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| CITY OF WESTMINSTER | | | |
| PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE | Date 3 August 2021 | Classification For General Release | |
| Report of Director of Place Shaping and Town Planning | | Ward(s) involved St James's | |
| Subject of Report | Westminster House, 7 Millbank, London, SW1P 3JA | | |
| Proposal | Demolition of existing office building, including dismantling of the facades to Millbank, Dean Stanley Street and Smith Square; erection of new nine storey building using new and reclaimed materials for commercial business and service use (Class E); extension to Smith Square; excavation of new sub-basement; formation of external terraces at sixth, seventh and eighth floor levels; new main entrance to Dean Stanley Street with secondary and servicing entrances to Smith Square; installation of plant and associated works. | | |
| Agent | Gerald Eve | | |
| On behalf of | Baola Properties Limited | | |
| Registered Number | 21/01508/FULL | Date amended/ completed | 8 July 2021 |
| Date Application Received | 10 March 2021 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Smith Square | | |

1. RECOMMENDATION

1. Subject to the views of the Mayor of London, grant conditional permission subject to a legal agreement to secure the following:
 - a) Highways works necessary for the development to proceed;
 - b) A payment of £115,541.65 (index linked) to support the Westminster Employment Service (payable on commencement of development);
 - c) A payment of £354,043 (index linked) to the City Council's Carbon Offset Fund (payable on commencement of development);
 - d) A payment of £250,000 (index linked) towards TfL's Lambeth Bridge North scheme (payable on commencement of development);
 - e) London Plan (2021) 'Be Seen' energy monitoring obligation; and
 - f) The City Council's S106 monitoring costs
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, 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. The Director of Place Shaping and Town Planning be authorised to make a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway on Smith Square to enable the Development to be undertaken and to take all necessary procedural steps to confirm the order.

2. SUMMARY

Westminster House, 7 Millbank is a prominent unlisted building on the north-east side of Smith Square, with street-facing facades on three sides: facing towards Smith Square; onto Dean Stanley Street; and onto Millbank. It comprises a single use commercial office building (Class E) in use by the Parliamentary Estates. The site is located within the Smith Square Conservation Area and the Central Activities Zone.

7 Millbank is an unlisted building of merit within the Smith Square Conservation Area Audit. The site lies close to designated heritage assets, notably the grade I listed Palace of Westminster, which forms part of Westminster's World Heritage Site and on the opposite side of Millbank is Victoria Tower Gardens, a grade II registered garden. There also many listed buildings in the immediate vicinity of the site.

Permission is sought for the demolition of the existing building and for the erection of a new nine storey building for commercial business and service use (Class E). The proposals involve the careful dismantling and rebuilding of the facades around a new steel frame. The replacement building will include a new roof extension, an extension to Smith Square, excavation of new sub-basement, formation of external terraces at sixth, seventh and eighth floor levels and a new main entrance to Dean Stanley Street. In part the proposal seek to address the shortcomings of the existing building including the fact that the building's steel frame is corroding and to provide new high quality commercial office accommodation within an attractive and healthy working environment.

The key considerations of this case are:

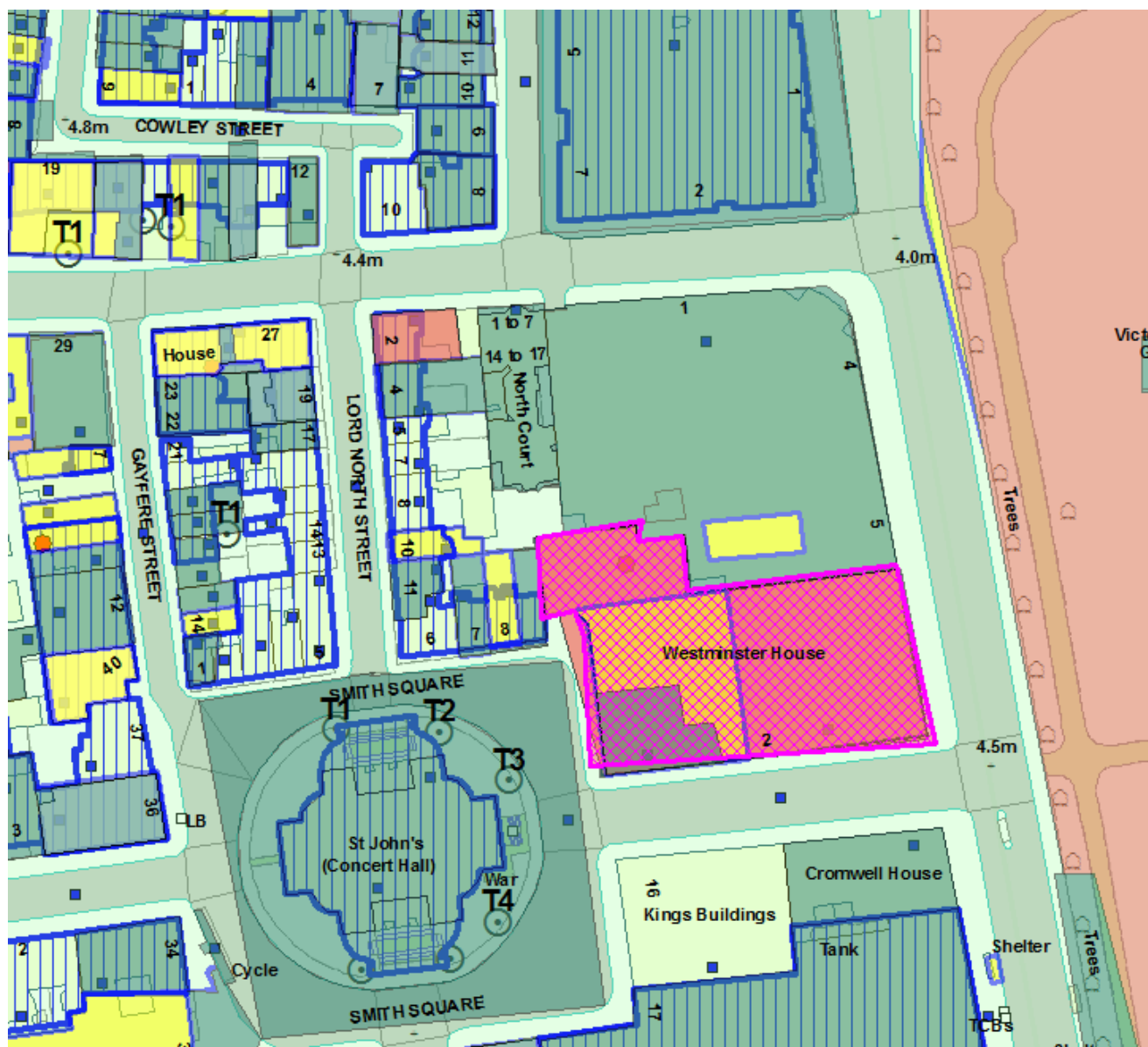
- The principle of the demolition of the existing building.
- The impact of the new development on the character and appearance of the Smith Square Conservation Area.
- The impact of the new development on the amenity of adjacent occupiers.
- The sustainability features within the new development.

The proposed development has received a holding objection on behalf of the BBC and ITV who have

television studios in the adjoining building at 4 Millbank. Concerns have been raised about the impact from construction works on the operation of the studios, which are noise sensitive, and the potential for the roof extension to cause permanent interference and degradation to the BBC's and ITV's telecommunication signals. For the reasons set out in the main report it is considered that the construction issue can be satisfactorily addressed through the Council's Code of Construction Practice. In terms of the impact on telecommunication signals, the applicant has submitted additional information which ITV and the BBC are currently assessing.

The proposed development is considered a sensitive one, which introduces a new office building, which is fully accessible, has a significantly improved energy performance over the current building, provides more greening, provides external amenity space and creates a larger amount of modern office accommodation. It manages this while maintaining the positive aspects of the character and appearance of the existing building and causing no adverse impact on the highly sensitive townscape context. By resolving the inherent technical failings of the existing building and its stonework, it secures the long-term future of this building. The proposed development is considered to comply with relevant policies in the City Plan 2019-2040 subject to conditions and subject to the completion of a S106 agreement to secure the benefits set out in the main report

3. LOCATION PLAN



4. PHOTOGRAPHS



Westminster House, 7 Millbank (showing elevations facing Millbank and Dean Stanley Street)



Elevation facing Smith Square

5. CONSULTATIONS

Ward Councillors for St James's
Any comments to be reported verbally.

Waste Project Officer
No objection.

Highways Planning Team - City Highways
No objections. The car free development and provision of 281 cycle parking spaces is welcome. The Servicing Management Plan should be secured by condition. Stopping up is required at the entrance to the north-east of Smith Square. Concern is raised about other Class E uses and the potential impact on servicing.

Building Control - Development Planning
Any comments to be reported verbally.

Environmental Health
No objections subject to conditions including a requirement to sign up to the Council's code of construction practice.

Thames Water Utilities Ltd
No objection subject to condition on piling methods and to ensure the existing water network infrastructure can accommodate the needs of this development proposal.

The Royal Parks
Any comments to be reported verbally.

Greater London Authority
London Plan (2021) policies on land use principle, urban design, transport, and sustainable development are relevant to this application. Whilst the proposal is supported in principle, the application does not currently comply with these policies, as set out in section 8.10 of this report.

Transport for London
The site will directly benefit from TfL's Lambeth Bridge North Roundabout (LBN) and TfL are requesting a contribution of £250,000 towards implementing this scheme. More details are requested about cycle storage; 5% of spaces should be accessible, a contribution towards additional cycle hire capacity maybe required and short-stay cycle parking is required. The Delivery and Servicing Plan should commit to reducing the number of freight trips to the site over time, commit to using safer vehicles, sustainable last mile scheme and support carbon free travel. A Travel Plan should be secured.

Historic England (Archaeology)
7 Millbank is located within the Tier 1 'Westminster and Whitehall' Archaeological Priority Area (APA), an area of potential for archaeological remains of high significance. An archaeological field evaluation report is required. Further information has been requested from the applicant to inform at what stage the necessary field evaluation work should be carried out.

Historic England (Listed Builds/Con Areas)
Do not wish to offer any comments.

Environment Agency

No objection. To improve flood resilience, the agency recommend that, where feasible, finished floor levels are set above the 2100 breach flood level, which is 4.97m AOD.

Designing Out Crime

Any comments to be reported verbally.

Arboricultural Section

No objection following receipt of revised information relating to construction methodology and confirmation that the existing basement walls are to be retained. Tree protection conditions are recommended.

WCC Economy Team

Based on the total net uplift floorspace and on the Inclusive Local Economy Policy (2019), this scheme needs to provide a Financial Contribution of £ 115,541.65.

London Borough Of Lambeth

No comment.

Thorney Island Society

The Thorney Island Society are worried by the energy intensive implications inherent in the demolition and rebuilding, but understand that the structural problems make this necessary. The Society would have appreciated a clearer statement of the steps taken to mitigate or offset the carbon costs of demolition and reconstruction.

The retention of the building in office use is welcomed. The extra floor and the terraces will affect the view of the Millbank buildings from across the river and Lambeth Bridge. The terraces will affect nearby residential neighbours in Smith Square and Lord North Street. There might be some privacy issues, but the main concern is noise and light pollution.

Westminster Society

The concerns expressed by the Society at pre-application stage have been addressed in the submitted scheme and the Society has no objections. The retention of office use is supported, the new entrance and cycle entrance on Dean Stanley Street has been dealt with sensitively, the society is pleased the deep cornice is being replicated in the re-built elevations, the proposed roof extension helps to simplify the overall roof form and will create a low-key backdrop to the Palace of Westminster (provided this upper floor is not brightly illuminated at night) and the triple mansard extension is considered to be an improvement. For the new roof terraces, we consider there should be restrictions on noise and operation hours to protect neighbouring amenities.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 154

Total No. of replies: 2

No. of objections: 0

No. in support: 0

Two letters of concern have been received on behalf of the BBC and ITV who occupy 4 Millbank for audio and video pre-recordings, live national and regional news broadcasts and weather reports at regular intervals across the 24 hours of the day, seven days a week. Whilst not objecting in principle the BBC and ITV object until further details are available regarding the impact from construction activity and the potential for the roof extension to cause permanent interference and degradation to the BBC's and ITV's telecommunication signals.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Westminster House, 7 Millbank is a prominent unlisted building on the north-east side of Smith Square, with street-facing facades on three sides: facing towards Smith Square; onto Dean Stanley Street; and onto Millbank. It comprises a single use commercial office building (Class E) in use by the Parliamentary Estates. The site is located within the Smith Square Conservation Area, the Central Activities Zone, Flood Zone 3 and within a Tier 1 Archaeological Priority Area.

7 Millbank is an unlisted building of merit within the Smith Square Conservation Area Audit. The site lies close to designated heritage assets, notably the grade I listed Palace of Westminster, which forms part of Westminster's World Heritage Site and on the opposite side of Millbank is Victoria Tower Gardens, a grade II registered garden. There are also many listed buildings in the immediate vicinity of the site.

7 Millbank has four entrances. The primary entrance is from Millbank with two secondary entrances from Dean Stanley Street. Deliveries and refuse collection take place on the street from a fourth entrance in the corner of Smith Square.

6.2 Recent Relevant History

On 19 December 2019, planning permission was granted for the partial removal of the 5th floor cornice, associated repairs, and installation of temporary protection prior to reinstatement of the cornice. The works were necessary due to the compromised integrity of the cornice and danger to public safety. (19/08449/FULL)

On 1 May 2018 permission was granted for use of the basement and ground floor levels of 4 Dean Stanley Street for either office (Class B1) purposes or Class A2 professional services. (18/01312/FULL)

On 17 February 2005, permission was granted for the installation of 18 air condenser units at 7th floor roof level behind an existing screen and 19 air condenser units at 8th floor roof level, 8 of these behind a new screen on the Dean Stanley Street frontage. (04/08774/1884)

7. THE PROPOSAL

| | Existing GIA (sqm) | Proposed GIA (sqm) | +/- |
|--|--------------------|--------------------|--------|
| Commercial, business and service (Class E) | 15,868 | 19,433 | +3,565 |

Permission is sought for the demolition of the existing building and for the erection of a new nine storey building for commercial business and service use (Class E). The proposals involve the careful dismantling and rebuilding of the facades around a new steel frame. The replacement building will include a new roof extension, an extension to Smith Square, excavation of new sub-basement, formation of external terraces at sixth, seventh and eighth floor levels, new main entrance to Dean Stanley Street with secondary and servicing entrances to Smith Square. In part the proposal seek to address the shortcomings of the existing building including the fact that the building's steel frame is corroding and to provide new high quality commercial office accommodation within an attractive and healthy working environment.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The site is located within the Central Activities Zone (CAZ) as designated by the City Plan 2019-2040. Policy 1 and 13 of the adopted City Plan 2019-2040 are relevant. Policy 1 (Westminster's spatial strategy) states that Westminster will continue to grow, thrive and inspire at the heart of London as a World City. Policy 13 (Supporting economic growth) states that new and improved office floorspace will be supported to provide capacity for at least 63,000 new jobs over the Plan period. Whilst the West End, along with the Opportunity Areas at Paddington, Victoria and Tottenham Court Road will provide the main opportunities for significant office growth, additional office floorspace is supported in principle in parts of the Central Activities Zone (CAZ) with a commercial or mixed-use character.

The application site is already in office use within Class E and the development proposes a net increase of 3,565sqm office floorspace, increasing from 15,868sqm (GIA) to 19,433 sqm (GIA). The buildings that are immediately adjacent or adjoin the application site along Millbank are in office use and there are other office uses within Smith Square. There are also significant amounts of residential use within the vicinity of the site in Smith Square, Lord North Street and Great Peter Street. There is also a Berkeley Homes development for residential flats under construction at 9 Millbank and Ergon House. Despite the large amount of residential use in the vicinity of the site, the application site is considered mixed use in character. As such the proposed increase in office floorspace is considered acceptable in this location. The replacement building will provide office accommodation designed to a high standard, with fully accessible facilities and constructed to high environmental performance standards which is welcome.

The Mayor has requested that the Council should consider securing floorspace for small to medium sized companies in line with Policy E2 of the London Plan. Policy 13 (C) of the City Plan 2019-2040 supports the provision of affordable workspace throughout the commercial

areas of the city. In this instance given the relatively small uplift in office accommodation proposed, the provision of affordable workspace has not been sought. Changes to the Uses Classes Order which came into effect in September 2020 combined a number of town centre uses into a single use class, Class E Commercial Business Service. It is clear that regard should be had to the objective in introducing Use Class E which is to provide additional flexibility in terms of allowing changes of use within a range of uses without the need to seek an express grant of planning permission. The documentation submitted with the application and therefore the City Council's assessment of the application against relevant City Plan 2019-2040 policies, relates to the building's continuous use in office floorspace rather than other permitted uses within Class E. It is therefore recommended that permission is subject to a condition which restricts the commercial floorspace to office use only and no other purpose within Class E of the Use Classes Order in order to ensure that the scheme complies with policies within the City Plan 2019-2040.

8.2 Townscape and Design

Introductory Text

The key legislative requirements in respect to designated heritage assets are as follows:

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."*

Section 66 of the same Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the same Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39 (K) of the City Plan 2019-2040 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 (July 2021) require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF (July 2021) 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.

The Existing Building and Surrounding Townscape

Westminster House is a prominent unlisted building on the north-east side of Smith Square, with street-facing facades on three sides: facing towards Smith Square; onto Dean Stanley Street; and onto Millbank. It is located within the Smith Square Conservation Area. The site also lies close to many other designated heritage assets, notably the grade I listed Palace of Westminster, which forms part of Westminster's World Heritage Site and lies to the north-east; immediately to the east on the opposite side of Millbank is Victoria Tower Gardens, a grade II registered garden that, along with the Palace of Westminster, lies within the Westminster Abbey and Parliament Square Conservation Area. There are also many listed buildings in the immediate vicinity of the site, these are identified within the applicant's Historic Building Report, however, of particular note are the early eighteenth-century former Church of St John's which is the grade I listed centrepiece of Smith Square; and the early eighteenth-century terraced houses in Smith Square and Lord North Street, which are all grade II* listed and in the case of 7-9 Smith Square immediately abut the application site.

The current Westminster House represents the product of several building phases of the twentieth century. The earliest surviving part is the prominent Portland Stone building on the corner of Millbank and Dean Stanley Street. This was built for the British-American Tobacco Company in 1913-15 to designs by Gordon & Gunton. It comprises a basement, ground floor and seven upper floors and has richly articulated stone façades, which primarily rise to the fifth floor, with the upper two floors contained within a mansard roof covered in Westmoreland slate. At each of its three street-facing corners it was further embellished by stone gables at sixth floor and pyramidal pavilion roofs above, creating a composed and attractive roofscape. One of its less obvious but noteworthy features is that, when built, it was regarded as a leading example of advanced steel-frame construction, which enabled clear spans of 40ft internal space. The steel frame rests on reinforced concrete foundations and the building contains reinforced concrete retaining walls and floor panels.

This building was substantially extended to the west in 1929. To designs by Gordon & Gordon, the same, but re-named, practice who had built the original building and for the same client, the building was extended to occupy the extent of the site occupied by the current building, i.e. extending further westward along Dean Stanley Street and also wrapping into Smith Square to abut with the Georgian terraced block at 7-9 Smith Square. The extension was designed in two styles: the immediate addition to the west of the original building was designed to match and thus on Dean Stanley Street the only real evidence of the extension is that the original south-west corner pavilion roof has lost its corner status; the rest of the extension sought to respond to the Smith Square context and in part to the buildings that had preceded it and was designed in a neo-Georgian style with red brick, stone dressings and a clay tiled roof. The effect is that while functioning largely as a single building, its external appearance suggested two architecturally distinct buildings. The ground and basement floor of the neo-Georgian element were originally used for Lloyds Bank, with a separate entrance on Dean Stanley Street.

There have been further modifications and extensions to the building during the second half of the twentieth century, the most notable being at roof level, where a single storey brick extension was added above the neo-Georgian tiled mansard, visible from Smith

Square; and two tall stair towers on the original building and close to the corner roof pavilions – which are visible in longer distance views.

Westminster House is identified as an unlisted building of merit within the Smith Square Conservation Area Audit and while it certainly makes a positive contribution to this conservation area, its townscape value extends beyond the conservation area boundary, complementing the fine range of larger scale twentieth century buildings which run along Millbank and present a fine riverside frontage, principally appreciated from the Lambeth side of the river, even with the dense screen of London Plane trees now largely obscuring the lower levels. Many of these larger river-fronting buildings are listed and Westminster House makes a positive contribution to their setting.

The post-war rooftop additions detract from the overall appearance of the building and the brick extension visible above the mansard in Smith Square has a particularly discordant effect.

The proposals involve complete dismantlement and/or demolition of the current building; with a replacement building which will re-use and re-instate the dismantled facades, but with an entirely new structure and replacement interior. The proposal will involve modifications and extensions at roof level and some façade modifications.

Given the nature of the proposals and the highly sensitive townscape context several design/heritage policies are of relevance as is the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990. In terms of our City Plan 2019-2040 policies 38, 39 and 40 are of particular relevance and in terms of the London Plan (2021) policies D3, D4, D5, HC1, HC2, HC3 and HC4 are amongst the key policy considerations. Sections 66 and 72 of the 1990 Act are applicable, as is the guidance and policy associated with the NPPF (July 2021).

The Issue of Demolition / Dismantlement

Policy 39 (L) of our newly adopted City Plan 2019-2040 indicates that there will be a presumption that unlisted buildings that make a positive contribution to a conservation area will be conserved and the supporting text indicates that demolition will be resisted unless it can be demonstrated that the public benefits of the proposal, including the quality of the replacement building, outweigh the case for retention. The supporting text also acknowledges that in some cases demolition behind retained facades can provide a way to protect facades of townscape merit while allowing new accommodation to be developed behind and this may be acceptable where the overall integrity of unlisted buildings is maintained in street views.

The applicant has acknowledged the townscape value of this building and thus propose to maintain the character and appearance of the building by retaining its street facing facades, but somewhat unconventionally rather than restraining the facades and demolishing and rebuilding behind them the proposal is to carefully dismantle the facades and to rebuild them utilising as much of the dismantled fabric as possible in the replacement facades.

A number of reasons have been offered for this approach of wholesale dismantlement/demolition. The existing building, in terms of its internal environment is

now considered no longer fit for purpose and needs comprehensive upgrading to deliver modern office accommodation and an improved environmental performance. To achieve this there is a need to:

- Remove the party wall that divides the original building from the 1929 extension;
- Rebuild/replace the circulation cores, none of which currently meet modern standards;
- Upgrade all services – which is significantly impeded by the solid construction of the floor slabs;
- Increase plant which has to be accommodated in an enlarged basement;
- Provide cycle storage;
- Address the issue of embedded steelwork corrosion.

With respect to this last point, the steel frame of the building is embedded within the stone and brick facades and over time the steel has started to corrode, which has resulted in cracking and delamination of the masonry. To such an extent that a piece of the stone fell from the building onto the pavement below in 2016. Since that time works have been undertaken to try and make the building safe and it has been covered in scaffolding for some time to try and do this, however, there remains a need to address the corrosion which is causing irreversible damage to the stone and brick facades.

In reaching the decision to propose dismantlement of the facades, the applicant has submitted a façade study report prepared by stonework specialists and this demonstrates that façade retention and repair of masonry and treatment of steelwork; and repair of stonework and cathodic protection of the steel frame have also been considered as options. In both cases the risk of corrosion will be reduced but could re-occur and the extent of repair would be highly invasive requiring high levels of replacement brick and stone. In the case of the cathodic protection this was feasible but will require replacement overtime and would not obviate the need for façade interventions. The report clarifies the benefits of façade dismantlement, which will remove future risks associated with corrosion, allow opportunity to significantly improve the thermal performance of the fabric and remove the risks and impacts associated with façade retention. The report acknowledges that there will still be a need for some fabric to be replaced rather than re-used but nevertheless concludes that the dismantlement and rebuilding option offers the greatest long-term benefits.

In townscape and heritage terms while the dismantlement of the building will cause temporary harm to the conservation area and to the setting of adjacent designated heritage assets, ultimately the outcome of the scheme would be for the historic facades to be reinstated and it is considered that the applicants have made a persuasive case for this approach. Subject to securing an appropriate mechanism for ensuring the rebuilding phase will occur, the principle of this approach is acceptable.

Demolition versus façade retention: whole life carbon impact

As new developments are large consumers of resources and materials, the City Plan 2019-2040 states that the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition and proposals for substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building.

Despite the deficiencies of the existing building set out above, the applicant advises that at RIBA Stage 2, a facade retention scheme was explored in detail with specialist facade contractors. The applicant states this would require a significant amount of temporary steelwork to support the facade during construction, which would be removed once a new steel frame was constructed within the building and the retained facade would also need extensive intervention works to fully access the steel frame and treat the corroding steelwork, along with replacing any cracked or damaged stone and brickwork.

The applicant's design team undertook an embodied carbon assessment of this solution and the option of carefully deconstructing the existing facades and rebuilding around a new steel frame. The assessment shows that whilst more expensive, deconstructing and rebuilding the facades would have a reduction of over 15% embodied carbon (when measured over 100 years), while still maintaining the same construction programme as a facade retention scheme. A key benefit of the rebuilt facade highlighted by the applicant is that it would provide the building with a long-term solution, removing the need for periodic scaffolding and removal of the existing stone and brick facades to review the condition of the steel frame. The applicant also states that this solution would also provide a highly airtight building, reducing cold bridging, and allow the building to be fully insulated.

Officers acknowledge that the existing building is likely no longer deemed to be fit for purpose and needs a comprehensive overhaul to bring it up to modern standards and improve its performance. Given the whole-life carbon impact study carried out it the applicant has shown that the demolition and rebuild option results in less carbon impact than a facade retention scheme given the continuous maintenance issues that would be required.

The Replacement Building

While the new building will retain much of the external appearance of the existing building, the scheme does introduce a number of alterations.

Perhaps some of the most noticeable changes occur to the rebuilt neo-Georgian part of the site which faces onto Smith Square. Here the canted corner of the existing building is omitted and a simple orthogonal right-angle-corner is introduced, which brings forward the two bays that are positioned on the north side of Smith Square and which are immediately adjacent to the listed 7-9 Smith Square. The pedimented ground floor entrance door is also re-positioned (with the existing unsightly ramp structure removed and level entry provided). Also, at ground floor but in the part on the east side of Smith Square a second office entry point into the building is introduced. At roof level the post-war brick addition is not re-instated and instead the clay-tiled mansard is extruded to form a 3-storey mansard, which would match the 3-storey mansard to 16 Smith Square which lies to the south on the other side of Dean Stanley Street. In introducing these changes the large brick flank wall which rises above no.9 Smith Square is retained in a modified form. One further small change to the neo-Georgian brick extension occurs on the Dean Stanley Street side where the door which formerly provided entry into a bank is altered to a window, matching others in the facade.

With respect to the re-built stone facades of the original 1915 building and its matching

1929 extension, its façade is modified on the Dean Stanley Street where the broken pedimented entrance to the original building is replaced by a larger double-height arched opening which sits at the base of the original corner pavilion. A second entry point is incorporated into the glazing of this façade further to the east to provide an entry point for cyclists. The remaining glazed arched bays to this façade have their sills omitted and the glazing brought to ground level. There are no changes proposed to the rebuilt east façade, which faces onto Millbank and the broken-pedimented door in this façade is retained, albeit now step free.

The main changes to the stone part of the building occurs at roof level where the rebuilt mansard is modified with its height extruded slightly to provide greater headroom to the seventh floor; in addition, the arrangement of dormers is changed, with the sixth floor featuring grouped 3-part dormers. The pyramidal pavilion roofs remain higher and advanced of the mansard roof line and as such maintain their enhanced roofscape quality.

Above the mansard and set back from the roof edges a new eighth floor roof addition is introduced. The height and plan form of this structure has been carefully considered to address river prospect strategic views of the London View Management Framework. The application site sits in the backdrop to the Palace of Westminster in some of these views and is already visible above the silhouette. The new building omits the tall stair towers that previously rose above the rooftop and the new extension is lower than these, with the overall effect being a minor and beneficial change to the strategic views. This new rooftop structure is predominantly glazed to its sides, but nevertheless set within a framed arrangement, although on the north side and to part of its west side it is more solid – faced in white glazed brick. The roof of this structure features green and brown roofs and a small area of photovoltaics.

The eighth-floor structure also contains an area of plant and there are two further rooftop plant enclosures one at seventh floor level and one at sixth floor level – in both cases integrated into the envelope of the replacement building.

The replacement building also seeks to introduce roofs of far greater amenity value for its occupants as well as taking opportunities to introduce greening. As such landscaped terraces of differing forms are proposed at sixth, seventh and eighth floor levels, with the latter providing the largest extent.

The west-facing flank wall adjacent to 9 Smith Square and the north-facing façade which backs onto North Court and 4 Millbank are currently the most utilitarian and secondary facades, very much appearing as the back of the building, albeit the flank wall does have a prominent townscape presence. In the rebuilt building a similar choice of facing materials is proposed (red brick or glazed white brick), but a greater level of detailing and articulation is introduced to ensure these lesser facades are nevertheless acceptably detailed. There is also a reduction in the number of windows to these facades.

The new building omits the courtyard/lightwells of the existing building, thus significantly increasing the quantum of office floor space. The main circulation core of the new building is centred towards the north side of the plan and is associated with a central atrium feature, which brings natural light down through the centre of the building.

Impact on Heritage Assets and Surrounding Townscape

As indicated earlier, the construction phase of this development will have an adverse impact on the site and its surroundings, particularly as the proposal involves full demolition/dismantlement. However, as completed the impact of the proposal on heritage assets and the surrounding townscape is relatively benign or beneficial. Because the main facades are largely re-built to replicate their former condition from many townscape perspectives the changes are relatively modest given the scale of development. At closer quarters perhaps the alterations that are most perceptible are within Smith Square, where longer views are available and the site is prominent within the townscape; the relationship to nearby listed buildings is also most apparent from Smith Square. The changes that are perceptible within Smith Square are generally all beneficial, with the removal of the sixth-floor brick extension and introduction of a 3-storey mansard providing a much improved setting to adjacent listed buildings, representing a far better resolution of the roofscape which is beneficial to the application site and to the wider conservation area. While a high flank wall adjacent to no.9 Smith Square will still be present, its facing material and detailing will be improved and as such no harm is caused as a consequence of the change.

With respect to the eighth-floor rooftop structure this is only perceptible in longer views and non-street level views. The longer views are nevertheless highly sensitive ones being those from along the riverside, many of which being strategic views identified in the London View Management Framework; and in some cases affecting the backdrop and to the Palace of Westminster. The views analysis undertaken indicates that small elements of rooftop will be visible behind the palace or above the London Plane trees to the south of the palace, however, in terms of the silhouette of the palace this is not adversely affected, indeed there may actually be a slight improvement with more sky created; and the effect on the tree line is very minimal and does not harmfully impact upon its role in the setting of the palace. Overall, there is no harmful impact on the significance of the Palace of Westminster or upon the Outstanding Universal Value of the World Heritage Site. It is recommended that an internal lighting strategy is secured by condition to ensure that the night time views of the building are acceptable.

The more detailed external changes, such as the new entrances in Smith Square and on Dean Stanley Street; or the modified dormers and other changes at roof level are all done in a way which is respectful to the original building and again would not have an adverse impact on the appearance of the building.

Thus overall, the proposal, when completed, will ensure that the character and appearance of the building and its contribution to the Smith Square Conservation Area is maintained and/or enhanced; and the scheme will have no adverse impact upon the setting of other designated heritage assets.

8.3 Residential Amenity

Policy 7(A) of the City Plan 2019-2040 states that 'Development will be neighbourly by:

- A. Protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.'

Part of the west facing elevation and part of the north facing elevation of the existing building look onto neighbouring residential properties and their gardens, namely 7 Smith Square, 8 Smith Square and 9 Smith Square, 10 and 11 Lord North Street and North Court (which comprises 17 flats). The application scheme proposes to replace the existing roof extension on these elevations with a more coherent 3-storey mansard. Whilst there will be no meaningful increase in height for the replacement building along the west facing elevation, there will be a small increase in height along part of the north facing elevation of 3.27m.

Sunlight and Daylight

Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011).

Two methods of measurement are recommended to measure daylight impacts in the BRE Guidelines: (1) Vertical Sky Component (VSC); and (2) Daylight Distribution (DD). VSC assesses the quantum of skylight falling on a vertical window and DD (also referred to as No Sky Line or NSL) measures the distribution of direct skylight in a room space. VSC is calculated from the centre of a window on the outward face and measures the amount of light available on a vertical wall or window following the introduction of visible barriers, such as buildings. The BRE Guidelines suggests that if the VSC is greater than 27%, enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. Should the VSC with development be both less than 27% and less than 0.8 times its former value, occupants of the existing building are likely to notice a reduction in the amount of skylight they receive. The Guidelines say: "the area lit by the window is likely to appear gloomier, and electric lighting will be needed more of the time". This form of assessment does not take account of window size, room use, room size, window number or dual aspect rooms.

The NSL method is a measure of the distribution of daylight at the 'working plane' within a room. For the NSL assessment the 'working plane' means a horizontal 'desktop' plane 0.85m in height for residential properties. The NSL divides those areas of the working plane which can receive direct sky light from those which cannot. If a significant area of the working plane receives no direct sky light, then the distribution of daylight in the room will be poor and supplementary electric lighting may be required. The BRE Guidelines state that if the area of a room that does receive direct sky light is reduced by more than 20% of its former value, then this would be noticeable to its occupants. The measurement and plotting of NSL requires the knowledge of the internal room layouts and dimensions.

For daylight to be compliant with the BRE Guidelines both the VSC and NSL tests have to be met. If either or both of the VSC and NSL tests are not met the daylighting is likely to be significantly affected.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90° of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months (winter PSH). As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum.

If a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

The BRE Guidelines explain that the advice given is not mandatory, that the numerical guidelines should be interpreted flexibly and that in special circumstances the Planning Authority may wish to use different target values. Inner city development is one of the examples where a different approach might be justified.

The application is accompanied by a Daylight and Sunlight Report. This provides an assessment of the potential impact of the development on daylight, sunlight and overshadowing based on the approach set out in the BRE Guidelines for the following residential properties: 7 Lord North Street, 8 Lord North Street, 10 Lord North Street, 11 Lord North Street, 6 Smith Square, 7 Smith Square, 8-9 Smith Square, North Court (Flats) and 5 Smith Square

With the exception of North Court, all windows and rooms tested experience VSC and NSL alterations of less than 20% which complies with the BRE guidance. In terms of sunlight, all rooms that require testing remain fully BRE compliant.

For North Court 44 of 46 windows and all 18 rooms experience VSC and NSL alterations of less than 20% which complies with BRE guidance. The 2 windows which experience reductions greater than 20% VSC are associated with two living rooms at fourth and fifth floor level. The windows (W2/114 and W2/115) experience reductions of 20.7% and 21.9% respectively.

The affected living room on the fourth floor is served by 4 site facing windows of equal size, the remaining 3 windows experience unnoticeable reductions of VSC. In accordance with the BRE guidance, the mean VSC of windows of equal size may be taken to assess whether the VSC alterations to the room they serve will be noticeable, when this is conducted the mean VSC alteration for the site facing windows serving the living room is 7.3% and so BRE compliant.

The affected living room on the fifth floor is served by a total of 8 site facing windows of equal size and are associated with a bay window. When the mean VSC alteration of these 7 windows is taken, the alteration equates to a mean VSC reduction of 8.9% which is BRE compliant.

In addition to the above, the remaining windows serving these rooms maintain 20% or greater residual VSC and are coupled with BRE compliant alterations of NSL within the rooms. also unnoticeable. The daylight to all flats within North Court is therefore unlikely to be significantly affected.

For sunlight the only the following properties are required to be tested in accordance with the BRE guidance: 10 Lord North Street, 7 Smith Square, 8-9 Smith Square and North Court. All properties tested are BRE compliant with the exception of North Court.

For North Court seventeen rooms are material for sunlight assessment, 16 of which

experience BRE compliant alterations. One derogation occurs within bedroom R1/114, this room will experience a minor derogation from the guidance at 24% Annual Probably Sunlight Hours versus a target of 25%. Given that the room is used as a bedroom (the BRE considered bedrooms to be less important), along with the central London context, the reduction in sunlight is considered acceptable. The bedroom window does maintain sufficient Winter Probable Sunlight Hours at 7% versus a target of 5%.

Overshadowing

Eight amenity spaces associated with 7 neighbouring properties have been assessed due to their proximity to the development site. The assessment provides that the proposal is fully compliant with regard to the BRE guidance and that there are no impacts to any of the amenity spaces as a result of the development.

Sense of Enclosure

The increase in height along part of the north elevation is modest at 3.27m. Given the separation distance between the application site at North Court of approximately 8.9m, it is not considered that there will be any material impact on sense of enclosure.

Privacy

The existing west-facing brick wall has two windows per floor running from ground to level 5. The uppermost storey has a blank façade and no window openings. The size and number of windows in the proposed west facing brick wall have been reduced from the existing including the removal of the ground floor windows. This is welcome in amenity terms. Given that there are already windows in the west facing flank elevation of the existing building, it is not considered reasonable to require these windows to be obscure glazed.

The existing north facing glazed brick wall has multiple windows at each floor. These mostly overlook No. 4 Millbank which is a commercial building. Notwithstanding this, the number of windows in the north facing wall have also been reduced. The top level of windows has been removed entirely and several windows replaced by louvred vents.

Roof terraces

External terraces are proposed at sixth, seventh and eighth floor levels on the proposed building facing onto Smith Square. The largest terrace located on level 8 is divided into two separate areas with terrace A facing Smith Square and terrace B facing Dean Stanley Street and Millbank. The applicant advises that terrace A is likely to provide communal amenity space for all building occupants, while terrace B is likely to provide a private office terrace. The applicant advises that having access to outdoor space is something which a growing number of tenants consider essential when looking for new office premises, to help promote the well-being of their staff.

The principle of roof terraces is considered acceptable in this location subject to mitigation measures to protect residential amenity. It is noted that the existing building has a west facing roof terrace at sixth floor level which is unrestricted in terms of its use. Despite this, the proposed new west facing terraces have the potential to impact on

residential amenity in terms of overlooking and noise and disturbance. The applicant recognises this and the application is accompanied by a Terraces Management Plan that proposes a number of measures to reduce any potential noise and disturbance from these terraces. This includes restricting the hours of use of the terraces (except terrace B) until 10pm at night Monday to Friday, a non-smoking policy and no music. The Terraces Management Plan is provided as a background paper.

The applicant is seeking a terminal hour of 10pm for the terraces on a weekday. The applicant considers that given the existing unrestricted roof terrace at 6th floor level and the activity levels in Smith Square associated the St John Concert Hall and restaurant whose licensing opening hours are 09:00 to 00:00. Whilst this is noted, officers consider that a 9pm weekday terminal hour would be more appropriate for the terraces with reduced hours at the weekend. Given its location away from residential properties, it is not considered necessary to restrict the terrace hours for terrace B. It is recommended that an updated Terraces Management Plan is secured by condition which should details of the number of functions to held on the west facing terraces per month.

Table 2- Operational hour restrictions for terraces

| Location | Restrictions to Operational Hours | | |
|---------------------------------|-----------------------------------|---------------|---------------|
| | Monday to Friday | Saturday | Sunday |
| 6 th Floor Terrace | 08:00 – 21:00 | 09:00 – 19:00 | 09:00 – 18:00 |
| 7 th Floor Terrace | 08:00 – 21:00 | 09:00 – 19:00 | 09:00 – 18:00 |
| 8 th Floor Terrace A | 08:00 – 21:00 | 09:00 – 19:00 | 09:00 – 18:00 |
| 8 th Floor Terrace B | n/a | n/a | n/a |

In terms of overlooking from the terraces, strategically placed landscaped planters are proposed to the north west to create a buffer between neighbouring residential properties. It is considered that with these measures in place the terraces should not cause harm to residential amenity in terms of overlooking or noise and disturbance. It is recommended that full details of the terrace landscaping are secured by condition.

In conclusion, for the reasons set out above and with appropriate conditions, this aspect of the proposed development is considered to comply with Policy 7(A) of the City Plan 2019-2040.

8.4 Transportation/Parking

Servicing

Servicing to the existing building currently takes place from on-street and this is proposed to continue. Whilst Policy 29 requires servicing, collection and delivery needs to be fully met within a development site, the creation of an off-street servicing bay in this location would bring other issues. The Highways Planning Manager has no objection to servicing continuing to be from the street, subject to the implementation of a Delivery and Servicing Plan. It is recommended that this is secured by condition. An informative is advised to encourage the use of low-emission, consolidation and last mile delivery modes within the plan. The Delivery and Servicing Plan will also need to address any access issues should the Holocaust Memorial be granted planning permission following

the public inquiry in 2020.

Parking

A total of 281 long-stay cycle parking spaces are proposed, which meets the quantum requirements set by London Plan (2021) Policy T5; however, no short-stay cycle parking is proposed. This is because there are space constraints in terms of the availability of public realm adjacent to the site. The Mayor in his Stage 1 report has asked the applicant to further investigate alternative locations, however, the Highways Planning Manager does not raise a concern to this aspect of the proposal. It is recommended that the 281 cycle spaces are secured by condition which will allow the spaces to be used by both occupiers of and visitors to the building.

It is proposed to reconfigure some parking bays to allow easier access for cyclists to the proposed dedicated cycle entrance to the building on Dean Stanley Street. This work would need to be agreed by Highways and subject to a separate Traffic Order with its own consultation. It is recommended that the cost of these works is secured as part of the S106 agreement.

The development is proposed as car free which meets City Plan 2019-2040 Policy 27. No blue badge parking is provided which does not meet London Plan (2021) Policy T6, however, on-street blue badge spaces have been identified on Smith Square within 50 metres of the site, which is acceptable in this instance.

As requested by the Mayor in his Stage 1 comments, an updated travel plan is secured by condition. This will seek a higher modal share for walking and cycling for the office use.

Stopping-Up of Highway

There is a small amount of stopping-up proposed at the entrance to the north-east of Smith Square. The Highways Planning Manager agrees that this small area does not really provide any useful function in highway terms and therefore has no objection to it being lost. The authorisation to make a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of part of Smith Square forms part of the recommendation of the officer recommendation. .

8.5 Economic Considerations

The economic benefits associated with the development in terms of short-term construction jobs and the provision of high quality commercial floorspace are welcomed.

8.6 Access

The existing building has access issues which include a stepped entrance on Millbank (with no step free alternative provided), a single stepped entrance on Dean Stanley Street and provision of a temporary external ramp to the entrance on Smith Square. Internally the building is compromised in terms of the width of internal corridors entrance is stepped with a temporary ramp.

In the proposed scheme all entrances have been made step free and the building has been designed to allow easy step-free circulation throughout all floors with no internal level changes requiring steps or ramps with the exception of an internal ramp to the Smith Square entrance and an internal platform lift to the Millbank entrance.

8.7 Other UDP/Westminster Policy Considerations

Plant

Mechanical plant is proposed as part of the development including at roof level. Environmental Health has confirmed that the proposed design criteria is reasonable for the application site. The report has not provided details as to the proposed plant/machinery therefore conditions are recommended to secure a supplementary acoustic report to ensure compliance with our standard noise conditions.

Refuse /Recycling

Policy S37 of the City Plan 2019-2040 seeks to ensure appropriate facilities for the storage of separate waste streams which are safe and convenient to access for deposit and collection, with sufficient capacity for current and projected future use.

Waste is collected from the existing building from the secondary entrance on Smith Square. The proposed development proposes to keep to the same arrangement and will provide a large waste store at ground floor level within the north west part of the development. There waste storage and collection arrangements are considered acceptable.

Trees

The applicant has provided an Arboricultural Impact Assessment (AIA) with their application. This sets out that whilst no trees are to be removed as part of the proposed development, existing trees in Smith Square and along Millbank could be impacted through construction and basement work. Following receipt of additional information relating to construction methodology and clarification that the existing basement walls are to be retained, the Council's arboriculturalist does not object. Conditions are recommended relating to tree protection, arboricultural supervision, construction management and landscaping.

Biodiversity

London Plan (2021) Policies G1 and G5 embed urban greening as a fundamental aspect of site and building design whereas Policy G6 states that development proposals should aim to secure net biodiversity gain. Features such as street trees, green roofs, green walls, rain gardens, and hedgerows should all be considered for inclusion and the opportunity for ground level urban greening should be maximised.

The proposed development would deliver a bio-diversity net gain of 236%, which is welcomed. The applicant has calculated that proposal would achieve an Urban Greening Factor of 0.13 through the proposed green roof at level 9 and extensive planting on the terraces. This falls short of the 0.3 target as set out in London Plan (2021) Policy G5.

The Mayor in his Stage 1 comments considers that the applicant should consider the scope for additional greening measures to achieve the specified target.

In response the applicant has advised that they have explored a range of opportunities to maximise urban greening on this constrained site whilst at the same time recognising the need to respect local and strategic townscape views; to provide accessible outdoor amenity space for future occupants of the building; and to incorporate renewable energy technologies at roof level. On balance, given these constraints, the proposed level urban greening is considered acceptable.

Sustainability

Policy 36(B) of the City Plan 2019-2040 states that all development proposals should follow

the principles of the Mayor of London's energy hierarchy. The policy requires that major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved.

Policy 37 (Waste Management) of the City Plan 2019-2040 states that developers are required to demonstrate through a Circular Economy Statement, Site Environment Management Plan and/or associated Site Waste Management Plan, the recycling, re-use, and responsible disposal of Construction, Demolition and Excavation waste in accordance with London Plan (2021) targets and the council's Code of Construction Practice (CoCP).

Policy SI 2 (Minimising Greenhouse Emissions) of the London Plan (2021) states that development proposals referable to the Mayor should calculate whole lifecycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions.

The applicant has submitted a Sustainability Statement prepared by Hilson Moran.

In terms of the Mayor of London's energy hierarchy, the applicant proposes the following measures:

Be lean - The Sustainability Statement sets out that a range of passive and energy efficient measures are incorporated in the design: good levels of internal daylight reducing reliance on artificial lighting, external shading from stone cladding and the solar control glazing, efficient artificial lighting and controls, as well as high efficiency building services.

Be clean - The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The applicant is therefore proposing a communal heat network supplied by a centralised energy centre. This is to be located in the basement. The proposed development will be design based on the all-electric on site solution. The applicant has provided a commitment that the development is designed to allow future connection to a district heating network and drawings demonstrating how the site is to be future-proofed for a connection to a district heating network have been provided.

Be green - A small roof-mounted photovoltaic (PV) array providing renewable energy is

proposed. The Mayor in his Stage 1 comments considers the PV array to be small for a development of this scale. Given the competing demands for space at roof level, which include the provision for amenity space for the office occupiers, the PV array is on balance considered acceptable.

Be seen - The applicant has provided a commitment that the development will be designed to enable post construction monitoring. It is recommended that this is secured through the S106 agreement.

The regulated carbon dioxide savings after each stage of the energy hierarchy compared to the baseline building is 169.7 tonnes CO₂/Annum which is a 58% improvement. In order to achieve the net zero target required by Policy 36(B) of the City Plan 2019-2040, a cash in lieu payment is required. The value of the payment will be determined by multiplying the emissions shortfall by the local cost of carbon over a period of 30 years. Carbon offset funding will then be allocated to projects that will reduce carbon emissions elsewhere in Westminster. It is recommended that a carbon off-set payment of £354,043 is secured as part of the S106 agreement.

Whole Life-Cycle Carbon

Whole Life-Cycle Carbon (WLC) emissions are the carbon emissions resulting from the materials, construction and the use of a building over its entire life, including its demolition and disposal. A WLC assessment provides a true picture of a building's carbon impact on the environment. London Plan (2021) Policy SI 2 sets out a requirement for developments to calculate and reduce WLC emissions.

Information provided by the applicant indicates that the proposed development will improve the Whole Life Cycle Carbon impact by minimising both embodied carbon and operational energy. The former will be achieved with an embodied carbon reduction strategy. Further investigation of materials with environmental product declarations (especially on internal finishes) will be carried out during the detailed design. The GLA has raised a number of queries and clarifications with the applicant on the information submitted. The applicant has provided additional information to the GLA who are assessing the information. Any further response from the GLA will be reported to committee. Despite this a pre-commencement condition is recommended requiring the applicant to submit an updated Whole Life-Cycle Carbon Report for the Council's assessment in consultation with the GLA.

Circular Economy

Waste is defined as anything that is discarded. A circular economy is one where materials are retained in use at their highest value for as long as possible and are then re-used or recycled, leaving a minimum of residual waste.

The applicant has committed to certain targets in order to achieve compliance with the circular economy approach as indicated in the London Plan 2021. These relate to: (i) Conserve resources, increase efficiency and source sustainably; (ii) Design to eliminate waste; (iii) Manage waste sustainably and at the highest value. The Circular Economy statement proposes a series of targets to divert a high percentage of demolition waste (95%), excavation waste (95%), construction waste 95% and operation waste (65% by

2030) from landfill.

The GLA has raised a number of queries and clarifications with the applicant on the information submitted. The applicant has provided additional information to the GLA who are assessing the information. Any further response from the GLA will be reported to committee. Despite this a pre-commencement condition is recommended requiring the applicant to submit an updated Circular Economy Report for the Council's assessment in consultation with the GLA.

In addition, as part of the Council's Code of Construction Practice, the applicant is required to produce a Site Waste Management Plan.

Sustainable Urban Drainage

The proposed development includes the following sustainable drainage techniques: rainwater harvesting, green roofs and a bio- retention system at level 9; and surface water attenuation storage at basement level. It is recommended that these measures are secured by condition.

BREEAM

Under BREEAM 2018 New Construction scheme for Offices, Shell and Core the pre-assessment report for the proposed development is targeting an 'Outstanding rating'.

8.8 Westminster City Plan 2019-2040

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan (2021) adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF (July 2021), the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

There is no relevant neighbourhood plan for this part of the Borough.

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8.10 London Plan

London Plan (2021) policies on land use principle, urban design, transport, and sustainable development are relevant to this application. Whilst the proposal is supported in principle by the Mayor, the application does not currently comply with these policies, as summarised below:

- Land use principle: Overall, the scheme has the potential to contribute to the diversity of high-quality office space within the CAZ and therefore the principle of the proposed land use is acceptable in line with London Plan (2021) Policies SD4 and E1. The Council should consider securing floorspace for small to medium sized companies in line with London Plan (2021) Policy E2.

- Urban design and heritage: The proposed height, massing, architecture, and layout are supported. The proposal would not result in harm to the significance of heritage assets. Key details relating to architecture and materials should be secured.
- Transport: Further work is required on trip generation and a contribution towards the Lambeth Bridge North Roundabout scheme should be secured. Further information should be provided to ensure that visitor cycle parking can be provided on or off-site locally to support active travel.
- Sustainable development: The energy strategy is generally compliant with London Plan (2021) policies; however, the applicant is required to submit additional information. Further information and clarifications are also required with respect to circular economy, whole lifecycle carbon, and urban greening.

8.11 National Policy/Guidance Considerations

The City Plan 2019-2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF (July 2021) 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 to secure the applicant's adherence to the following conditions:

- i. Method Statement of measures to protect trees on and close to the site;
- ii. Construction Management Plan for trees;
- iii. Contaminated land;
- iv. Archaeology;
- v. City Council's Code of Construction Practice during the demolition/excavation; and construction phases of the development;
- vi. Construction contract
- vii. Updated Whole Life-Cycle Carbon assessment; and
- viii. Updated Circular Economy Statement

The applicant has agreed to the imposition of these conditions.

8.12 Planning Obligations

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

- a) Highways works necessary for the development to proceed;
- b) A payment of £115,541.65 (index linked) to support the Westminster Employment Service (payable on commencement of development);

- c) A payment of £354,043 (index linked) to the City Council's Carbon Offset Fund (payable on commencement of development);
- d) A payment of £250,000 (index linked) towards TfL's Lambeth Bridge North scheme (payable on commencement of development);
- e) London Plan (2021) 'Be Seen' energy monitoring obligation; and
- f) The City Council's S106 monitoring costs

The estimated CIL payment is:

WCC CIL £879,366.00

Mayoral CIL £659,525.00

8.13 Environmental Impact Assessment

The proposals do not meet the threshold and criteria to constitute EIA development.

8.14 Other Issues

Basement

The propose development includes the excavation of a new sub-basement level to sit underneath the existing basement level. While the upper basement level will extend across the building's footprint, the proposed lower basement is smaller and inset from the boundary. The new basement will allow the building to provide increased space for mechanical plant and the rain attenuation tank.

The proposed sub-basement has been assessed against Policy 45 of the City Plan 2019-2040 which deals with basement excavation. As required by this policy, the proposal will not comprise more than one storey beneath the lowest original floor level. Also as required by this policy, the applicant has provided a structural method statement setting out the construction methodology. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The City Council is not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. Building Control has been consulted on the proposed development and any response is to be reported verbally to committee.

Construction impact

It is inevitable that the construction of the proposed development will cause noise and disturbance to local residents and businesses. The concerns raised on behalf of the BBC and ITV in particular with regard to their noise sensitive operations at the adjoining property at 4 Millbank are fully understood. A television studio is recognised as being a noise sensitive use and accordingly adequate mitigations measures should be in place to minimise any impact of construction noise. Permission could not however reasonably be withheld due to the impact of construction. However, through appropriate controls and careful management it is considered that the impact from construction works can be lessened.

The NPPF (July 2021) is clear that planning decisions should be made on assessment of the proposed resulting development rather than the processes such as construction which is subject to environmental health controls. This is set out in Para 188 of the NPPF (July 2021) as follows. 'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'

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

- will be inspected and monitored by the City Council's Code of Construction Practice Team
- will undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel
- pay the charges arising from site inspections and monitoring
- ensure that contractors and sub-contractors also comply with the code requirements.

The CoCP will require the developer to provide a bespoke Site Environmental Management Plan (SEMP) which will need to be approved by the City Council's Environment Inspectorate team. This would need to include site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison. At the request of TfL, a condition is recommended to require the submission of a Construction Logistics Plan.

In response to the concerns raised on behalf of the BBC and ITV, the applicant has produced a Construction Community Charter Summary which sets out the minimum standards the applicant will achieve to minimise the environmental impacts of their developments. The document sets out that the following noise and vibration minimisation measures will include:

- Condition surveys of some adjacent properties will be carried out prior to works and at intervals relevant to proximity, age and type of structure or buildings.
- Application for a Section 61 (prior consent) Notice to be made for the construction works. Contractor to produce a Site Environmental Management Plan, setting out targets, trigger levels and proposals for the reduction of noise and vibration.
- Noise and vibration levels to be monitored regularly and trigger levels agreed and set using base line background readings taken prior to works commencing.
- Construction methods and associated plant selection to consider noise and vibration limits.
- Plant to be fitted with exhaust silencers where possible.
- Use of electric or battery tools rather than air compressed or those requiring petrol or diesel generators are to be encouraged.
- Noisy plant to be kept away from sensitive receptors, such as site perimeter or against party walls.
- Concrete crushing or bursting techniques are to be employed as far as reasonably practicable, in lieu of percussive techniques.
- All external scaffolds will be sheeted to reduce noise transfer beyond the site boundary.
- During demolition sound blankets will also be used, when appropriate to suppress noise.

A copy of the Construction Community Charter Summary has been made available to LSH and no further response has been received. Officers consider that whilst the measures set out in the document are welcome, in addition to the condition which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) a further condition is recommended which will require specific measures as part of the SEMP to control and mitigate construction noise and vibration as experienced by the television studios at 4 Millbank.

Crime and security

A Security Statement has been submitted to support the application. This sets out that prior to submission the applicant engaged with the Designing Out Crime Officer and the Counter Terrorism Security Adviser. The issues raised were the depth of recessed entrances (which ideally should be set back no more than 600mm), the bike store should have additional security and a possible security risk relating to the eighth floor terrace. The applicant advises that these comments have been taken into account in the final design wherever possible. The new building entrance on Dean Stanley Street will have a large recess, however, this would be an actively managed space to deter anti-social behaviour.

Statement of Community Involvement

The applicant has submitted a Statement of Community Involvement (SCI) in support of the application. This sets out that engagement with residents and the wider community has comprised a series of virtual meetings and virtual consultation. There has been engagement with local residents, local amenity societies, ward councillors and

representatives of St John Smith Square. A covering letter and newsletter introducing the proposals, inviting residents to attend a consultation webinar and advertising consultation was sent to a distribution area of c. 718 addresses around the site.

The SCI sets out that responses to the consultation have been broadly positive with many attendees acknowledging that the building would benefit from rejuvenation in order to secure its long-term future. Consultees were particularly keen to understand the Applicant's approach to construction management and the applicant has committed to working closely with local residents and St John's on this issue in order to mitigate any potential disruption.

Air Quality

As part of the submission the applicant provided an Air Quality Impact Assessment and Air Quality Neutral Assessment from Hilson Moran. The reports conclude that the proposed development was found to be compliant in relation to building and transport emissions when compared to the respective benchmarks, therefore the proposed development is air quality neutral and mitigation or additional off-setting is not required. This conclusion is supported by Environmental Sciences. The proposed development is considered to comply with Policy 32 of the City Plan 2019-2040.

Contaminated Land

A contaminated land assessment is recommended to be secured by condition.

Flood Risk

The application is supported with a Flood Risk Assessment (FRA). The site is located within Flood Zone 3a but within an area which benefits from flood defences. No incidences of surface water flooding are reported at, or in close proximity, to the application site. The Environment Agency has been consulted and any response to be reported at committee.

Archaeology

The application is supported by a desk-based historic environment assessment report. Historic England (Greater London Archaeology Advisory Service) recommend a programme of archaeological evaluation leading to appropriate mitigation. Ideally due to the potential for highly significant prehistoric remains (including some waterlogged) and possibly burials on part of the site this would be pre-determination of the application in the first instance. The applicant has set that that because the building is occupied it would not be possible to carry out the necessary field evaluation prior to the determination of the application. Historic England has requested further information from the applicant to inform at what stage the field evaluation work should be carried out. An update on this issue will be reported to committee.

Impact on telecommunications

The proposed development proposes an additional part storey at 8th floor level. The BBC and ITV are concerned that the roof extension has the potential to cause permanent

interference and degradation to the BBC's and ITV's telecommunication signals at 4 Millbank.

In response to this concern the applicant has produced a desktop-based study and baseline reception survey to assess the possible effects and impacts on the reception of television broadcast services from the proposed 7 Millbank development. The study has focused on the reception of the two television broadcast platforms that could possibly be impacted by the proposed development digital terrestrial television and digital satellite television services. The report concludes that the proposed development is not expected to have any adverse effect upon the reception of Freeview television services or digital satellite television. The BBC and ITV have been sent consulted by the Council on this report and no further comments have been received to date.

Fire Safety

A fire strategy has been submitted, prepared by a suitably qualified assessor, which outlines means of evacuation, means of construction, appropriate features to reduce the risk of life and serious injury, access for fire personnel and equipment, fire suppression systems, and building features which would limit fire spread, in line with London Plan (2021) Policy D12.

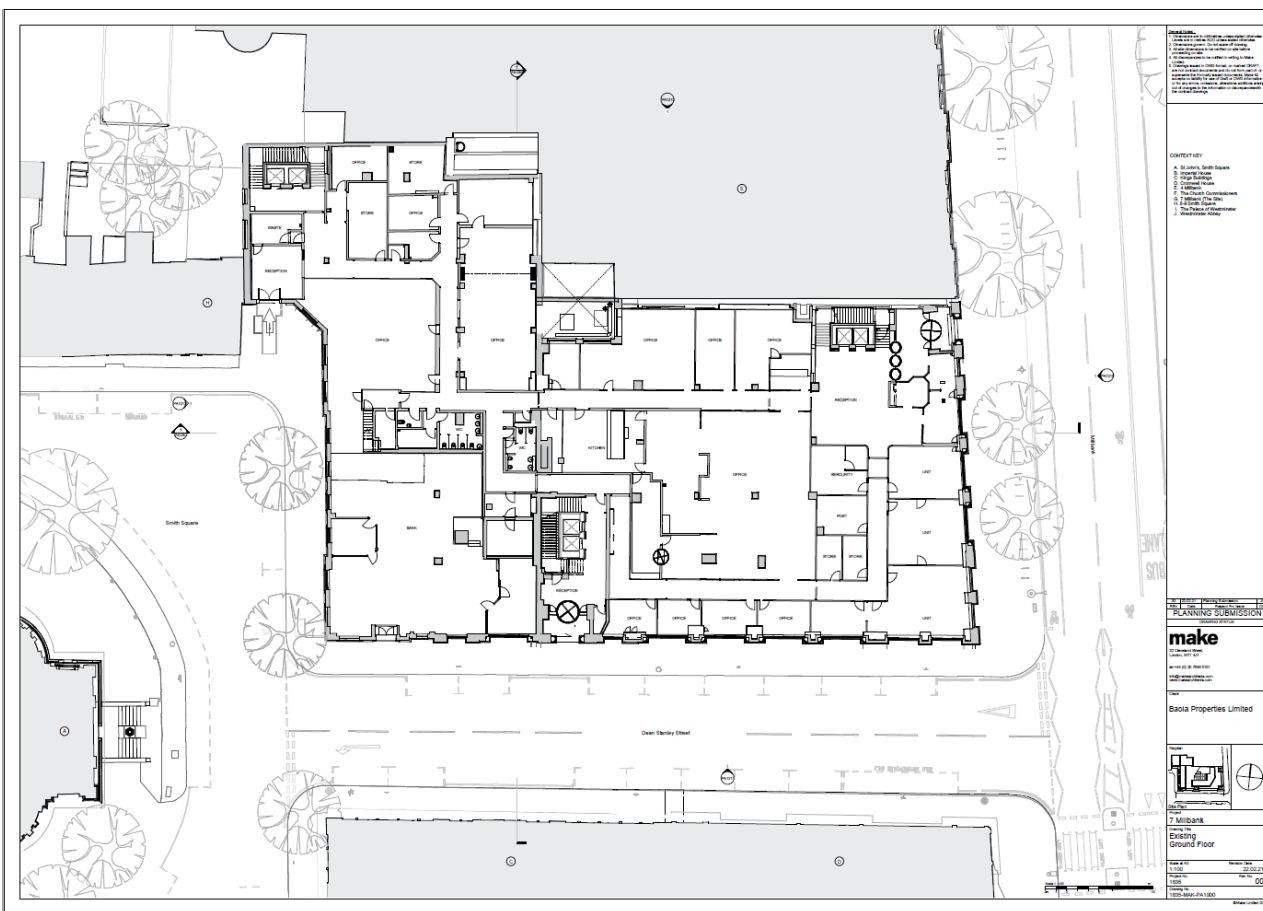
8.15 Conclusion

The proposal is a sensitive one, which introduces a new office building, which is fully accessible, has a significantly improved energy performance over the current building, provides more greening, provides external amenity space and creates a larger amount of modern office accommodation. It manages this while maintaining the positive aspects of the character and appearance of the existing building and causing no adverse impact on the highly sensitive townscape context. By resolving the inherent technical failings of the existing building and its stonework, it secures the long-term future of this building. The proposals would therefore accord with the relevant design and heritage policies identified earlier in Section 8.2.

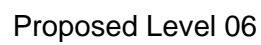
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

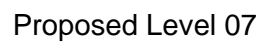
Existing Ground Floor

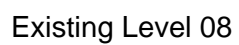


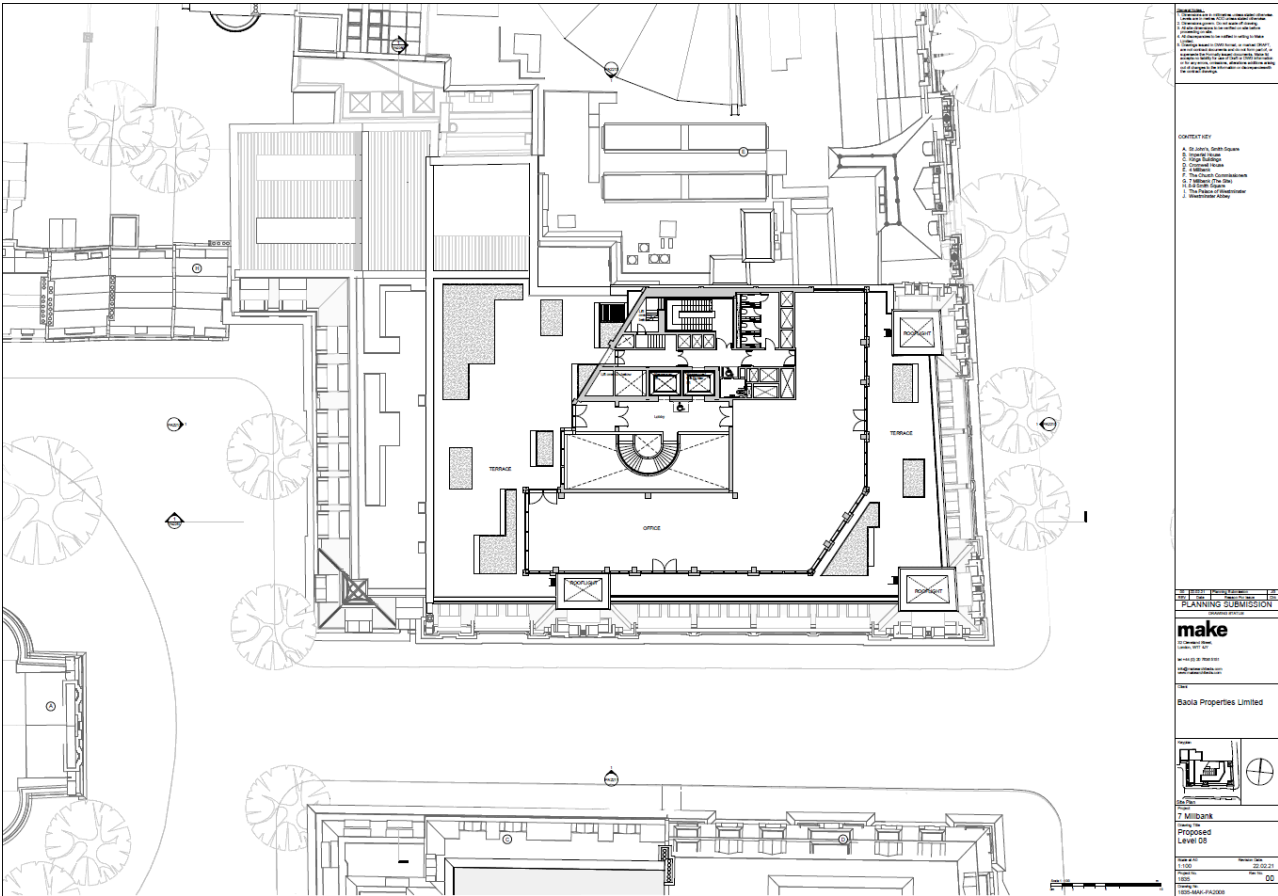




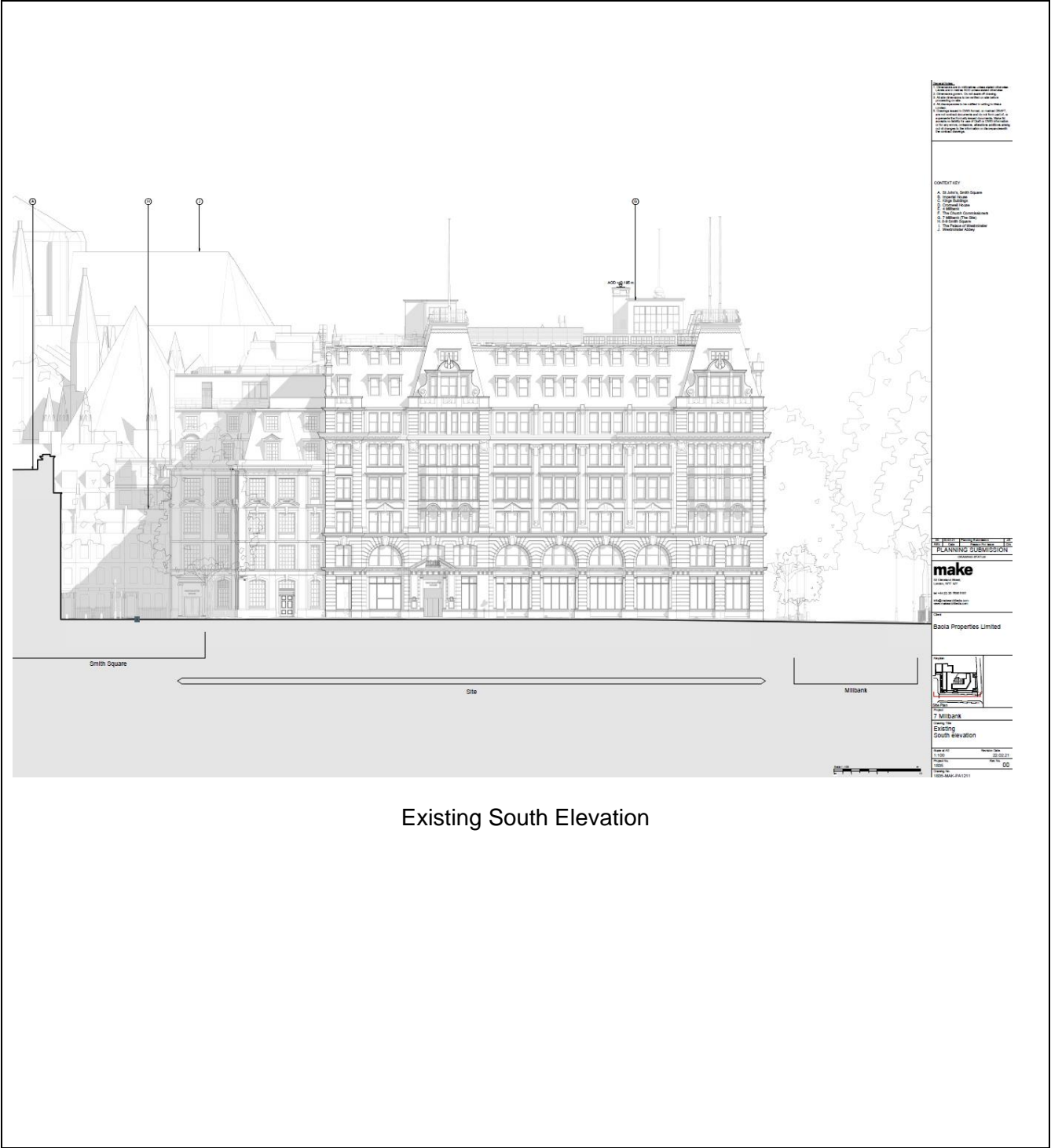




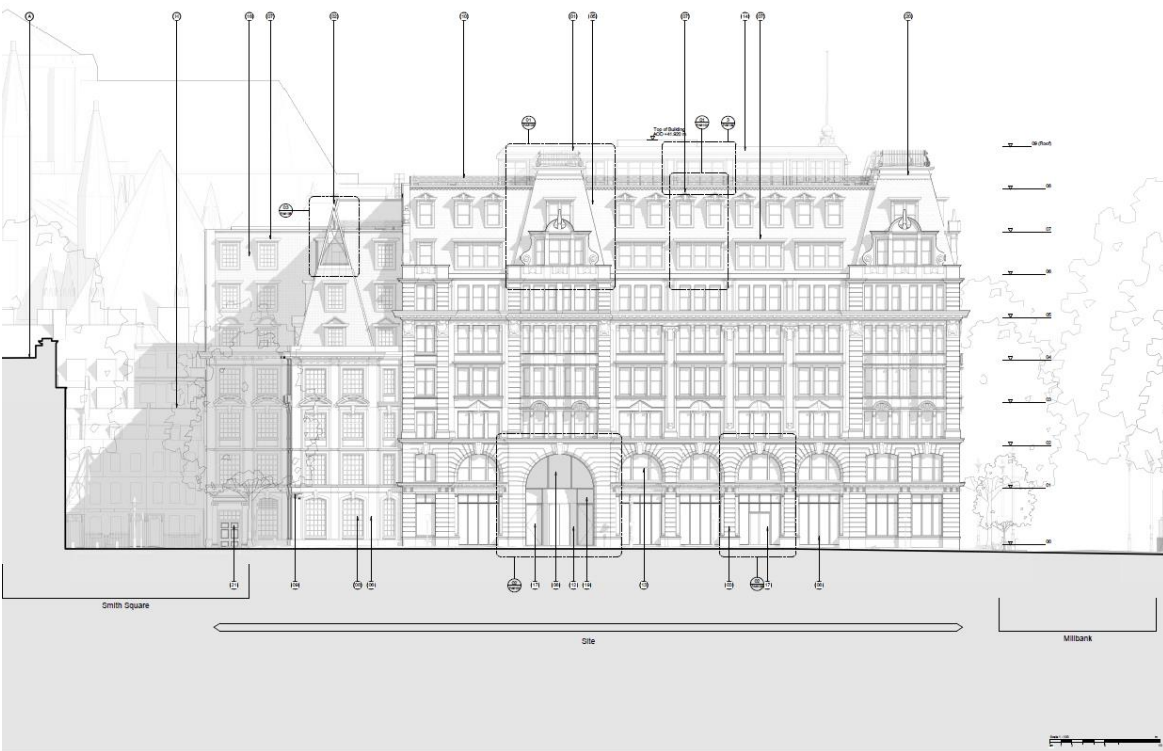




Proposed Level 08



Existing South Elevation



NOTES:

1. All work shall be in accordance with the latest edition of the Building Regulations and the latest edition of the Approved Documents.
2. All work shall be in accordance with the latest edition of the Building Regulations and the latest edition of the Approved Documents.
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CONTEXT LIST:

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PLANNING SUBMISSION

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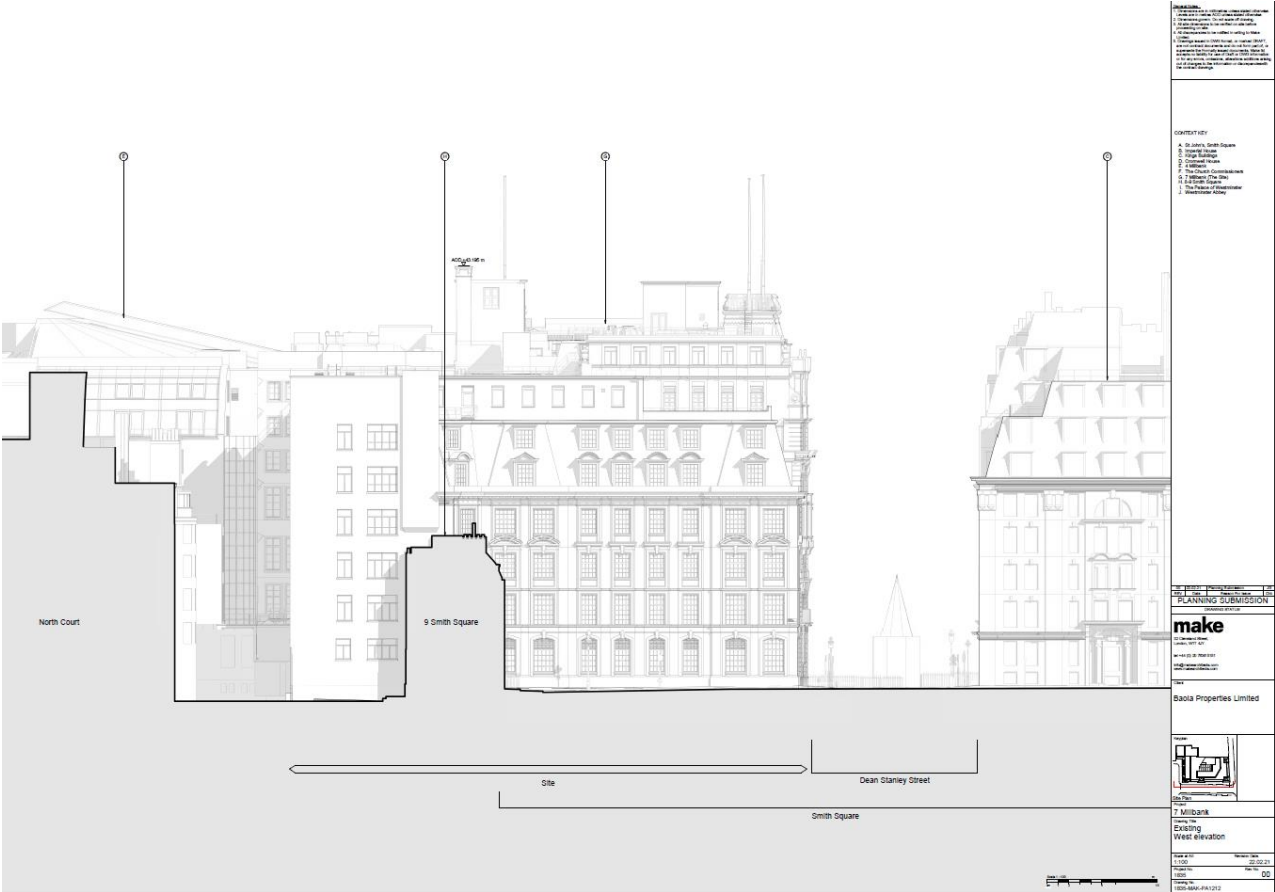
Architectural Services Ltd
100 Years of Smith Square
100 Years of Smith Square
100 Years of Smith Square

7 Milbank

Proposed South elevation

Scale 1:100
Date 10/01/21
Author
Check
Drawn
100 Years of Smith Square

Proposed South Elevation



Existing West Elevation

DRAFT DECISION LETTER

Address: Westminster House, 7 Millbank, London, SW1P 3JA

Proposal: Demolition of existing office building, including dismantling of the facades to Millbank, Dean Stanley Street and Smith Square; erection of new nine storey building using new and reclaimed materials for commercial business and service use (Class E); extension to Smith Square; excavation of new subbasement; formation of external terraces at sixth, seventh and eighth floor levels; new main entrance to Dean Stanley Street with secondary and servicing entrances to Smith Square; installation of plant and associated works.

Reference: 21/01508/FULL

Plan Nos: Site Location Plan - PA 0200 00,
Existing Drawings, PA 0250 00, PA 051 00, PA 0252 00, PA 0253 00, PA 0254 00, PA 0255 01, PA 0256 00, PA 0257 00, PA 0999 00, PA 1000 00, PA1001 00, PA 1002 00, PA 1003 00, PA 1004 00, PA 1005 00, PA 1006 00, PA 1007 00 PA 1008 00 PA 1210 00, PA 1211 00, PA 1212 00, PA 1213 00 PA 1250 01, PA 1251 01., , Demolition Drawings, PA 1599 01, PA 1600 00, PA 1601 00, PA 1602 00, PA 1603 00, PA 1604 00, PA 1605 00, PA 1606 00, PA 1607 00, PA1608 00, PA 1690 00, PA 1691 00, PA 1692 00, PA 1693 00.
Proposed drawings, PA 1998 01, PA 1999 01, PA 2000 01, PA 2001 01, PA 2002 01, PA 2003 01, PA 2004 01, PA 2005 01, PA 2006 00, PA 2007 00, PA 2008 00, PA 2009 00, PA 2210 00, PA 2211 01, PA 2212 00, PA 2213 00, PA 2250 01, PA 2251 01, PA 6100 00, PA 6101 00, PA 6102 00, PA 6103 00, PA 6104 00, PA 6105 00, PA 6106 00, PA 6107 00, PA 6108 00, PA 6109 00, PA 6110 00, PA 6111 00, PA 6112 00, PA 6113 01, PA 6114 00.

Documents: Arboricultural Report (July 2021), Archaeological Desk Based Assessment (March 2021), Daylight and Sunlight Report (March 2021), Design and Access Statement (5 March 2021), Energy Statement (26 February 2021), Fire Statement (1 March 2021), Noise Impact Assessment (26 February 2021), Planning Statement (March 2021), Security Statement (26 February 2021), Statement of Community Involvement (March 2021), Sustainability Statement (26 February 2021), Historic Building Report and Townscape and Visual Impact Assessment Report. (March 2021), Transport Assessment (March 2021), Utilities Report (26 February 2021), Ventilation Statement (26 February 2021),

For information purposes:, Construction Community Charter. CoCP Appendix A, Delivery and Servicing Plan (March 2021), Detailed UXO Risk Assessment (11 January 2021), Circular Economy Statement (26 February 2021), Flood Risk Assessment (March 2021), Structural Method Statement (February 2021), Terraces Management Plan Rev 2 (17 February 2021), Framework Travel Plan (March 2021), Whole Life Cycle Carbon Assessment.

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

Reason:

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

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

Reason:

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

- 4 You are required to include specific provisions for securing the following: , , - a Construction Logistics Plan; and , - specific measures as part of the SEMP to control and mitigate construction noise and vibration as experienced by the television studios at 4 Millbank, , as part of the site environmental management plan or construction

management plan required to comply with the Council's Code of Construction Practice referred to in condition 3. (C11DA)

Reason:

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

- 5 You must apply to us for approval of an updated Travel Plan prior to occupation. The Travel Plan must include details of targets set in the Plan to encourage a high walking and cycling mode share for the office use and details of how the Travel Plan will be regularly monitored and amended, if necessary. You must carry out the development in accordance with the details approved. , , At the end of the first and third years of the life of the Travel Plan, you must apply to us for our written approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

To encourage more sustainable modes of transport as set out in Policy 24 of the City Plan 2019 - 2040 (April 2021).

- 6 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied., , Phase 1: Desktop study - full site history and environmental information from the public records has been approved as part of the application submitted. (Preliminary Environmental Risk Assessment from Waterman dated February 2021 document reference WIE17294-100-R-4-2-1-PERA), , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

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

- 7 **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 make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 8 **Pre Commencement Condition.** 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., , Your proposals must include the requirement for the arboricultural consultant to send us a written memo within 5 days of each visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 9 **Pre Commencement Condition.** You must apply to us for approval of a construction management plan which includes details of site set up, access for vehicles, machinery, cranes and piling rigs, materials storage, demolition and construction methodologies, in relation to the retention and protection of the adjacent trees. The details in the CMP must be in agreement with your tree protection method statement, to be approved under condition 7. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 10 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either: , (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or, (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building., , You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 11 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 character of the Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 12 You must apply to us for approval of details of the relocated plaques from the modified Dean Stanley Street entrance. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 14 You must apply to us for approval of detailed drawings of the following parts of the development - all new external doors and windows;. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 15 Windows to the stone facades shall be timber sash windows and windows to neo-Georgian facades shall be steel multi-pane with casement openings (side and top hung).

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 16 You must apply to us for approval of details of the following parts of the development - movement joints in rebuilt facades;. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 17 You must apply to us for approval of detailed drawings of the following parts of the development - , , i. Leadwork and copperwork detailing;; ii. Metal railings;; iii. Pyramidal metal structure to corner sixth floor terrace;; , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 18 The framing and subdivision of the glazed bays to the eight floor rooftop structure shall be retained through any design refinement.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 19 You must apply to us for approval of a sample panel of the following parts of the development - the rebuilt brickwork. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 20 You must apply to us for approval of detailed drawings of a soft landscaping scheme

which includes the number, size, species and position of trees and shrubs within the planters. You must not start work on this part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 3 months of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 21 You must apply to us for approval of detailed drawings of the planters on the sixth, seventh and eighth floor roof terraces to include their size, appearance and location. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To ensure the planters size and location of the planters is appropriate in the interests of residential amenity and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in Policies 7, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 22 You must provide details of the soil within the roof top planters, including plan and section drawings showing the soil depth across each area and the drainage layer and confirming total soil volumes in each area. You must include a specification for the soil in these areas and a methodology for importing and laying the soil. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the submitted details.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 23 Details of a management plan for all areas of soft landscaping (other than the biodiversity roof) shall be submitted to and approved by us prior to occupation of the building. The areas of soft landscaping as approved shall be maintained according to the management plan thereafter.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 24 You must apply to us for approval of details of the biodiversity living roof habitats. The biodiversity living roof details shall include: , i. - a depth of a range between 100 to 150mm of substrate; , ii. - details on the diversity of substrate depth across the roof to provide contours of substrate. This could include substrate mounded in areas with the greatest structural support to provide a variation in habitat; , iii.-details on the diversity in substrate type and sizes; , iv. details on bare areas of substrate to allow self-colonisation of local windblown seeds and the opportunity for solitary bees to nest; , v. details on the range of native species of wildflowers and herbs planted to benefit native wildlife (it is recommended that this be seeded and plug planted). , vi. locations of log piles/flat stones provided as insect breeding and refuge areas; , vii. details of the management regime to be employed on the roof. , You must not start work on this part of the development until we have approved what you have sent us. The biodiversity features required by this condition shall be completed and managed prior to occupation and in accordance with the approved details. Thereafter the biodiversity living roof habitats shall be retained as approved. (see informative 5)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

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

Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

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

- 26 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria: , (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises., , (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation., , (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 27 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 28 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 25 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

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

- 29 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1835-MAK-PA2000 Rev 01 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the ****. (C14FC)

Reason:

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

- 30 Notwithstanding the information provided, you must apply to us for approval of an updated Delivery and Servicing Management Plan. You must not occupy any part of the development until we have approved what you have sent us. You must then carry out the development in accordance with the details approved. (see informative 4)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 31 You must provide 281 cycle parking spaces as shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained, they must be made available at all times to anyone who is working or visiting the building and the cycle space used for no other purpose. (C22FC)

Reason:

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

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

Reason:

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

- 33 You must use the property only as offices to carry out any operational or administrative functions and research and development of products or processes under Class E(g)(i and ii). You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

(i) The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as sale of food and drink for consumption (mostly) on the premises. This is as set out in Policy 16 of the City Plan 2019 - 2040 (April 2021). , , (ii) The plans do not include a transport statement and/or an air quality assessment for display or retail sale of goods, other than hot food; sale of food and drink for consumption (mostly) on the premises, indoor sport, recreation or fitness, provision of medical or health services and creche, day nursery or day centre uses. This is to avoid blocking the surrounding streets, to protect the environment and/or to protect air quality. This is as set out in Policies 29 and 32 of the City Plan 2019 - 2040 (April 2021).

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

Reason:

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

- 35 No development shall be occupied until confirmation has been provided that either: all water network upgrades required to accommodate the additional flows to serve the development have been completed or a development and infrastructure phasing, plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to no / low water pressure and network reinforcement works

are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

- 36 You must apply to us for approval of details of the following: , i. an External Lighting Strategy for all the roof terraces at 6th, 7th and 8th floor levels. , ii. an Internal Lighting Strategy for the eighth floor commercial accommodation. , , You must not occupy any part of the development until we have approved what you have sent us. You must then carry out the development in accordance with the details approved.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area and to protect the amenity of residents. This is as set out in Policies 7, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 37 Notwithstanding the information provided, you must apply to us for approval of an updated Terraces Management Plan. You must not occupy any part of the development until we have approved what you have sent us. You must then carry out the development in accordance with the details approved.

Reason:

In order to ensure the amenity terraces do not cause harm to nearby residential properties by way of noise and disturbance. This is as set out in Policy 7 of the City Plan 2019 - 2040 (April 2021).

- 38 You may only use the terraces at 6th Floor, 7th Floor and 8th Floor (Terrace A) between the following times: 08:00 - 21:00 Monday to Friday; 09:00 - 19:00 on Saturdays and 09:00 - 18:00 on Sunday, Public Holidays and Bank Holidays. , , ,

Reason:

In order to ensure the amenity terraces do not cause harm to nearby residential properties by way of noise and disturbance. This is as set out in Policy 7 of the City Plan 2019 - 2040 (April 2021).

- 39 You must provide, maintain and retain the following sustainability and energy efficiency measures before you start to use any part of the development, as set out in your application., , - basement communal heat network; , - roof-mounted photovoltaic (PV) array; , - bio- retention system at level 9; and , - surface water attenuation storage at basement level, , You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 40 The development shall achieve a rating of 'Outstanding' under BREEAM 2018 New

Construction scheme for Offices, Shell and Core. Within 6 months of completion you must submit to us for our approval a copy of a Final post Construction Stage Assessment and Certification, confirming that the development has achieved BREEAM New Construction scheme for Offices, Shell and Core 'Outstanding'.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 41 You must apply to us for approval of details of bird and bat boxes showing the number of birds and bat boxes, the location and any maintenance arrangements. , , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings and thereafter retain and maintain.

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 42 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 43 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces at sixth, seventh and eighth floor levels except those shown on the approved drawings. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 44 **Pre Commencement Condition.** You must apply to us for approval of details of a Whole Life-Cycle Carbon assessment for the development in consultation with the GLA. You must not start any work until we have approved what you have sent us. You must then carry out the development in accordance with the scheme approved and it must thereafter be maintained.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 45 **Pre Commencement Condition.** You must apply to us for approval of details of a Circular Economy Statement in consultation with the GLA. You must not start any work until we have approved what you have sent us. You must then carry out the development in accordance with the scheme approved and it must thereafter be maintained.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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.**
- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:, a) Highways works necessary for the development to proceed;, b) A payment of £115,541.65 (index linked) to support the Westminster Employment Service (payable on commencement of development);, c) A payment of £354,043 (index linked) to the City Council's Carbon Offset Fund (payable on commencement of development);, d) A payment of £250,000 (index linked) towards TfL's Lambeth Bridge North scheme (payable on commencement of

development);, e) London Plan 'Be Seen' energy monitoring obligation; and , f) The City Council's S106 monitoring costs,

- 4 You are advised to encourage the use of low-emission, consolidation and last mile delivery modes within the Delivery and Servicing Plan.
- 5 Condition 24 of this permission requires the submission of detailed information with regard the green roof systems within the development. You are advised that the Council will expect this to be an intensive green roof system and not a sedum roof system as an intensive green roof will have additional biodiversity benefits.

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.