the Y building to be obscured in order to prevent overlooking. 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.

In relation to the proposed residential windows in rear of the main tower, it was considered as part of the extant planning permission that given the separation distance between the tower and Millbank Court, privacy measures were not required. It is

considered that this approach still stands and the relationship between the tower and Millbank Court is acceptable, even with the revised residential layout.

The proposals again 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.

8.4 Transportation/Parking

Servicing

The servicing and car parking arrangements on the site remain similar to the extant planning permission. The amendment application still proposes an off-street servicing bay accessed via a ramp from Millbank. The size and layout of the servicing bay has been reconfigured and due to site constraints, the headroom has been reduced from 4.5m to 4m. This means that servicing vehicles over 8m in length and WCC refuse vehicles will not be able to use the facility. To facilitate occasional larger deliveries and residential refuse collection, it is proposed to create a facility at the top of the ramp for vehicles to load/unload and turn around. The Highways Planning Manager notes this change but considers this amendment to be acceptable. Based on the revised floor area, the amendment scheme is expected to generate a total of 88 deliveries a day. This is an increase of 12 trips compared to the extant planning permission which is considered acceptable.

The design of the new lane down to the basement remains as per the extant planning permission. It will operate two-way, but as it can only accommodate one vehicle at a time a signalised entry system is proposed with a lay-by located off the highway. It is recommended that the highway works on Millbank required to necessitate access into the basement are secured through a deed of variation to the S106 Agreement. It is also recommended that a Delivery and Servicing Management Plan (DSMP) is secured by condition. As per the extant planning permission a condition is recommended to ensure that no vehicles enter or exit the site from the Thorney Street side and a deed of variation to the legal agreement is recommended to secure removal of the existing footway crossover and its return to footway.

Car Parking

The extant planning permission provided 224 car parking spaces for 207 residential flats managed through a valet parking system. The amendment application proposes 208 valet parked spaces arranged as both car stackers and conventional parking spaces. Parking is not proposed for the non-residential uses. The car parking arrangements are the same as previously approved with valet parking spaces provided on the forecourt so that residents can leave their cars off-street to be parked. The Highways Planning Manager does not object to the reduction in car parking spaces and considers the parking arrangements to be acceptable. 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 100% electric vehicle charging points and how the lift maintenance schedule will seek to ensure as little downtime as possible.

The extant planning permission re-provided 39 residential car parking spaces to be leased to Millbank Court residents and accessed from John Islip Street. Millbank Court residents also have access to 8 spaces within their own forecourt demise. The ground floor lobby and the 79 flats above comprising Millbank Court are outside the ownership of the Millbank Complex but were part of the original 1960s development. The basement and the remainder of the ground floor form part of the Millbank Tower Complex. The amendment application seeks to reduce the number of spaces available to Millbank Court residents to 21. The spaces in question are available to Millbank Court residents to rent by way of an annual licence. Currently it is understood that they are under-used and only seven spaces are let to residents of Millbank Court. Although the loss of existing off-street residential car parking is not in line with Trans 23 of the UDP, given the unusual circumstances of the case, the Highways Planning Manager considers the proposals to be acceptable. Although objections have been received from Millbank Court residents, for the reasons set out above, it is not considered a refusal could be justified on the basis of the loss of these parking spaces.

The GLA have advised that they would expect a development in this location with a high public transport accessibility (PTAL 3-5) to be car-free with the exception of blue badge spaces. Whilst this comment is noted, given the extant planning permission, a refusal on this basis would be difficult to sustain. As part of the Car Park Management Plan to be secured by condition it is expected that 100% active Electric Vehicle Charging Points will be provided, and Blue Badge holders will have adequately sized short-stay bays available while waiting for the car park valet and lift system and suitable space to wait whilst their car is retrieved from the basement.

Cycle Parking

In response to the GLA's comments the applicant has revised their long and short stay cycle parking to meet draft London Plan policy. It is now proposed to provide 150 short stay spaces (an additional 34 spaces accommodated to the front of the scheme) and 418 long stay spaces. The GLA has advised that this is acceptable. Full details of all cycle parking (both long and short stay) are to be secured by condition.

Travel Plan

The GLA has requested a Travel Plan to be secured by condition or s106 Agreement. However, a formal Travel Plan was not secured as part of the extant planning permission. This was because the consented scheme delivers sufficient on-site car parking provided for the residential part of the development. However, a condition is again recommended to promote riverboat use as the Millennium Pier is adjacent to the site. 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.

8.5 Economic Considerations

The Environment Statement (ES) Addendum considers that the conclusions of the previous ES submitted with the extant planning permission in terms of Socio-Economics effects once the proposed development is complete and occupied remain valid, namely 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.

8.6 Access

The public areas are to be designed with level access and lifts to all floors. Similar arrangements are proposed for the residential flats. Vehicular access into the courtyard is to be maintained, providing hotel and residential drop off and valet parking will be provided for the residential occupiers via allocated spaces in the courtyard.

In line with London Plan Policy 4.5, a condition is proposed to require that at least 10% of the proposed hotel bedrooms are wheelchair accessible.

The ramps and steps in the landscaped garden will be fully accessible with DDA compliant ramps at all level changes including entrances to buildings.

8.7 Other UDP/Westminster Policy Considerations

Mechanical Plant

The mechanical plant strategy for the amendment application is substantially similar to that agreed as part of the extant planning permission. The proposals include mechanical plant at basement level, within plant enclosures at roof level of the tower and Y building and at podium level. An updated environmental noise survey was carried out in September 2018 to validate the results of the survey carried out in March 2015 for the extant planning permission. Environmental Health has raised no objection to the current scheme subject to conditions to secure a post commissioning noise report to be submitted once plant selection has been finalised.

A condition was attached to the extant planning permission to secure details of the kitchen ventilation arrangements for the restaurants, café and 'Sky bar' within the hotel. This is again considered an acceptable approach and similar conditions are recommended.

Trees

The large basement associated with the extant planning permission meant the removal of 11 trees from the rear landscaped area with 4 to be retained. The reduction in the size of the basement now means that 9 trees are to be removed from the site with 6 to be retained. The trees that are now to be retained include three category B trees at the rear of the site. However, the amendment application proposes the removal of one tree that was previously shown to be retained. This is a London plane (T1/3001) that is located to the west of the tower.

A Tree Preservation Order protects nine trees on the site. The TPO was made after permission was granted for the consented scheme however the way the TPO was served is currently under review. Four trees that have a TPO are proposed to be removed to allow for the basement works and the Arboricultural Officer has objected to this part of the current scheme. Whilst the loss of four TPO trees is regrettable, permission has already been granted for their loss as part of the extant planning permission. The loss of the London plane (T1/3001) is regretted but it is considered that

its amenity value can be mitigated by the retention of the other three trees and by the overall landscaping scheme proposed which includes additional tree planting.

As per the extant planning permission, 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 areas above the proposed basement have a soil depth of approximately 1m. While not strictly in accordance with policy, in general terms, the overall landscaping approach is similar to that previously approved and is considered to be acceptable subject to conditions.

Sustainability

Policy 5.2 of the London Plan (2016) sets out that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- (i) Be lean: use less energy
- (ii) Be clean: supply energy efficiently
- (iii) Be green: use renewable energy

The draft version of the updated London Plan was issued in December 2017 with a supplementary Energy Assessment Guidance published in October 2018. The guidance sets out that energy assessments must demonstrate how the zero carbon target for residential developments will be met, with at least a 35% on-site reduction beyond Part L 2013 and proposals for making up the shortfall to achieve zero carbon, where required and demonstrate at least a 35% on-site reduction beyond Part L 2013 for non-residential development. Developments comprised of both domestic and nondomestic uses must demonstrate this target has been achieved for domestic and non-domestic uses separately energy strategy guidance update issued in October 2018.

Policy SI2 of the draft London Plan sets out that major developments should be net zero carbon. However, the draft London Plan policy SI2 requiring zero carbon for all major developments is yet to be adopted, so officers consider the 35% improvement target should still apply for domestic and non-domestic developments.

A Sustainability Addendum has been submitted to support the energy strategy for the amendment application. Based on the energy assessment submitted, compared to a 2013 Building Regulations compliant development, the domestic element of the revised proposals is estimated to achieve a 31% reduction in regulated carbon dioxide emissions per year whilst the non-domestic elements would achieve a 23% reduction. This does not comply with the London Plan target of 35%. In this instance the applicant proposes to make up this shortfall with a carbon offsetting payment of £619,000. It is recommended that this payment is secured through a deed of variation to the S106 Agreement. Although the GLA has requested further information regarding energy efficiency and renewable energy, given that a carbon offset payment has been secured the proposal is considered to comply with London Plan policy.

Be Lean

The proposal includes replacing the façade and upgrading the thermal performance of the envelope. Notably the proposal includes triple glazing windows for the dwellings.

Be Clean

The energy centre will comprise CHP boilers,. It is proposed to be located beneath Millbank Court occupying an existing plant room that is also used to serve the Millbank Court flats above. The new energy centre is to be designed to serve the heating and hot water demands of the amendment application and the existing Millbank Court flats. This arrangement is the same as proposed in the extant planning permission and is therefore considered acceptable.

Be Green

Heat pump technology and photovoltaic panels have been rejected due to site constraints.

Overheating

In terms of overheating the results of the modelling undertaken showed that, in all scenarios, the proposed residential flats do not meet the recommended risk level using the openable windows proposed. The listed façade restricts options for making changes to help control solar gain. As a result, active cooling is therefore proposed to help minimise overheating risk.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

There is no adopted Neighbourhood Plan for this part of Westminster.

8.10 London Plan

The development is over 30m in height, so it is referable under the Mayor of London Order (2008). In his Stage 1 comments the London Mayor has identified the following strategic issues:

Land use principle: The proposed refurbishment and conversion of this Grade II listed CAZ office to provide a residential-led mixed use scheme incorporating culture and hotel uses is supported in strategic planning terms.

Affordable housing: GLA officers have scrutinised the Financial Viability Assessment (FVA) to ensure that affordable housing has been maximised in accordance with the London Plan, the Mayor's Affordable Housing and Viability SPG, and the draft London Plan. One area of concern is about the basement kitchen which continues to be included in the FVA despite the purpose of it (to provide food for the ballroom.) being deleted from the application. The applicant says that the commissary (basement.) kitchen is required for wider management reasons and should be assessed as proposed. LSH point out that this is a part of the application that if it is not provided would enable affordable housing delivery. The inclusion of the basement kitchen appears to be unjustified and unnecessary but that its provision is at the expense of affordable housing.

Design: The proposed refurbishment and alterations to the Millbank Complex are of a high quality. Robust conditions are required to secure the design commitments made by the applicant.

Historic environment: The proposals would have minimal impact on the significance of the Grade II listed complex and would not harm the heritage assets surrounding the site.

Climate change: Further information regarding energy efficiency and renewable energy and is required. The surface water drainage strategy is consistent with that for the consented scheme and is generally compliant with the London Plan policy 5.13.

Transport: The proposed level of car parking is excessive in this highly accessible location. Conditions, obligations and financial contributions for the highway improvement works and the impact on the bus network are required.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition relating to tree protection works, archaeology, samples of facing materials for the prow and the provision of an updated air quality assessment and air quality neutral assessment. The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

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

- i. The provision of a cultural facility on a 125 year lease with a peppercorn rent for 50 years, with the end user to be agreed by the City Council prior to the occupation of the cultural facility;
- ii. A contribution of £2.5million (index linked) towards the fitting out of the cultural facility to be paid prior to the proposed occupier of the cultural facility starting its works to fit out the proposed cultural facility;
- iii. The provision of a publicly 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. A payment of £59,115.84 (index linked and payable on commencement) towards Employment, Training and Skills Development;
- viii. Costs of monitoring the S106 agreement;
- ix. Unallocated parking.
- x. A payment of £619,000 towards Carbon Offset (index linked and payable on commencement)
- xi) A payment of £1,685,577 towards the council's affordable housing fund (index linked and payable on commencement of development) with a late stage review mechanism.

The applicant has requested that the payment towards carbon offset is split 50:50 on commencement and prior to occupation. Whilst this request is noted our normal policy is for planning obligation payments to be made on commencement to allow for the carbon offsetting projects to be planned so that they can be in place prior to the occupation of the development.

The estimated CIL payment is:

Mayoral CIL: £589,759.19.

Westminster CIL: £2,284,290.00

Total: £2,874,049.19.

8.13 Environmental Impact Assessment

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Statement (ES) Addendum has been submitted in support of the amendment application. In putting forward this recommendation, officers have taken into account the ES Addendum submitted. Officers are satisfied that the environmental information as a whole meets the requirements of the EIA Regulations (2017) and that sufficient information has been provided to enable assessment of the environmental impact of the application.

The applicant has submitted a Non-Technical Summary which summarises the impacts, in addition to the detailed assessments and appendices. The technical chapters considered within the ES Addendum are consistent with those for the previous ES, with the exception of the inclusion of a Climate Change chapter and Mitigation Register in accordance with the EIA Regulations 2017 (as amended). A 'Mitigation Register' has been included in the ES Addendum to summarise the proposed mitigation identified throughout the ES Addendum as well as the anticipated means for securing these measures. Since the submission of the previous ES a number of new cumulative schemes have been identified which are set out in the EIA documents submitted.

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 Addendum has considered the potential direct, indirect and cumulative impact of the proposed amendment application.

Ecology

The extant planning permission introduced changes to the rear landscaping including an increased garden area to the rear of the tower. Changes in the landscape strategy for the amendment scheme will result in an increase of lawn areas (from 341 m² to 405 m²) and an increase in the area of shrub and herbaceous planting and greening of walls. The amendment scheme will now achieve approximately 689 m² of green or brown roofs which is an increase compared to the extant planning permission. Overall the ES concludes that the landscaping scheme is likely to provide a minor beneficial effect on habitats. A condition is recommended to secure details of bird boxes within the development.

Sustainable Drainage and Flood Risk

The approach to flood risk management complies with London Plan Policy 5.12. The surface water drainage strategy has been revised to account for relatively minor changes in impervious areas related to the revised proposal. The strategy is otherwise consistent with that for the consented scheme and is generally compliant with the London Plan policy 5.13.

The proposed development generally meets the requirements of London Plan policy 5.15 which relates to water use and supplies. The applicant should consider water harvesting and reuse to reduce consumption of wholesome water across the entire development site. This can be integrated with the surface water drainage system to provide a dual benefit. Conditions are recommended to secure these features.

Air Quality

Policy S31 (Air Quality) of the City Plan states that developments will be required to reduce air pollution. Environmental Health object to this application due to its impacts to local air quality resulting from the CHP boilers in the energy centre and from traffic emissions. The energy centre flues are located on the roof of Milbank Court flats, a substantially shorter building than Milbank Tower. Modelling is predicting that there would be moderate adverse impacts to existing receptors at Milbank Court flats and Abell House & Cleland House. Environmental Health advise that although these adverse impacts do not result in an exceedance of the national air quality objective the ground floor of modelling point R6 at Milbank Court is left on the cusp of achieving the national

objective where the modelling is predicting 39.5ug/m³ where the objective is 40ug/m³ annual mean.

The objection of Environmental Health to the air quality issues raised and their request that the CHP flues should be relocated to the tower is noted. However, the current scheme remains the same as the extant planning permission in terms of the location of the energy centre and the CHP flues. The modelling for the ES submitted as part of the extant planning permission indicated that there would minor and moderate adverse impacts to the existing residential receptors on the eastern and western facades of the Millbank Court building, where the energy centre stacks were to be located. In terms of traffic emissions, the amendment application remains substantially similar to the extant scheme. Whilst an increase in servicing trips is proposed for the hotel, the amendment scheme also proposes a reduction in residential car parking. It is considered that when taking the extant planning permission into account a refusal on the basis of air quality could not be justified. Notwithstanding this it is recommended that an updated Air Quality Assessment is secured by condition which will include details of mitigation measures where appropriate.

The air quality neutral calculation submitted in the ES demonstrates that although the amendment application meets the required benchmark for transport emissions, it fails to meet the benchmark for building emissions. No mitigation measures have been proposed although guidance states that where the relevant benchmarks are not met then on or off-site mitigation should be proposed but where mitigation is not possible offsetting will be required. It is therefore recommended that an updated Air Quality Neutral Assessment is secured by condition which will include details of mitigation measures where appropriate.

Adverse impacts have been predicted to a number of receptor points within the development itself, namely to windows within the proposed hotel and residential flats. Environmental Health recommend mitigation measures to the new development in the form of mechanical ventilation with inlets incorporating either air quality filtration/or positioned in an area of suitable air quality to be incorporated into the building design. It is recommended that these are secured by condition.

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.

Wind Microclimate

The desk based assessment undertaken to predict and analyse the wind environment at the site and surroundings for the extant scheme has been updated for the amendment application. The conclusions of the assessment are substantially similar, namely 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, soft and hard landscaping to incorporate screening to reduce wind speeds within the rear garden and wind screens at the base of the tower for the private

amenity terraces. With the inclusion of these mitigation measures, the residual effects are not expected to be significant.

Climate Change

The Greenhouse Gas (GHG) emissions as a result of the construction activities will only occur for approximately three years during the refurbishment and construction phase of the proposed development, resulting in a minor adverse (not significant) effect. Once the Proposed Development is complete and occupied, the majority of the GHG emissions will be associated with energy consumption. However, this energy use does not account for more than 1% of the UK carbon budgets therefore the effect of the GHG emissions from the operation of the proposed development is considered to be minor adverse (not significant).

8.14 Other Issues

Construction impact

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. As part of the S106 legal agreement for the extant permission a financial contribution of £110,000 (£55,000 per annum based on 2 year demolition / construction period) was secured towards monitoring by the council's Environment Inspectorate. As the council already has a Site Environmental Management Plan submission which has been agreed and work has been done under the s106 agreement it is recommended that these measures are retained for the current amendment application.

A condition is also 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. 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.

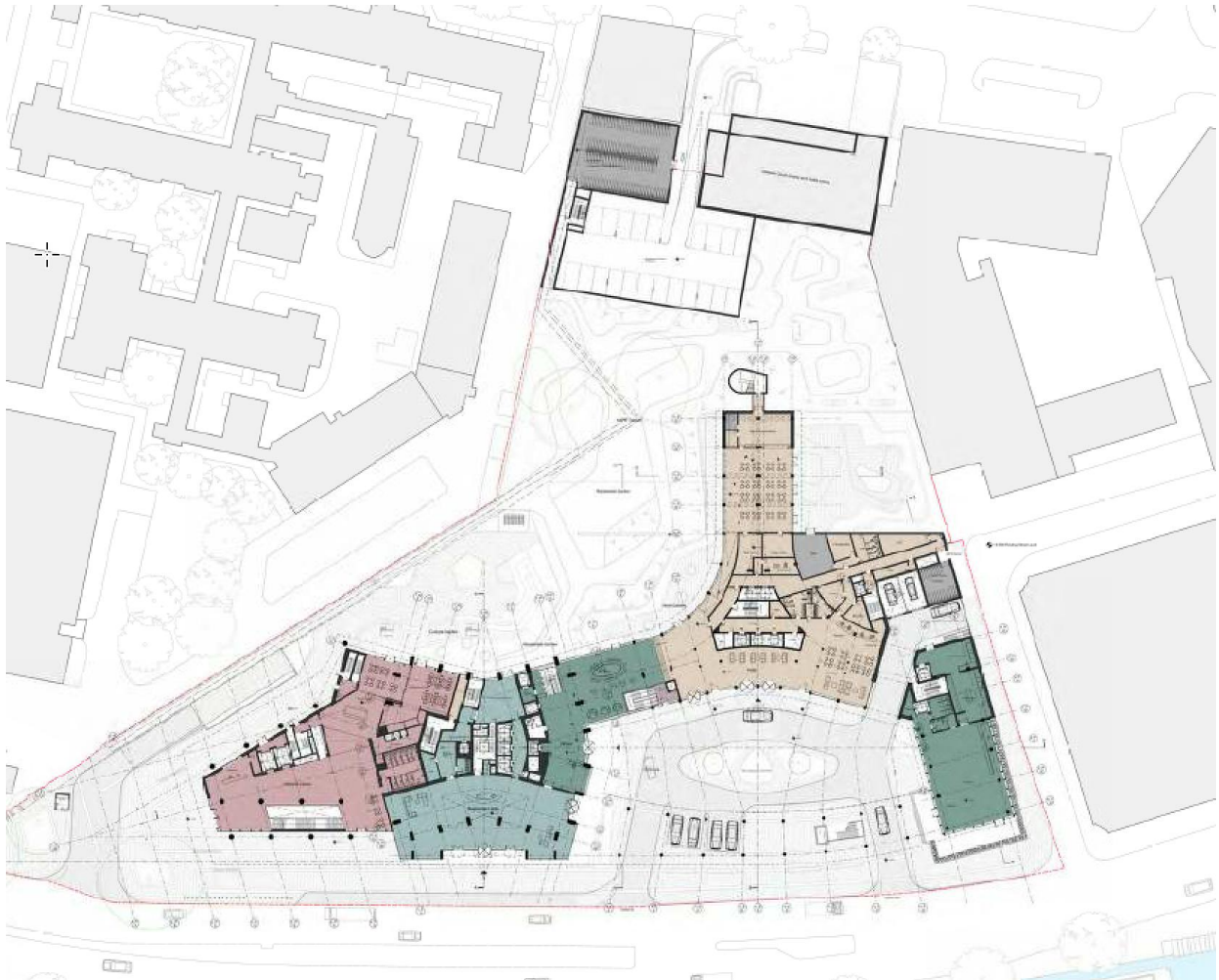
Application Determination Procedure

Concerns have been raised as to whether the scope of the amendments proposed could be considered to fall within a minor material amendment (s.73) application. Officers are satisfied that the proposed changes in the amendment application do not amount to a fundamental alteration to the extant planning permission and so can be considered as a minor material amendment. The changes have been assessed under current policy including the affordable housing through the submission of an updated financial viability report.

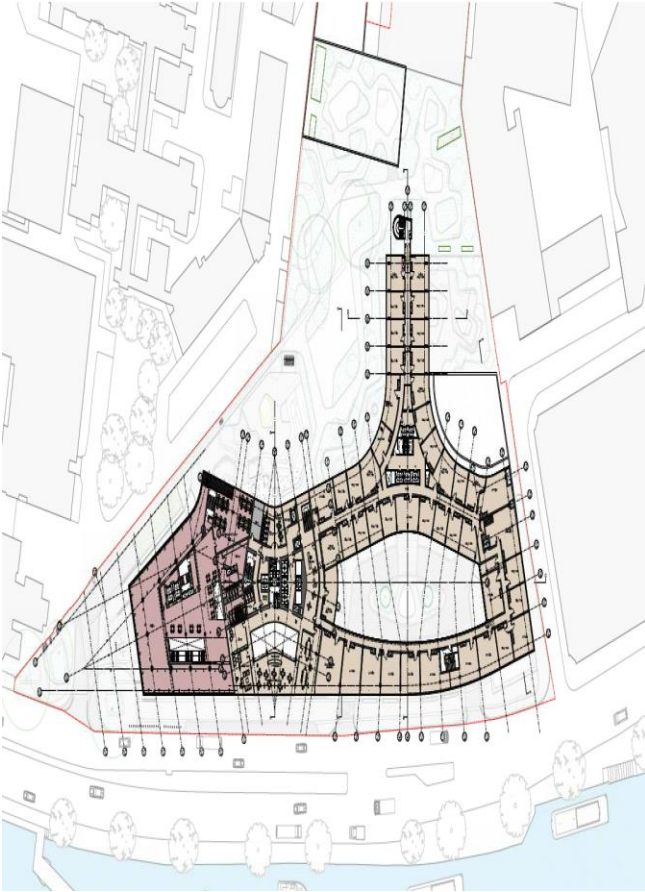
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

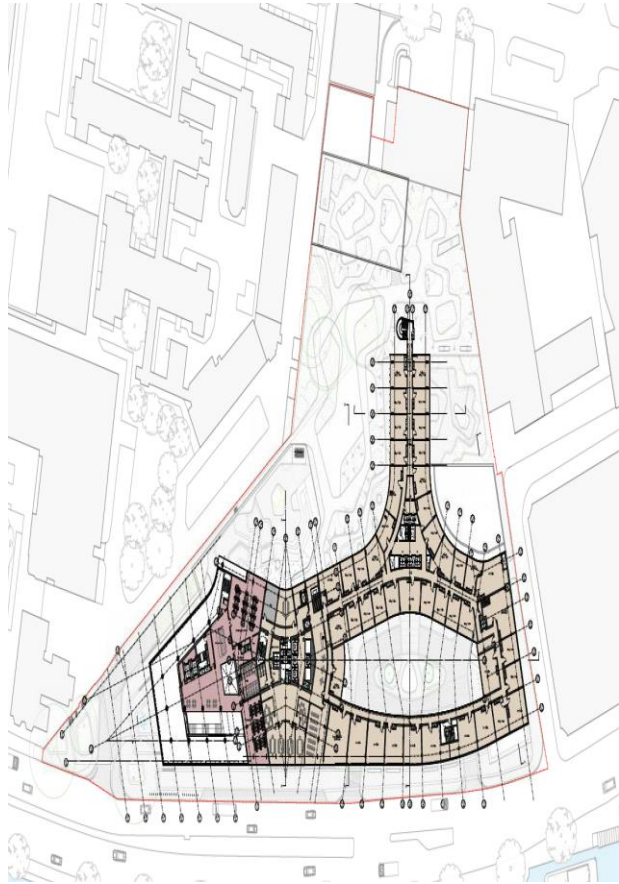
9. KEY DRAWINGS



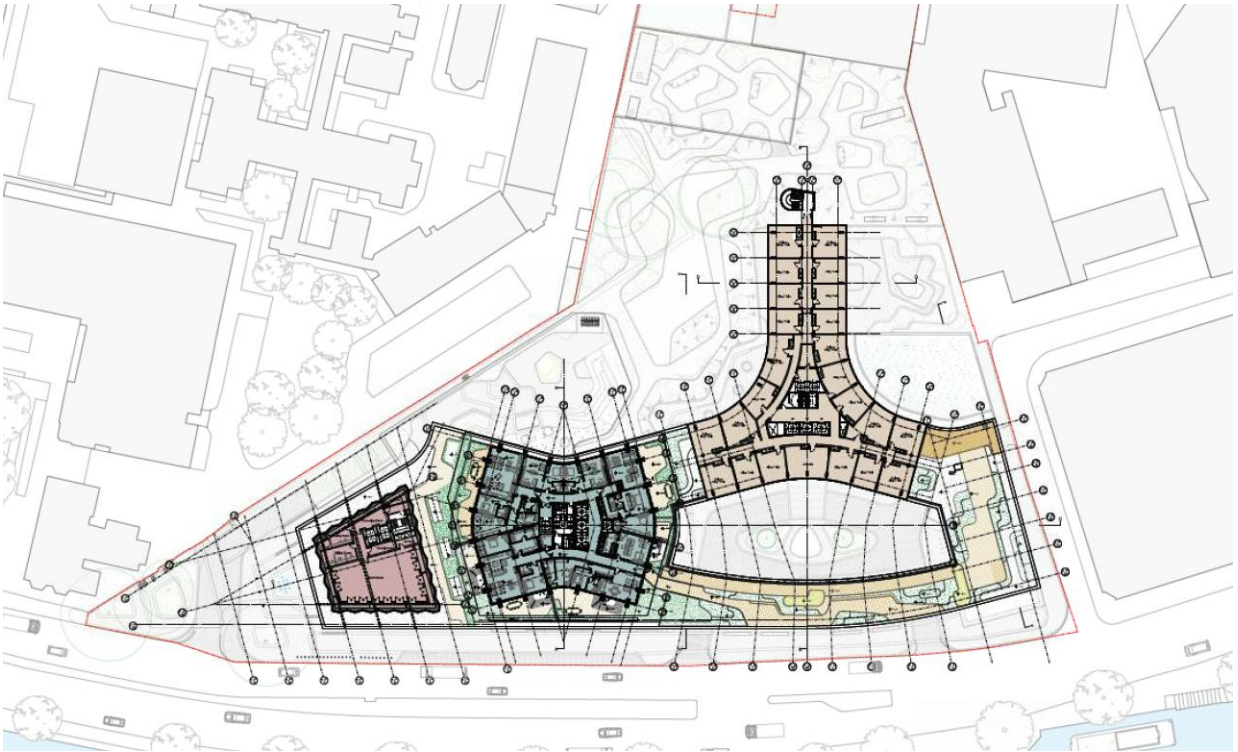
Proposed Ground Floor Plan



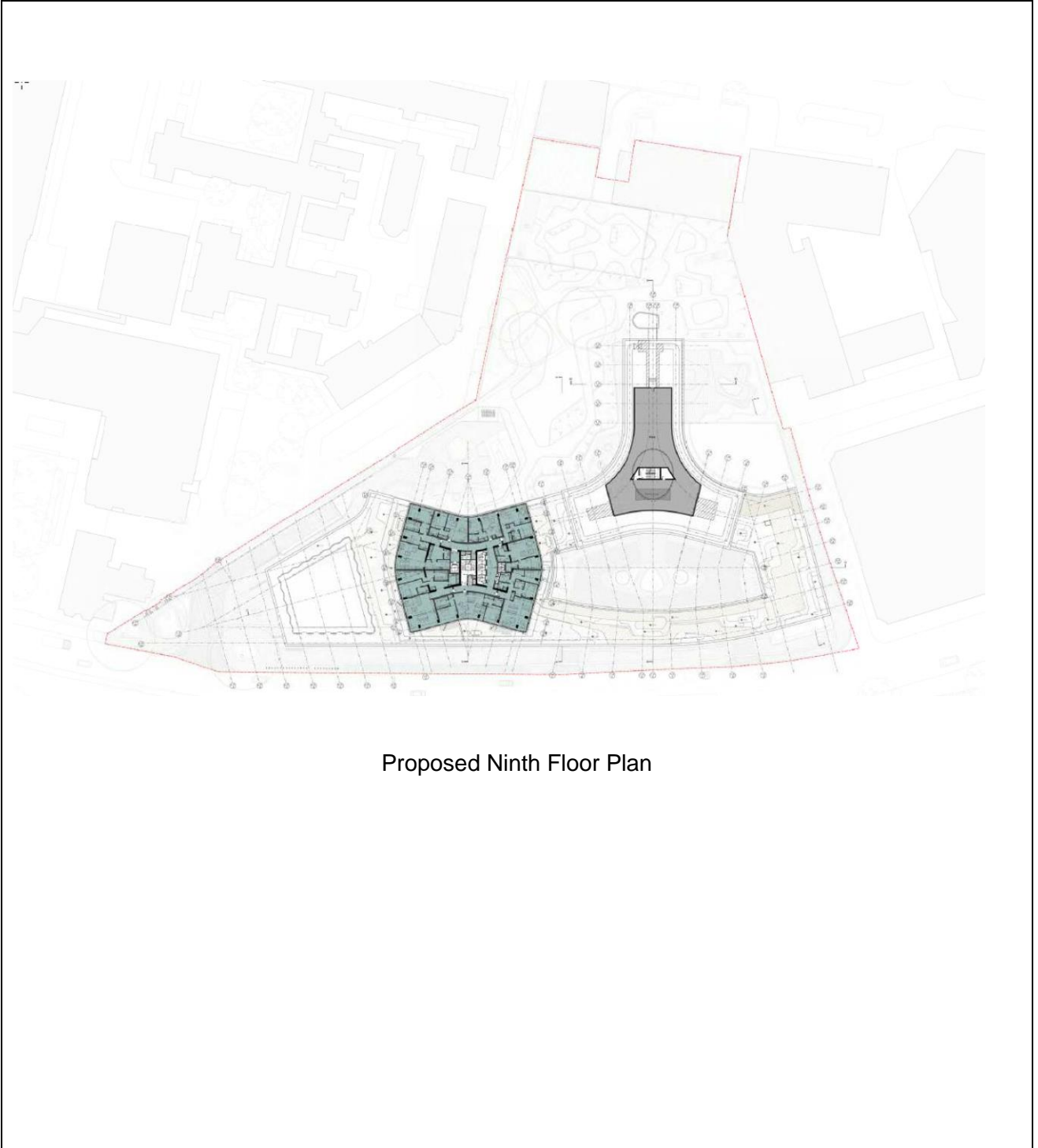
Proposed First Floor Plan

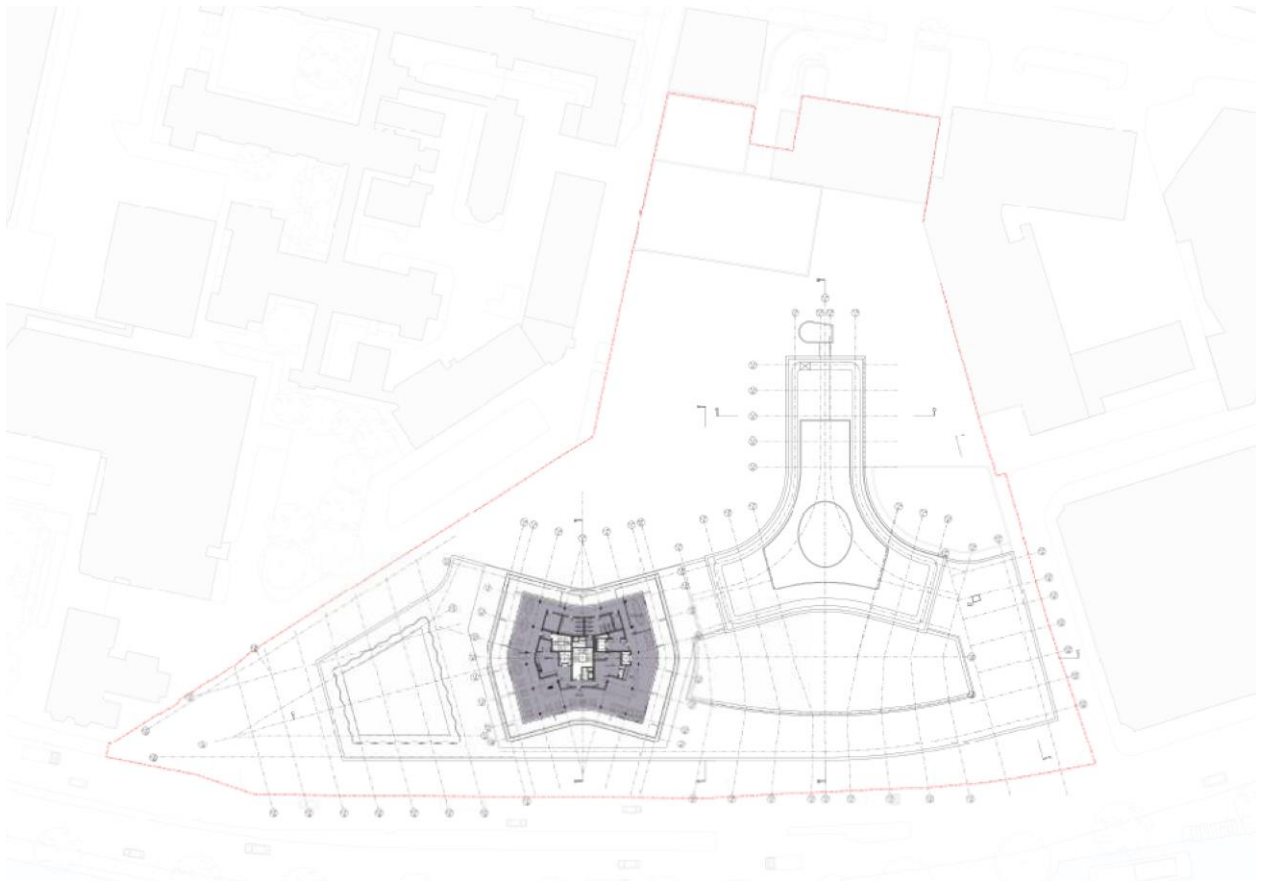


Proposed second floor plan

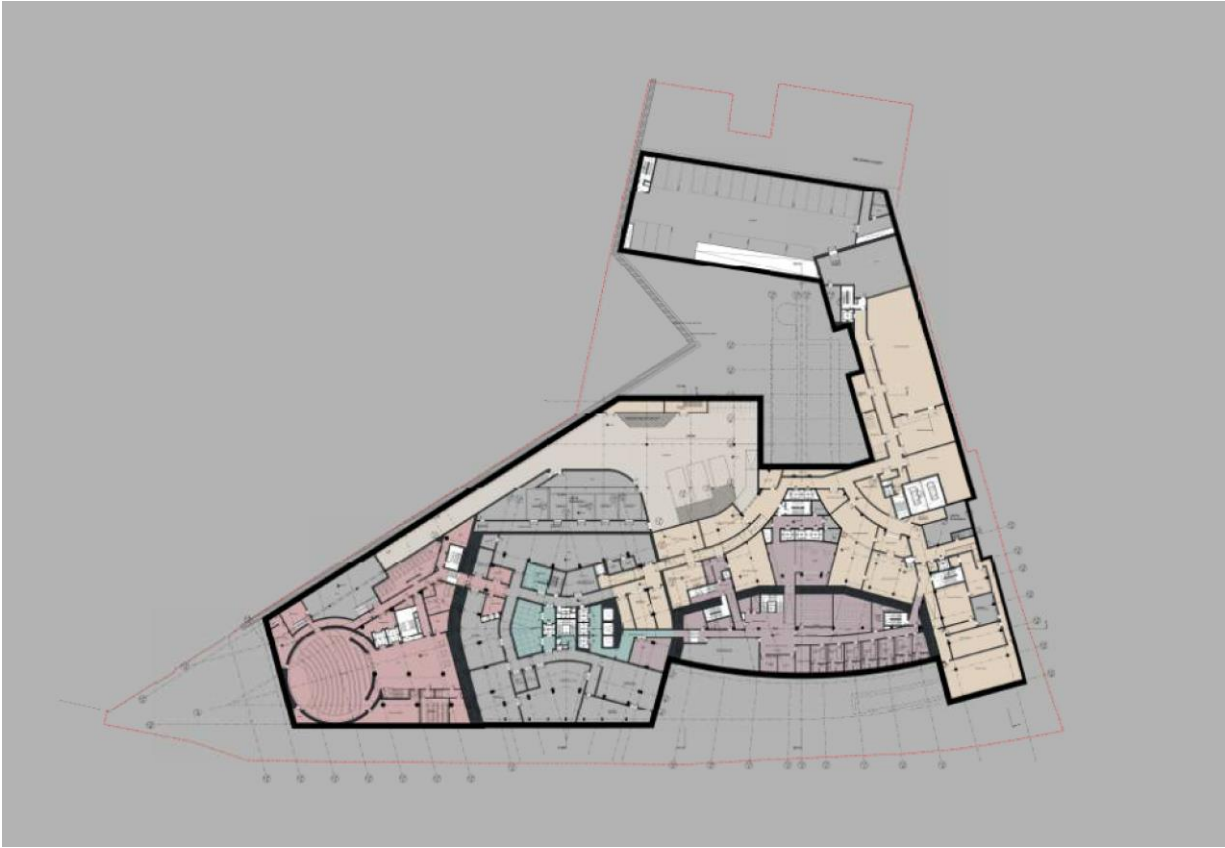


Proposed third floor plan

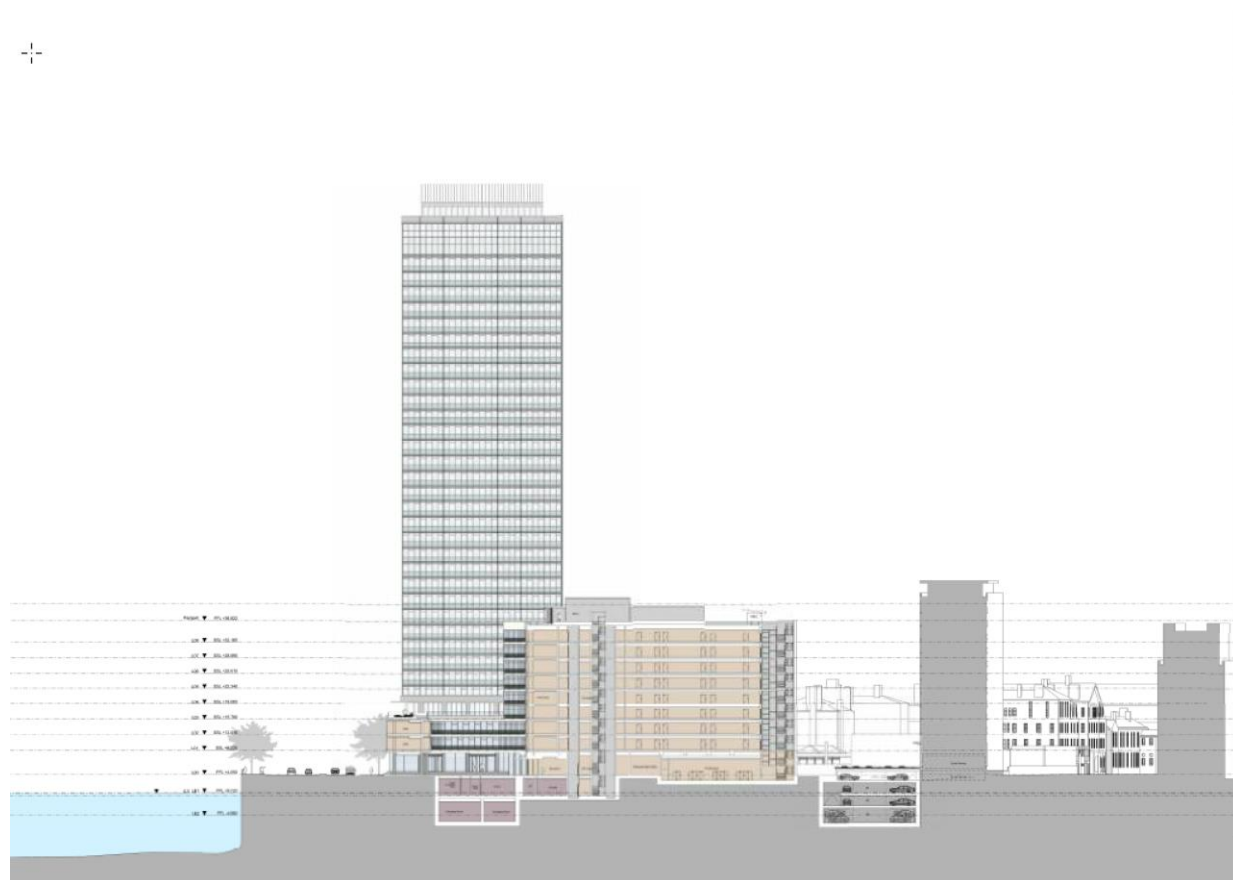




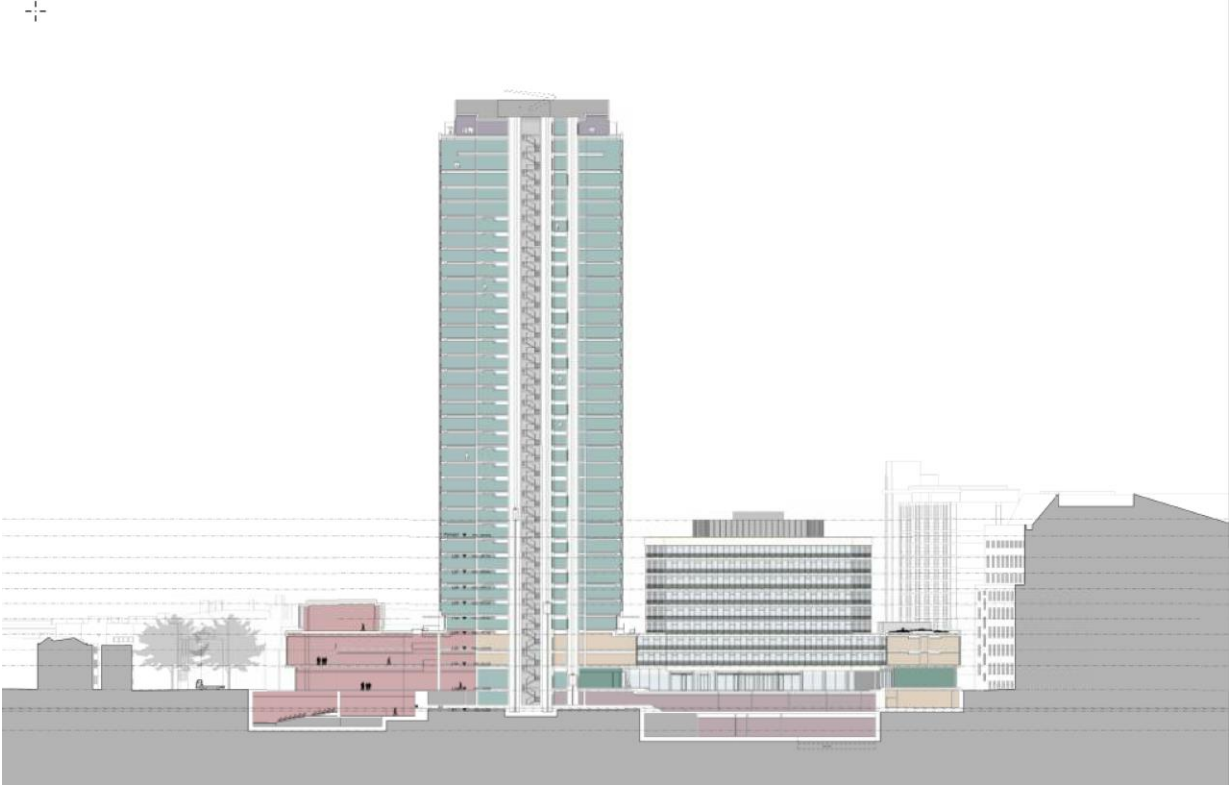
Proposed 35th Floor (Sky Bar)



Proposed Basement 01



Proposed Section BB



Proposed Section CC



Existing Verified View Albert Embankment

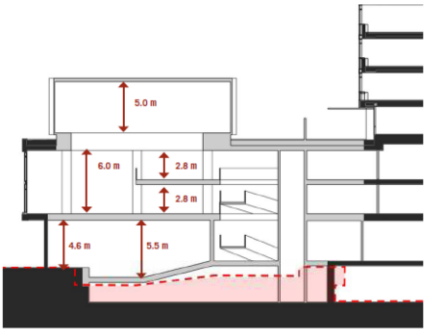


Consented Verified View Albert Embankment



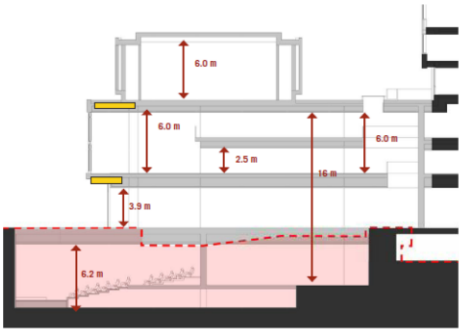
Proposed Verified View Albert Embankment

4.2 The Cultural Component
4.2.3 Additional Demolition to the Prow



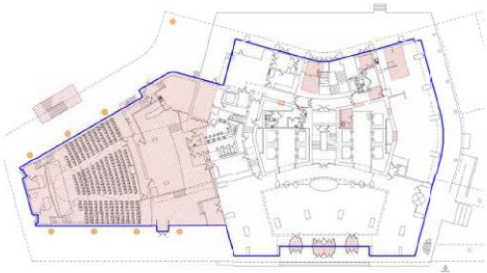
Consented Prow Cross Section

- The lantern is not accessible
- Headheights in the heart of the building are too low for BF1
- The basement is not large enough to make a significant difference



Proposed Prow Cross Section

- The lantern is not accessible
- Headheights in the heart of the building are too low for BF1
- The basement is not large enough to make a significant difference



GROUND FLOOR PLAN DEMOLITION COMPARISON

- Consented demolition
- Proposed additional demolition

- KEY CHANGES
1. Demolition of external columns
 2. Demolition of slab to entrance



FIRST FLOOR PLAN DEMOLITION COMPARISON

- Consented demolition
- Proposed additional demolition

- KEY CHANGES
1. Demolition of external columns
 2. Demolition of strip of slab adjacent to the facade



Visual of Proposed Scheme

DRAFT DECISION LETTER

- Address:** Development Site At Millbank Complex, 21 - 30 Millbank, London, SW1P 4QP,
- Proposal:** Variation of Condition 1 and 43 of planning permission dated 28th June 2016 (15/07756/FULL) for '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 hotel (Class C1) with restaurant, bar and café at ground floor level. Use of roof of podium building as a terrace with associated alterations, NAMELY to allow changes to list of approved plans to allow an increase in number of hotel bedrooms from 150 to 232, complete demolition and rebuilding of the prow to allow for reconfiguration of arts/cultural facility, amendments to the residential mix/layouts in the Tower, re-configuration of basement car parking and servicing area, adjustments to landscaping and associated amendments. (The application is an Environmental Impact Assessment (EIA) development and is accompanied by an Environmental Statement (ES), which may be viewed with the planning application documents).
- Reference:** 18/09095/FULL
- Plan Nos:** **Approved Drawings under ref 15/07756/FULL**
 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 addendum dated February 2016; structural concept report dated August 2015 and addendum dated February 2016. 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;

AS AMENDED BY

Site Plan - 1631.01-JMP-MP-DR-A-21011:500 Rev A, Proposed Plans - 1631.01-JMP-MP-00-DR-A-3102 Rev A; 1631.01-JMP-MP-01-DR-A-3103 Rev A; 1631.01-JMP-MP-02-DR-A-3104 Rev A; 1631.01-JMP-MP-03-DR-A-3105 Rev A; 1631.01-JMP-MP-07-DR-A-3106 Rev A; 1631.01-JMP-MP-08-DR-A-3107 Rev A; 1631.01-JMP-MP-09-DR-A-3108 Rev A; 1631.01-JMP-MP-17-DR-A-3109 Rev A; 1631.01-JMP-MP-33-DR-A-3110 Rev A; 1631.01-JMP-MP-34-DR-A-3111 Rev A; 1631.01-JMP-MP-35-DR-A-3112 Rev A; 1631.01-JMP-MP-RF-DR-A-3113 Rev A; 1631.01-JMP-MP-00-DR-A-3114 Rev A; 1631.01-JMP-MP-B1-DR-A-3100 Rev A; 1631.01-JMP-MP-B2-DR-A-3101 Rev A; 1631.01-JMP-MP-B3-DR-A-3117 Rev A;

Proposed Sections

1631.01-JMP-MP-AA-DR-A-5100 Rev A; , 1631.01-JMP-MP-BB-DR-A-5101 Rev A; 1631.01-JMP-MP-CC-DR-A-5102 Rev A; 1631.01-JMP-MP-DD-DR-A-5103 Rev A; 1631.01-JMP-MP-EE-DR-A-5104 Rev A; 1631.01-JMP-MP-FF-DR-A-5105 Rev A., ,

Proposed Elevations

1631.01-MP-EN-DR-A-4100 Rev A; 1631.01-MP-EE-DR-A-4101 Rev A; 1631.01-MP-ES-DR-A-4102 Rev A; 1631.01-MP-EW-DR-A-4103 Rev A; 1631.01-MP-EN-DR-A-4200 Rev A; 1631.01-MP-EE-DR-A-4201 Rev A; 1631.01-MP-ES-DR-A-4202 Rev A; 1631.01-MP-EW-DR-A-4203 Rev A.,

Demolition Plans

1631.01-JMP-MP-B1-DR-A-3500 Rev A, 1631.01-JMP-MP-00-DR-A-3501 Rev A; 1631.01-JMP-MP-01-DR-A-3502 Rev A; , 1631.01-JMP-MP-02-DR-A-3503 Rev A; 1631.01-JMP-MP-03-DR-A-3504 Rev A; 1631.01-JMP-MP-04-DR-A-3505 Rev A; 1631.01-JMP-MP-08-DR-A-3506 Rev A; 1631.01-JMP-MP-09-DR-A-3507 Rev A; 1631.01-JMP-MP-31-DR-A-3508 Rev A; 1631.01-JMP-MP-33-DR-A-3509 A; , 1631.01-JMP-MP-M1-DR-A-3510 Rev A

Documents

Design and Access Statement, Statement of Significance, Heritage Impact Assessment Addendum, Environmental Impact Assessment Addendum, Energy Strategy Addendum, Sustainability Strategy Addendum, Structural Strategy Addendum, Drainage Strategy Addendum, Basement Impact Assessment

Addendum, Transport Assessment Addendum, Wind Assessment Addendum.

Case Officer: Matthew Mason**Direct Tel. No.** 020 7641
07866037944**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 2 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 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 (November 2016) and TRANS 2, TRANS 3, TRANS 12 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007.

- 4 You must carry out the development in accordance with the samples of the facing materials, including glazing, approved under 18/08015/ADFULL dated 19.11.2018.

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 (November 2016) 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 carry out the development in accordance with the full size (1:1 scale) sample of a typical bay of both the tower and Y building facade approved under 18/08015/ADFULL dated 19.11.2018.,

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 (November 2016) 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 (November 2016) 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.

- 7 You must carry out the development in accordance with the detailed plans, elevations and x-sections of the new cladding systems for the building complex approved under 18/08015/ADFULL dated 19.11.2018.

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 (November 2016) 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 (November 2016) 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 (November 2016) 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 (November 2016) 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 (November 2016) 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)

- 12 You must provide the waste store shown on drawing 1631.1-MP-B1-DR-A-3100 Revision B 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 (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 13 Notwithstanding what is shown on the approved drawings, you must apply to us for approval of details for the long and short stay cycle parking. You must then provide each cycle parking space shown on the approved drawings prior to occupation of each use. 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 Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 14 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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 15 You must provide a headroom of at least 4.0m (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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23BB)

- 16 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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 17 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, that the spaces will cater for 100% electric vehicle charging provision 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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 18 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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 (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 (November 2016), 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. (R46AB)

- 20 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. (R48AA)

- 21 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 19 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 (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 22 (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 (November 2016), 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. (R47AB)

- 23 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 & LFMax 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. (R49BA)

- 24 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 22 and 23 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 (November 2016), by contributing to reducing excessive ambient noise levels. (R51BB)

- 25 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. (R49AA)

- 26 (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 (November 2016) 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. (R50AB)

- 27 You must apply to us for approval of details of the ventilation system to get rid of cooking smells for the hotel kitchen and where appropriate for the Sky bar and cultural use, 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 (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 28 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 29 You must not use the Class D1 floorspace hereby approved, until you have applied to us for approval of an Operation Management Plan for the cultural use to include details of the proposed occupier, 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 (November 2016) and SOC 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R10AC)

- 30 Customers shall not be permitted within the Sky bar premises before 07.00 or after 02.00 (the following day) each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 31 The gardens to the north and west of the 'Y' building indicated for use by hotel guests 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 (November 2016) and ENV 6, ENV 7 and ENV13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 32 The glass that you put in the end windows in the westernmost 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 (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 33 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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 34 **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 in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 35 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 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)

- 36 (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 (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 37 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 (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 38 **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 in writing 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, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA. , (c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 39 You must carry out the development in accordance with the following: , Desktop study approved under 17/10149/ADFULL dated 27.11.2017., Site investigation report approved under 18/04762/ADFULL dated 18.09.2018., Remediation strategy approved under 19/00492/ADFULL dated 13.02.2019., , You must apply to us for approval of a Validation report which summarises the action you have taken during the development and what action you will take in the future (if appropriate) prior to occupation. (see informative 3)

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)

- 40 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 on site sustainable technologies, in accordance with S40 in Westminster's City Plan (November 2016).

- 41 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 (November 2016). (R44AC)

- 42 A detailed scheme to prevent overheating based on a whole house ventilation scheme with the residential windows closed shall be submitted to and approved by the City Council and you must implement the scheme we approve prior to occupation of the residential flats and thereafter maintain it for the lifetime of the development.

Reason:

To ensure that the residential flats do not suffer from overheating and provide a high quality living environment in accordance with Policy S29 in Westminster's City Plan that we adopted in November 2016.

- 43 The proposed development shall provide the following in accordance with the plans hereby approved: - 232-bedroom hotel (Class C1).

Reason:

To ensure that the development of this site is in compliance with details and particulars which have been approved by the Local Planning Authority.

- 44 **Pre-Commencement Condition**, Notwithstanding that shown on the approved plans, you must apply to us for approval of samples of the facing materials you will use for the prow including the lantern, 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.

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 (November 2016) 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)

- 45 You must apply to us for approval of details of the following biodiversity and sustainability features: - bird boxes., - water harvesting , 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 increase the biodiversity of the environment and to make sure that the development affects the environment as little as possible, as set out in S28, S38 and S40 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 46 **Pre Commencement Condition.** Notwithstanding the approved plans and documents, you must apply to us for approval of an updated Air Quality Assessment. You must not start any work until we have approved what you have sent us. , , The air quality assessment should review and assess the impact to both existing and future occupiers of the development using air quality dispersion modelling. The inputs of the modelling study should be based on the approved transport assessment and use the selected plant required by the energy centre and include any back up combustion technology. , , In the event that the updated Air quality assessment shows that the approved scheme will have any adverse impacts to local air quality and or introduce new receptors to an area of poor air quality you must apply for us for approval for appropriate offsetting and mitigation measures. You must not start work not start work on the site until we have approved details of the appropriate arrangements. In the case of each of the appropriate offsetting and mitigation measures, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. , , You must only carry out the development according to the approved arrangements.,

Reason:

To ensure the development complies with S31 of Westminster's City Plan (November 2016) and Policy 7.14 of the London Plan (2016)

- 47 **Pre Commencement Condition.** Notwithstanding the approved plans and documents, you must apply to us for approval of an updated Air Quality Neutral Assessment. You must not start any work until we have approved what you have sent us. , , The air quality neutral assessment should use data taken from the approved transport assessment and use the selected plant required by the energy centre and include any back up combustion technology operating at a maximum capacity for a full calendar year. , , In the event that the updated Air Quality Neural Assessment shows that the approved scheme will not be

air quality neutral for either transport or building emissions you must apply for us for approval for appropriate offsetting and mitigation measures. You must not start work on the site until we have approved details of the appropriate arrangements. In the case of each of the appropriate offsetting and mitigation measures, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. ,

Reason:

To ensure the development complies with S31 of Westminster's City Plan (November 2016) and Policy 7.14 of the London Plan (2016)

- 48 You must apply to us for approval of details of mechanical ventilation with inlets, incorporating either air quality filtration/or positioned in an area of suitable air quality, incorporated into the building design for the residential and hotel uses. 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 ensure the development complies with S31 of Westminster's City Plan (November 2016) and Policy 7.14 of the London Plan (2016)

- 49 At least 10% of the hotel bedrooms provided shall be wheelchair accessible.

Reason:

To comply with London Plan Policy 4.5.

- 50 You must apply to us for approval of details of the vertical wind screens for the third floor private terraces. 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 (November 2016) 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)

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

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in

January 2007. (R43FB)

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 (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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 There is insufficient information to determine if the CHP boiler will comply with the Clean Air Act 1993 and the applicant will be required to apply to the council's Environmental Health team to approve the height of the energy centre flue.
- 3 Any deviation from the approved documents under planning references 17/10149/ADFULL (Phase 1 desk study) 18/04762/ADFULL (Phase 2 Site investigation) and 19/00492/ADFULL (Phase 3 Remediation Strategy) will require a revised assessment to be submitted.
- 4 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 5 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary

sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/short-term-lets., , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 6 Please contact a Metropolitan Police Designing Out Crime Officers about suitable security measures for your development. You should also check whether these features will need planning permission. The contact details for Designing Out Crime Officers that cover Westminster can be found at the following link: www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#metropolitan-police-service-north-west-region.
- 7 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 8 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:

- i. The provision of a cultural facility on a 125 year lease with a peppercorn rent for 50 years, with the end user to be agreed by the City Council prior to the occupation of the cultural facility;
- ii. A contribution of £2.5million (index linked) towards the fitting out of the cultural facility to be paid prior to the proposed occupier of the cultural facility starting its works to fit out the proposed cultural facility;
- iii. The provision of a publicly 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. A payment of £59,115.84 (index linked and payable on commencement) towards Employment, Training and Skills Development;
- viii. Costs of monitoring the S106 agreement;
- ix. Unallocated parking.
- x. A payment of £619,000 towards Carbon Offset (index linked and payable on commencement)
- xi) A payment of £1,685,577 towards the council's affordable housing fund (index linked and payable on commencement of development) with a late stage review mechanism.

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

DRAFT DECISION LETTER

- Address:** Development Site At Millbank Complex, 21 - 30 Millbank, London, SW1P 4QP,
- Proposal:** Variation of Condition 1 of listed building consent dated 26 June 2016 (15/09739/LBC) for 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, NAMELY to allow changes to list of approved plans for internal and external amendments to accommodate an increase in number of hotel bedrooms from 150 to 232, complete demolition and rebuilding of the prow to allow for reconfiguration of arts/cultural facility, amendments to the residential mix/layouts in the Tower, re-configuration of basement car parking, adjustments to landscaping and associated alterations.
- Reference:** 18/09096/LBC
- Plan Nos:** **Approved Drawings and Documents under ref 15/09739/LBC**
 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 addendum dated February 2016; structural concept report dated August 2015 and addendum dated February 2016; 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;

Amended drawings , Site Plan - 1631.01-JMP-MP-DR-A-21011:500 Rev A, Proposed Plans - 1631.01-JMP-MP-00-DR-A-3102 Rev A; 1631.01-JMP-MP-01-DR-A-3103 Rev A; 1631.01-JMP-MP-02-DR-A-3104 Rev A, 1631.01-JMP-MP-03-DR-A-3105 Rev A; 1631.01-JMP-MP-07-DR-A-3106 Rev A; 1631.01-JMP-MP-08-DR-A-3107 Rev A; 1631.01-JMP-MP-09-DR-A-3108 Rev A; 1631.01-JMP-MP-17-DR-A-3109 Rev A; 1631.01-JMP-MP-33-DR-A-3110 Rev A; 1631.01-JMP-MP-34-DR-A-3111 Rev A; 1631.01-JMP-MP-35-DR-A-3112 Rev A; 1631.01-JMP-MP-RF-DR-A-3113 Rev A; 1631.01-JMP-MP-00-DR-A-3114 Rev A; 1631.01-JMP-MP-B1-DR-A-3100 Rev A; 1631.01-JMP-MP-B2-DR-A-3101 Rev A; 1631.01-JMP-MP-B3-DR-A-3117 Rev A;

Proposed Sections - 1631.01-JMP-MP-AA-DR-A-5100 Rev A; , 1631.01-JMP-MP-BB-DR-A-5101 Rev A; 1631.01-JMP-MP-CC-DR-A-5102 Rev A; 1631.01-JMP-MP-DD-DR-A-5103 Rev A; 1631.01-JMP-MP-EE-DR-A-5104 Rev A; 1631.01-JMP-MP-FF-DR-A-5105 Rev A., , Proposed Elevations - 1631.01-MP-EN-DR-A-4100 Rev A; 1631.01-MP-EE-DR-A-4101 Rev A; 1631.01-MP-ES-DR-A-4102 Rev A; 1631.01-MP-EW-DR-A-4103 Rev A; 1631.01-MP-EN-DR-A-4200 Rev A; 1631.01-MP-EE-DR-A-4201 Rev A; 1631.01-MP-ES-DR-A-4202 Rev A; 1631.01-MP-EW-DR-A-4203 Rev A.

Demolition Plans - 1631.01-JMP-MP-B1-DR-A-3500 Rev A, 1631.01-JMP-MP-00-DR-A-3501 Rev A; 1631.01-JMP-MP-01-DR-A-3502 Rev A;, 1631.01-JMP-MP-02-DR-A-3503 Rev A; 1631.01-JMP-MP-03-DR-A-3504 Rev A; 1631.01-JMP-MP-04-DR-A-3505 Rev A; 1631.01-JMP-MP-08-DR-A-3506 Rev A; 1631.01-JMP-MP-09-DR-A-3507 Rev A; 1631.01-JMP-MP-31-DR-A-3508 Rev A; 1631.01-JMP-MP-33-DR-A-3509 A;, 1631.01-JMP-MP-M1-DR-A-3510 Rev A., , Documents, Design and Access Statement, Statement of Significance, Heritage Impact Assessment Addendum, Environmental Impact Assessment Addendum.

Case Officer: Matthew Mason

Direct Tel. No. 020 7641
07866037944

Recommended Condition(s) and Reason(s)

- 1 The works 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 not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the special architectural or historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29BC)

- 3 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 4 You must not disturb existing ornamental features. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 5 You must carry out the development in accordance with the samples of the facing

materials, including glazing, approved under 18/08016/ADLBC dated 19.11.2018.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 6 You must carry out the development in accordance with the full size (1:1 scale) sample of a typical bay of both the tower and Y building facade approved under 18/08016/ADLBC dated 19.11.2018.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 7 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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 8 You must carry out the development in accordance with the detailed plans, elevations and x-sections of the new cladding systems for the building complex approved under 18/08016/ADLBC dated 19.11.2018.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 9 Notwithstanding that shown on the approved plans, you must apply to us for approval of detailed drawings of the following parts of the development: ,
 , i) any new external doors at a scale of 1:10, ii) any new gates, railings, boundary walls or balustrades at a scale of 1:10, iii) the new opening in the ground floor (access to car lift) at a scale of 1:50, iv) the infilled section of the ground floor at a scale of 1:50, , 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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 10 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. The must not project beyond the top of any enclosure.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 11 You must apply to us for approval of a schedule of original or historic fixtures and fittings to be removed from the foyers and ground floor areas of the complex, showing how they are going to be re-instated in the building or relocated. 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 the works in accordance with these 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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 12 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces or balconies.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 13 Pre-Commencement Condition, Notwithstanding that shown on the approved plans, you must apply to us for approval of samples of the facing materials you will use for the prow including the lantern, 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.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our

Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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