

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	33 Grosvenor Place, London, SW1X 7HY,		
Proposal	Redevelopment behind retained facades to create a medical clinic (Class C2), including alterations to the existing northern, southern and eastern elevations; partial demolition and redevelopment of the existing western elevation along with additional alterations including the creation of a servicing and delivery bay; minor excavation at basement level including provision of lift pits and water attenuation tanks; demolition and redevelopment of the existing fifth floor level; addition of roof top extension at sixth floor level for plant machinery; infill of the existing atria; and other associated alterations.		
Agent	DP9		
On behalf of	Cleveland Clinic		
Registered Number	16/08369/FULL	Date amended/ completed	26 August 2016
Date Application Received	26 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Not located in conservation area.		

1. RECOMMENDATION

1. Grant conditional permission subject to a S106 legal agreement to secure:

- i) A contribution to the Council's carbon off-setting fund of £642,600;
- ii) An Operational Management Plan (including the setting up of a Community Liaison Group and detailed emergency services and valet/car parking strategy);
- iii) Highway works surrounding site;
- iv) A contribution of £75,000 towards the Transport for London safety scheme;
- v) A Travel Plan;
- vi) The provision of employment, training and local procurement opportunities;
- vii) 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 Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not.

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within 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 Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

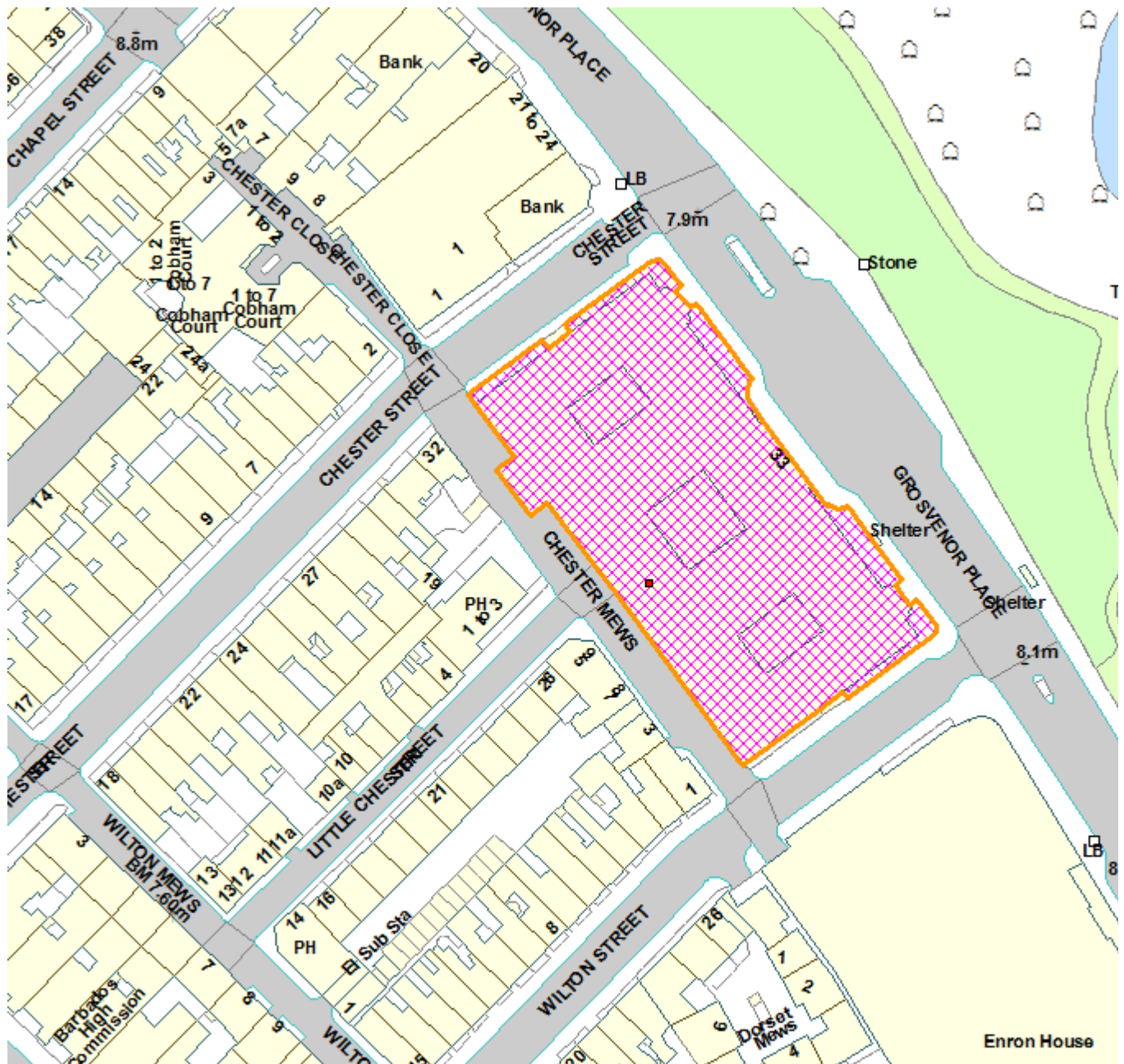
33 Grosvenor Place is an unlisted building which is located adjacent to the Belgravia Conservation Area. Permission is sought for the redevelopment of the existing office building (Class B1) behind retained facades to create a 205 bed private medical clinic (Class C2). Works include external changes to the elevations, an infill extension and third and fourth floor levels to the western facade, redevelopment of the existing fifth floor level, addition of a roof top extension at sixth floor level for plant and minor excavation at basement level.

The key issues for consideration in this case are:

- *The impact of the proposals on the character and appearance of the area;
- *The impact of the proposals on the amenity of neighbouring occupiers;
- *The impact of the proposals on the surrounding highway network.

There have been a number of strong objections to the scheme from neighbouring residents and the Belgravia Society. For the reasons set out in the main report, the proposals are considered acceptable in land use, amenity and design terms and comply with the City Council's policies as set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). It is recommended that conditional planning permission be granted subject to a legal agreement securing the items listed within Section 8.10 of this report.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.
All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND

This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

ENVIRONMENT AGENCY

Any response to be reported verbally

TRANSPORT FOR LONDON

No objections to the principle of the scheme, their comments have been summarised as follows:

- No car parking is proposed on site. Instead, it is proposed to lease up to fifty spaces in private car park. TfL would want to see levels of car parking and the distance between the site and car parks minimised. The level of off-site parking secured will need to be capped.
- To facilitate the valet parking service, waiting restrictions with the layby on Grosvenor Place would need to be changed. This would need to be secured as part of a Section 278 agreement and in principle this is acceptable.
- It is noted that the largest mode share for patients and visitors is taxi. As such is considered necessary that a taxi rank form part of the proposals, this could potentially be provided within the layby on Grosvenor Place.
- Cycle parking is to be provided in accordance with London Plan Standards, this is supported.
- Trip generation is proposed on a first principles basis, and compares to the existing use of the site. This seems appropriate and it is accepted that the amount of peak hour trips the site generates is likely to reduce.
- A Travel Plan should be secured and monitored through a section 106 agreement.
- The measures set out within the Delivery and Servicing Plan (DSP) seem well judged and appropriate for the use, and we would recommend that the DSP is secured as part of the section 106 agreement.
- A construction management plan has been provided as part of the application, which is welcomed. It may be sensible to ensure that construction vehicles only use Chester Street, Wilton Street and Chester mews in one direction.
- TfL is currently progressing a road safety scheme along Grosvenor Place, the applicant has agreed in principle that the development should make a contribution of £75,000.

THAMES WATER

Any response to be reported verbally.

METROPOLITAN POLICE

Security has been considered in this application. It is recommended that where a door has access control then security certificated doors are fitted.

WESTMINSTER SOCIETY

No objection. The society has commented that the location of the application is not in their area of major interest and are content to leave any response to the Belgravia Residents Association.

BELGRAVIA SOCIETY

The society objects on the grounds that the proposals would result in the irreplaceable loss of a large office building, negatively impact upon the quiet residential area and the amenity of neighbours, result in overdevelopment, highway impacts, poor design and negative visual impact.

In the event that the planning committee is minded to grant permission the society suggested a number of conditions which are included in the background papers.

BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

BELGRAVIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

THE ROYAL PARKS

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Acceptable on transportation grounds subject to securing cycle parking, off-street servicing, a servicing management plan, highways works and valet parking plan.

CLEANSING MANAGER

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

BUILDING CONTROL

The structural method statement is considered to be acceptable.

ARBORICULTURAL MANAGER

No objection subject to a condition to safeguard street trees during construction.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 307 Total No. of replies: 57

Objections received from and on behalf of neighbouring residents on some or all of the following grounds.

Land use

- Loss of office space and jobs.
- Loss of historic culture and neighbourhood feeling in Belgravia.
- The building will be operated 24 hours a day, 7 days a week which will fundamentally change the nature of the area.
- This is an office and residential area. Hospital uses should be contained within established medical areas such as the De Walden Estate/ Harley Street.

Design

- Rebuilding the roof and alterations to the western elevation would affect the architectural coherence of the building. This would have an adverse effect on the Belgravia Conservation Area, the views of local residents and the settings of nearby Listed Buildings.

Amenity

- West facing windows will be used 24/7 for bedrooms, affecting the privacy of residents on Chester Mews.
- Increase in noise and air pollution from increase in traffic.
- There will be ambulances arriving day and night.
- Increased height and bulk would result in a loss of light to properties on Wilton Street and Little Chester Street.
- Foot traffic and loiterers would create noise.
- Having a 24 hour staff and cycle entrance in residential streets is not acceptable.
- The servicing hours are too early and too long.
- Overdevelopment of the site.

Highways

- Changes to traffic patterns and overall look and feel of the neighbourhood will be dramatically altered.
- Increased levels of cars dropping off and picking up clients and waiting around will have a detrimental impact.
- Inadequate parking and pay and display bays to support the development.
- No contract agreed between the developer and car park operator and therefore no guarantee off-site parking will be supplied.
- Wilton Mews and little Chester Street will become rat runs and waiting areas for drivers. A number plate recognition system should be installed.
- No control on the number of beds. Internal floor space could be reconfigured to accommodate additional beds, thereby generating additional traffic without requirement for planning permission.

Other

- The proposed excavation would undermine the foundation of the terrace and damage properties.
- Reduction in property values.
- Security threat to the local area and Buckingham Palace.
- Impact of construction on narrow surrounding streets.
- The substances stored on site for medical use pose a threat because they are highly explosive/flammable.
- The site could be a terrorist target.
- The applicant should be bound to landscape the whole area surrounding the back of the building with trees and other plants.
- Concerns about the extent of the public consultation undertaken by the applicant.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

33 Grosvenor Place is an unlisted office building (Class B1) which was developed behind retained façades in the 1990s and is located in the Core Central Activities Zone (Core CAZ). The building covers an entire city block bounded by Grosvenor Place, Chester Street, Wilton Street and Chester Mews. It comprises of basement, lower ground, ground and five upper storeys with plant at roof level. The primary pedestrian entrance is from Grosvenor Place with secondary entrances from Wilton Street and Chester Street. Vehicular access for underground parking is from Chester Mews.

The surrounding area has a mixed-use character with commercial uses along Grosvenor Place, a high density of residential properties to the west and Buckingham Palace Gardens to the east.

6.2 Recent Relevant History

On 10th January 1991 permission was granted to rebuild offices behind retained facades (RN: 90/05551). Condition 3 of this permission was varied on 27th July 2015 to allow part of the existing basement car parking to be used for cycle parking, lockers and shower facilities (RN: 15/04675).

On 24th June 2015 permission was granted for alterations to the Grosvenor Place and Chester Street entrances, installation of a louvered screen to the third floor terrace on the Chester Mews elevation, creation of a doorway to the third floor terrace and associated landscaping. (RN: 15/04674)

7. THE PROPOSAL

The application seeks permission to redevelop the existing office building behind retained facades to create a private medical clinic operated by Cleveland Clinic. The applicant describes the operation as a non-profit, international, multispecialty, academic medical centre.

The redeveloped building would comprise of six storeys above basement and lower ground floor levels. The proposals include external changes to the buildings fenestration, an infill extension and third and fourth floor levels to the western facade, the rebuilding of the fifth floor level and erection of a roof top extension for plant. The basement level would also be extended beneath the building, with lift pits and water attenuation tanks excavated below.

The clinics reception area would be at ground floor level, accessed from Grosvenor Place, along with an ancillary gift shop and restaurant/staff dining area. To the rear off Chester Mews there would be an internal loading bay and cycle store provided at ground floor level. In order to accommodate the internal loading bay, changes to the parking layout on Chester Mews and Chester Street would be required. The new layout would not result in the loss of existing on-street parking spaces.

On the lower ground and basement floors, operating theatres, staff areas, diagnostics imaging and plant machinery is proposed. The upper floors will provide further medical facilities and patient rooms.

No on-site parking would be provided, however it is proposed that 50 car parking spaces will be provided off-site at nearby car parks, facilitated by a valet service with pick-up and drop-off from Chester Street and the layby on Grosvenor Place. Additionally, the applicant has agreed to provide a 0.7m footway on the east side of Chester Mews where there currently is only a kerb edge.

The applicant has submitted an initial operational statement, however it is recommended that the operation of the medical clinic be strictly controlled by legal agreement, to minimise disruption to surrounding residents and the highway network.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed scheme would convert the existing office building into a 205 bed private medical clinic, increasing the floorspace of the building from 29,502 sq m to 31,147 sq m (GEA). The operator would be Cleveland Clinic, who provide an integrated healthcare delivery system with hospitals, clinics and wellness centres in North America and the Middle East, employing over 3,400 staff physicians in 140 medical specialties. The proposed clinic would be their first in Europe.

Objections on land use planning grounds have focused on the loss of office floorspace and jobs and the suitability of introducing a new medical clinic in what objectors consider to be a residential and office area.

Loss of office use

The existing B1 office accommodation will be replaced by a medical clinic (Class C2). Policy S20 of the City Plan July 2016 resists the loss of offices to residential use but there is no policy that resists the loss of existing office space to another commercial use in this location. The clinic would be an employment-generating use creating approx. 562 jobs. Additionally, the applicant has offered to provide a training and local employment strategy to be secured by legal agreement. The loss of the existing office accommodation is therefore acceptable in principle.

New Medical Clinic Use

Policy S6 of the City Plan states that the Core CAZ is an appropriate location for a range of commercial and cultural uses. It encourages the growth of commercial uses in recognition of the significant contribution Westminster makes to London's world city status and the UK economy.

Policy S34 relates to social and community infrastructure and is applicable because private medical facilities are considered to be a social and community use as well as being commercial uses. With regard to the provision of new social and community infrastructure, the policy states that:

“New social and community facilities will be encouraged throughout Westminster and will be provided on large scale development sites.”

The medical clinic would provide 205 beds and is expected to receive around 45 daily inpatient arrivals, the maximum number of staff working at any given time is expected to be around 562 employees.

The proposals include the provision of a restaurant/staff dining area and gift shop at ground floor level, these will not be accessible directly from the street or open to the general public and are therefore considered to be ancillary to the medical clinic use.

Objectors are concerned that providing a facility that will be operational at all times would intensify the use of the site to an unacceptable degree and be detrimental to the amenity of the surrounding residents. A number have suggested that the clinic would be better situated within the Harley Street Special Policy Area. The applicant has advised that sites within this area were considered but ultimately were unable to meet Cleveland Clinic's operational needs.

The nearest residential properties to the site are located on Chester Street, Chester Mews and Wilton Street, with commercial uses along Grosvenor Place. The applicant has submitted an operational statement, which seeks to minimise disruption to surrounding residents, setting out the following:

- Visitor hours will be 06:30 – 21:30 from Monday to Sunday.
- In order to minimise noise disturbance to nearby residential properties, staff will enter and exit the Clinic from the Grosvenor Place entrance between the hours of 20:30 - 07:00. Visitors will do the same during the hours of 06:30 - 08:00 and 20:30 - 21:30.
- The Clinic will be monitored by CCTV and served by a 24 hour security team.
- Smoking in the vicinity of the building will be monitored and managed by the Operational Management Team.
- A Travel Plan will be implemented, encouraging staff to travel to and from work by public and sustainable means of transport.
- A valet parking service will be available to patients, visitors and staff.
- Deliveries will take place between Monday to Friday between 07:30 and 19:30 and on Saturday between 08:00 and 11:00.
- No blue light emergency services will be provided.

It is proposed the operation of the medical clinic be controlled by legal agreement and a condition is recommended to ensure that an updated servicing management plan is submitted. This will ensure that the highway network, amenity of neighbouring residents and the quality of the surrounding environment is adequately safeguarded. The servicing and highways implications of the development are detailed later in this report.

8.2 Townscape and Design

The building was originally constructed between 1956-58 by Wimperis, Simpson and Fyffe. It is a grand Neo-Classical 1950's office block, constructed of Portland Stone. The building was substantially redesigned behind the retained façade between 1991 and 1993. Although not currently situated in a conservation area, the building is included in the proposed extensions to the Belgravia Conservation Area, which has been widely consulted on but is not currently formalised.

Plan Form

The works propose to infill the internal courtyard of the existing building, which was added as part of the 1990's works. This infill and the other internal alterations are not considered to harm the character of the building or area and are therefore considered acceptable as they have no impact on its external appearance. The infilled courtyards provide the additional floor area required for the proposed use.

The works also include the regularisation of the lower ground and basement level to form two full storeys. A further second basement is also proposed, however this consists of small penetrations that are necessary to accommodate the equipment/ plant required for the proposed use. The basement levels are retained under the footprint of the building, which occupies an entire street block.

At lower ground floor level a large amount of plant is to be located within the lightwells. The details proposed are rather vague and the exact appearance and scale of the proposed units is unclear. The principle of locating some plant within the lightwell is considered acceptable and therefore details of these are to be secured by condition.

Roof Level

The works propose to remove the existing fifth floor and to rebuild the roof with an increase in height. The proposed fifth floor will mimic the appearance of the existing incorporating double columns set in front of a glazed façade behind. Above, the new roof creates a clear termination to the building and replaces the existing non original roof form. The roof covering will be semi permeable to allow air into the plant space behind, although this will not be readily visible from ground level. A sample of the roof finish is requested as part of a condition to confirm its appearance. A further condition is recommended to specify the finished details of the roof (including the terminations at the corners, ridge etc.).

Whilst the roof height is an increase over the existing, the additional height, given the scale and location of the building is not considered out of place or harmful to its appearance. The original sculptures are to be retained and there has been discussion with regards to the design of the plinth on which the sculptures are positioned. Alternative designs have been considered however the original design has been retained as it was considered the most honest and allowed the sculptures to be read as features of the roof, rather than the plinth itself.

East Elevation

The front elevation of the building is to be altered at Ground level to provide a welcoming entrance and to remove the existing steps. The entrance will be in approximately the same position as existing and will incorporate large glass panels and doors within the existing openings. The use of large areas of glass in this location is considered consistent with the office uses that occupy the majority of the adjacent buildings. Details of the doors are to be secured by way of condition. The wall located on either side the entrance has been slightly amended to include a curve instead of the originally submitted angular design. This is considered to form a more welcoming entrance that is better suited to the new use of the building.

North and South Elevations

On both of these elevations the existing porches are to be slightly increased in size to create more usable entrance/ exits to and from the building. They are to follow the simple glazed aesthetic of the East elevation, and compliment the simple lines of the host building.

West Elevation

The west elevation sees the most alteration with the service entrance accommodated within the centre of the façade at ground floor level and the first floor windows removed to allow for plant equipment to be located behind. Also the second, third and fourth floor fenestration is to be rebuilt as part of an extension. At these levels the existing building is set back, which the extension seeks to slightly infill, although it remains set behind the line of the main façade. This elevation is principally the service entrance of the building currently and as proposed. The alterations are not considered to harm the overall appearance and as such are considered acceptable. Details of the vehicular entrance shutters are to be secured by way of condition.

Windows and Doors

New windows and doors are proposed throughout, which are to be a powder coated metal system (bronze coloured). The existing windows are not original and the proposals are considered to add interest to the elevations. Generally the fenestration pattern of the windows is to be retained, although simplified to allow additional light into the rooms. Details should be secured as part of a condition.

Views

The proposed roof level alterations will impact on the existing views of the site, including views from the gardens of Buckingham Palace. However, these are considered to be minor and of no greater harm. The most effected view is from Little Chester Street, where the increase in height is most noticeable. The increase in height has been carefully designed to limit its impact and the benefits provided from the reordering of the fenestration and public art are considered to alleviate its impact. It is recommended that the public art is secured by condition.

8.3 Residential Amenity

Policy ENV13 of the UDP stats that the Council will resist proposals that would result in a loss of daylight/sunlight, particularly to existing dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

Sunlight and Daylight

The applicant has carried out an assessment considering the impact upon the surrounding residential accommodation located to the south and west of the site, along Chester Street, Chester Mews and Wilton Street. The methodology with set by the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice".

The BRE guidelines suggest that a 27% Vertical Sky Component (VSC) is indicative of a 'good level' of daylight. The BRE guidelines state that daylight levels may be adversely affected if the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value. Should windows achieve sufficient levels of VSC

they are seen as compliant in terms of daylight. The analysis shows that the scheme demonstrates full BRE compliance for all relevant windows and habitable rooms for the surrounding residential properties, including those on Wilton Street and Little Chester Street.

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. All windows which face within 90 degrees of due south have been tested and found to be fully compliant with BRE guidance.

Sense of Enclosure

The proposals would increase the height and bulk of the building by extending the fifth floor outwards by 0.5m on the west elevation, the partial infill of the existing set back of the west elevation at third and fourth floor level and the addition of a roof top extension at sixth floor level which increases the height of the building by 1.8m (not including the existing plant room which reduces the height increase to 0.6m). The increase in height and additional bulk is modest for a building of this existing scale and it is considered that the resulting relationship between the extended building and neighbouring residential buildings would not lead to an unacceptable increase in sense of enclosure.

Privacy

Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking.

An objection has been received from the residential occupier of 5 Chester Mews raising concerns that the new use and associated operating hours could lead to a loss of privacy. In order to address these concerns, the applicant has introduced blind windows at first floor level and a condition is recommended to ensure that these remain in perpetuity. The applicant has also accepted a condition ensuring that the lower half of the second floor windows on the western elevation will not be clear glass and will be fixed permanently shut.

A further condition is recommended to prevent the flat roofs at third and fifth floor levels on the west elevation being used for sitting out or for any other purpose except escape in an emergency.

8.4 Transportation/Parking

Car Parking and Traffic

The site has excellent access to public transport and the applicant considers that the majority of patients, visitors and staff will travel sustainably either by public transport, cycling or by foot. A Travel Plan will be secured and monitored through the legal agreement in consultation with Transport for London.

There have been a large number of objections that the proposals will lead to increased traffic in the surrounding area, leading to air and noise pollution, and that there will not be sufficient parking to support the development. The applicants Transport Assessment shows that the trip generation of the proposed clinic is comparable to that of the existing office use and is likely to lead to an overall net reduction in peak hour trips. Objectors have

submitted their own transport statement outlining perceived inaccuracies in the submitted Transport Assessment and Travel Plan. These points have been addressed by the applicants transport consultant in the response note dated 13 December 2016, using data from the Councils most up to date parking survey (2015). The Highways Planning Manager is satisfied with the conclusions of the response note and has raised no objection.

It is recommended that a condition restricting the number of medical beds to 205 is imposed to prevent a further intensification of the buildings use and any associated traffic.

No car parking will be provided on site, with the existing basement car park (31 Spaces) to be converted into operational space. A total of 50 car parking spaces will be provided off-site at nearby car parks, facilitated by a valet service with pick-up and drop-off from Chester Street and the layby on Grosvenor Place. Objectors have raised concerns that nearby streets will become waiting zones for drivers and that there will be more cars loitering in the area. The applicant states that the clinics Operations Management Team will have the following responsibilities:

- Undertake valet parking duties, ensuring that cars are removed from the dedicated valet parking lay-bys outside of the Clinic immediately and taken directly to the identified car park and then returned at the requested time.
- Ensure that the pick-up and drop-off areas identified are constantly monitored to ensure no unnecessary extended waiting of vehicles occurs.
- Be on site at all times to monitor chauffeur driven cars associated with the clinic to ensure they do not wait on Chester Street, Wilton Street and Chester Mews.

The valet service is supported in principle and it is recommended that this be controlled and monitored by legal agreement. Transport for London has requested that the number of parking spaces be capped at 50.

Cycle Parking

131 cycle parking spaces are to be provided in accordance with London Plan standards, with a dedicated entrance from Chester Mews. Parking will be at ground floor, with stairs and a lift to shower and changing facilities at basement level.

Servicing and Deliveries

It is proposed that all servicing will take place off-street, via an internal loading bay accessed from Chester Mews. This is considered to be an improvement on the existing servicing and delivery arrangements for 33 Grosvenor Place, which take place on-street from Chester Mews.

The proposed servicing hours are between 07:30 and 19:30 on Monday to Friday and between 08:00 and 11:00 on Saturday. No servicing is proposed on Sundays. Neighbouring residents have objected to these hours stating that they are too early and too long. The Belgravia Society has requested that servicing hours be restricted between 08:00 and 18:00 Monday to Friday and between 08:00 and 13:00 on Saturday and not at all on Sunday and Bank Holidays.

Given that there are currently no servicing restrictions associated with the existing use and recommended conditions securing a detailed Servicing Management Strategy (including

an assessment of delivery noise), it is considered that the proposed servicing hours would not give rise to an unacceptable loss of residential amenity sufficient to justify refusing permission.

Highways Works

In order to accommodate the internal loading bay, changes to the parking layout on Chester Mews and Chester Street will be required. These changes will not result in a loss of existing parking spaces and the works are to be secured by legal agreement.

The applicant proposes a section of footway on the east side of Chester Mews measuring 0.7m in width. This section of highway currently has no consistent footway provision and its introduction improving pedestrian safety is welcome. The Highways Planning Manager has no objection to this and it is also recommended to be secured through legal agreement.

8.5 Economic Considerations

The development will have a beneficial economic effect through additional local spending during construction and during the occupation of an enlarged commercial use.

On appropriate larger scale developments, Policy S19 in the City Plan seeks to encourage contributions towards initiatives that provide employment, training and skills development for local residents and ensure that local people and communities benefit from opportunities which are generated from development. In accordance with Policy S19, the applicant has offered to provide employment, training and local procurement opportunities. This provision is welcome and is to be secured via legal agreement.

8.6 Access

The development has been designed to conform with Part M of the Building Regulations. The proposed development retains the three existing pedestrian entrances, with visitor and patient entrances proposed from Chester Street and Grosvenor Place and a staff entrance from Wilton Street. All entrances will have level access and internal lifts provide access to all floors.

To minimise noise disturbance to local residents, it is proposed that staff will enter and exit the clinic from the Grosvenor Place entrance between the hours of 20:30 - 07:00. Visitors will do the same between the hours of 06:30 - 08:00 and 20:30 - 21:30. These access arrangements will be controlled by legal agreement.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant machinery is sought within the new sixth floor roof extension, at lower ground and basement levels and at first floor level. The exact locations, orientation and type of plant have not yet been determined. Accordingly, further information is required to demonstrate that the proposals can meet the City Council's policies for noise. To address this, a condition has been recommended requiring a supplementary acoustic report to be approved before work starts on this part of the development. Environmental Health officers are satisfied with this approach.

Air Quality Assessment

The applicant has submitted an air quality assessment, which concludes that there will be a net reduction in the number of deliveries/ servicing activities but there is expected to be an increase in larger vehicle types visiting the site.

The development is proposing the location of a sensitive receptor into an area of existing high ambient annual mean NO₂ concentrations. Mitigation measures include the careful siting of plant and exhausts, provision of mechanical ventilation for comfort cooling and a travel plan. It is recommended that a travel plan is secured by legal agreement.

The submitted air quality assessment concludes that the operational phase of the development will be air quality neutral. Environmental Health officers are satisfied with the conclusions of the report and as such the development is in line with policy S31 which seeks to minimise static and traffic based sources of air pollution in developments.

Refuse /Recycling

The Council's cleansing manager has no objections to the storage provision for clinical waste, standard waste and recycling material at ground floor level. A condition is recommended to ensure that the waste store is provided and that the waste generated is managed and collected in accordance with the submitted site waste management plan.

Trees

The applicant has proposed the planting of trees on the public highway along Chester Mews, however this would cause highway obstruction. On this basis, a condition is recommended requiring this element be removed. A further condition is recommended to protect the existing street trees on Wilton Street during construction works.

Sustainability

The applicant has submitted an Energy Statement and Sustainability Statement that sets out the energy performance and sustainability of the proposed development. The proposed building would achieve a BREEAM "Very Good" rating and would achieve a carbon dioxide saving of 18% relative to 2013 Building Regulations. This energy performance is to be achieved through reductions in energy demand, primarily through use of energy efficient building fabric, a Combined Heat and Power system and the provision of approx. 734m² of photovoltaic panels at roof level. The applicant has demonstrated that a district heating connection is not possible. A condition is recommended to ensure that a minimum BREEAM score of 65 is achieved.

Given that the proposals involve the retention of the existing northern, southern, eastern facades and part retention of the western façade, the level of carbon dioxide savings is considered to be acceptable. The level does fall below the minimum 35% level of savings set out in Policy 5.2 of the London Plan. As such, in accordance with London Plan guidance, this shortfall in the energy performance is to be mitigated by the provision of a financial contribution of £642,600 to the carbon off-setting fund, which will be used towards other carbon reduction measures elsewhere in the City.

Subject to the recommended condition and the financial contribution to the carbon off-setting fund, the proposed development accords with Policies S28, S39 and S40 in the City Plan and the London Plan.

8.8 London Plan

This application does not raise any significant strategic issues and is not referable to the Mayor. Where relevant, considerations involving London Plan policies are dealt with in other sections of this report.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc. are detailed in the Council's Supplementary Planning Guidance on Planning Obligations. On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

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

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

In this case it is considered necessary to have a S106 legal agreement to secure the following:

- i) A contribution to the carbon off-setting fund of £642,600;
- ii) Operational management plan (including the setting up of a Community Liaison Group and detailed emergency services and valet/car parking strategy);
- iii) Highway Works surrounding site;
- iv) A contribution of £75,000 towards the Transport for London safety scheme;
- v) A Travel Plan;
- vi) Provision of employment, training and local procurement opportunities;
- vii) Monitoring costs.

The City Council adopted its own Community Infrastructure Levy Charge (CIL) on the 1st May 2016. It is estimated that the charge for this development would be £293,000 for Westminster CIL and £26,000 for the Mayoral CIL.

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.12 Other Issues

Construction impact

Strong objections have been made to the disruption that would be caused during construction works. Objections have been received on grounds that the proposed works would result in a lengthy construction process, create general noise and disturbance and that there would be particular problems with increased traffic congestion (objectors refer to the narrowness of the surrounding streets, increase in air pollution and safety of local children).

Whilst sympathetic to objectors concerns, disruption from building works is not justifiable grounds for refusing planning permission. The proposals will be subject to the Council's recently adopted Code of Construction Practice which will help ensure that the impacts of the development process are monitored by the Councils Environmental Inspectorate team and mitigated as far as reasonably possible.

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments from September 2016.

The publication of the Code represents a fundamental shift in the way the Council deals with the construction impacts of developments. Before September 2016, developments of this scale used legal agreements to fund the Environmental Inspectorate (EI) and required Site Environmental Management Plans to be submitted to and approved by the City Council.

In recognition that there is a range of regulatory measures available to deal with construction impacts and that planning is the least effective and most cumbersome of these, the new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code. A condition to secure this is recommended. A further condition is also recommended to control the hours of construction works, particularly noisy works of excavation, which will not be allowed on Saturdays.

Basement excavation

An objector has raised concerns that the proposed excavation would undermine the foundation of a neighbouring terrace and damage properties.

In November 2016 the Council formally adopted the latest version of Westminster's City Plan which includes the Basements Revision and the Mixed Use Revision.

While the Building Regulations determine whether the detailed design of buildings, their layout and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Relevant Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. 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. For the reasons cited above the structural integrity of the development during the construction process is not controlled through the planning system but through Building Regulations and the Party Wall Act.

As highlighted above, the structural method statement has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are 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. This report will be attached for information purposes to the decision notice. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The proposals are considered to be in accordance with City Plan Policy CM28.1.

Crime and security

Concerns that the proposals would create a security threat to Buckingham Palace and the surrounding area have been raised by objectors. A Crime Prevention Statement has been submitted by the applicant, prepared in consultation with the Metropolitan Police Services for Counter Terrorism and the Royal Protection Service. The Metropolitan Police have been consulted as part of this application and have raised no objection to the proposals.

Radioactive substances/ Nuclear Medicine

The applicant has confirmed that they do not plan to provide nuclear medicine within the clinic. Notwithstanding the current position, under the Environmental Permitting Regulations (formerly the Radioactive Substances Act) anyone who keeps and uses radioactive materials and/or accumulates and disposes of radioactive waste needs a permit issued by the Environment Agency.

Property Values

Loss of property values is not a material planning consideration.

Public consultation

The applicant has provided a statement of community involvement, which documents a number of meetings with local stakeholders at pre-application stage and provides responses to comments/questions that were raised. The applicant has confirmed that public consultation continued throughout the application process.

In accordance with our Statement of Community Involvement (adopted January 2007, the City Council sent over 300 letters in September 2016 notifying local residents about the application and again on the 9th of November 2016 following the submission of further information (demolition drawings). The application has been advertised in the local newspaper and site notices erected on site.

Community Liaison Group

At the request of the Belgravia Society, the applicant has agreed to set up a Community Liaison Group to maintain dialogue with the local community about the ongoing management of the building once it is operational. This will be secured by legal agreement.

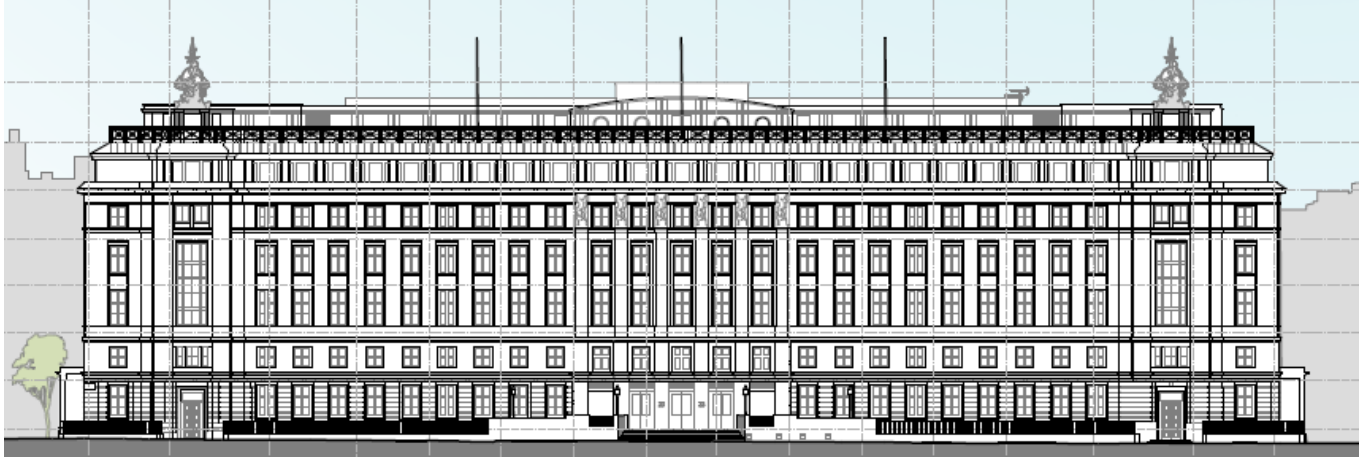
9. BACKGROUND PAPERS

1. Application form.
2. Response from Historic England dated 13 September 2016.
3. Response from Transport for London dated 14 December 2016.
4. Response from Westminster Society dated 13 September 2016.
5. Response from Belgravia Society dated 22 December 2016.
6. Response from Metropolitan Police dated 12 September 2016.
7. Response from Cleansing dated 16 September 2016.
8. Response from Tree Section dated 4 October 2016.
9. Response from Environmental Health dated 14 October 2016.
10. Response from Highways Planning Manager dated 17 November 2016.
11. Response from Building Control dated 9 December 2016.
12. Letter from occupier of 6 Little Chester Street dated 19 September 2016.
13. Letters from occupier of 5 Chester Mews dated 24 September and 20 November 2016.
14. Letters from occupier of 1 Wilton Street dated 27 September and 13 December 2016.
15. Letter from occupier of 5 Little Chester Street dated 30 September 2016.
16. Letter from occupier of 4 Wilton Street dated 2 October 2016.
17. Letter from occupier of 7 Chester Street dated 2 October 2016.
18. Letter from occupier of 6 Chester Street dated 3 October 2016.
19. Letter from occupier of 19 Chester Street dated 3 October 2016.
20. Letter from occupier of 17 Wilton Street dated 6 October 2016.
21. Letter from occupier of 21 Chester Street dated 8 October.
22. Letter from occupier of 17 Wilton Street dated 10 October 2016.
23. Letter from occupier of Flat 1, 11 Chester Street dated 14 October 2016.
24. Letter from occupier of 8 Wilton Street dated 5 November 2016.
25. Letter from occupier of Wilton Street dated 9 November 2016.
26. Letter from occupier of 7 Wilton Street dated 11 November 2016.
27. Letter from occupier of 17 Wilton Street dated 22 November 2016.
28. Letter from occupier of 2 Chester Street dated 22 November 2016.
29. Letter from occupier of 2 Flat 2 Chester Street dated 22 November 2016.
30. Letter from occupier of 2 Wilton Street dated 24 November 2016.
31. Letter from ADL Transportation Ltd dated 25 November 2016.
32. Letter from occupier of 98 Ebury Street dated 1 December 2016.
33. Letter from occupier of 5 Little Chester Street dated 9 December 2016.
34. Letter from occupier of 3 Wilton Mews dated 5 December 2016.
35. Letter from occupier of 3 Wilton Mews dated 5 December 2016.
36. Letter from occupier of 12 Chester Street dated 11 December 2016.
37. Letter from occupier of 9 Little Chester Street dated 11 December 2016.
38. Letter from occupier of 12, Groom Place dated 12 December 2016.
39. Letter from occupier of 16 Groom Place dated 12 December 2016.
40. Letter from occupier of 91 Elizabeth Drive dated 12 December 2016.
41. Letter from occupier of 5 Chester Street dated 12 December 2016.
42. Letter from occupier of 14, Wilton Street dated 13 December 2016.
43. Letter from occupier of 2 Chester Street dated 13 December 2016.
44. Letter from occupier of 16 Groom Place dated 13 December 2016.
45. Letter from occupier of 19 Wilton Street dated 14 December 2016.
46. Letter from occupier of 23 Eaton Place dated 15 December 2016.
47. Letter from occupier of 11 Eaton Place dated 16 December 2016.
48. Letter from occupier of 7 Upper Belgrave Street dated 16 December 2016.

49. Letter from occupier of 16 Groom Place dated 17 December 2016.
50. Letter from occupier of 3 Lowndes Place dated 19 December 2016.
51. Letter from occupier of 24 Chapel Street dated 19 December 2016.
52. Letter from occupier of 7 Upper Belgrave Street dated 19 December 2016.
53. Letter from occupier of 16 Eaton Place dated 20 December 2016.
54. Letter from occupier of 7 Upper Belgrave Street dated 20 December 2016.
55. Letter from occupier of 22 Chester Street dated 22 December 2016.
56. Letter from occupier of 23 Eaton Place dated 23 December 2016.
57. Letter from occupier of 23 Wilton Street dated 23 December 2016.
58. Letter from occupier of 5 Wilton Street dated 24 December 2016.
59. Letter from occupier of 46 Lower Belgrave Street dated 27 December 2016.
60. Letter from occupier of 4 Wilton Street dated 29 December 2016.
61. Letter from occupier of 28 Chester Street dated 30 December 2016.
62. Letter from occupier of Flat 3 109 Eaton Square dated 30 December 2016.
63. Letter from occupier of 86 Eaton Square dated 30 December 2016.
64. Letter from occupier of 69A Elizabeth Street dated 31 December 2016.
65. Letter from occupier of 20 Chester Street dated 2 January 2016.
66. Letter from occupier of 26 Chester Street dated 5 January 2016.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

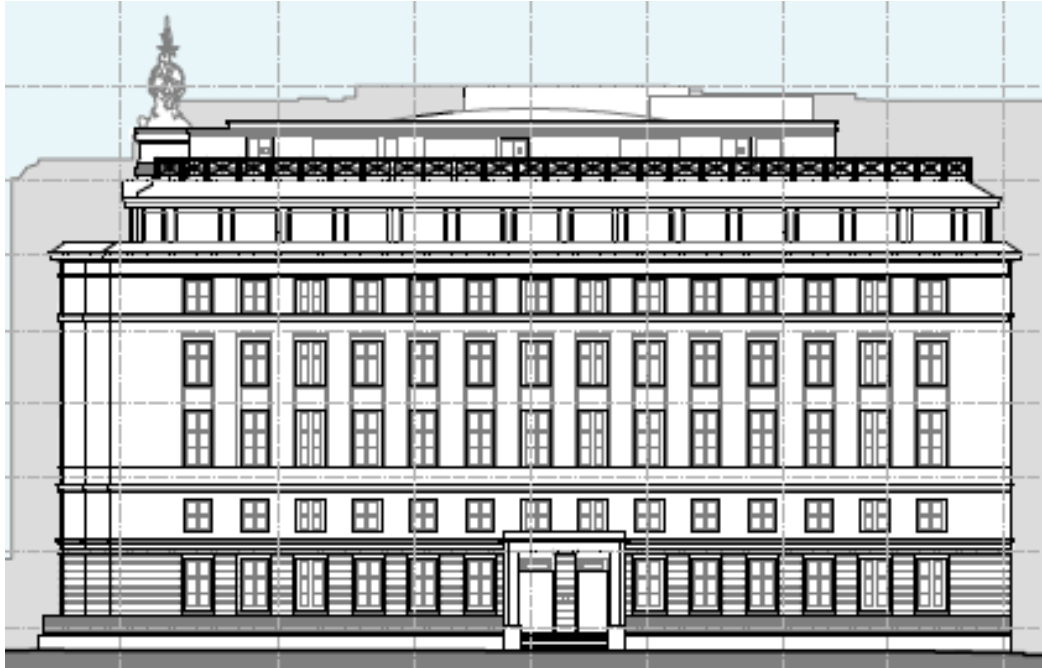
Existing East Elevation



Proposed East Elevation



Existing North Elevation



Proposed North Elevation



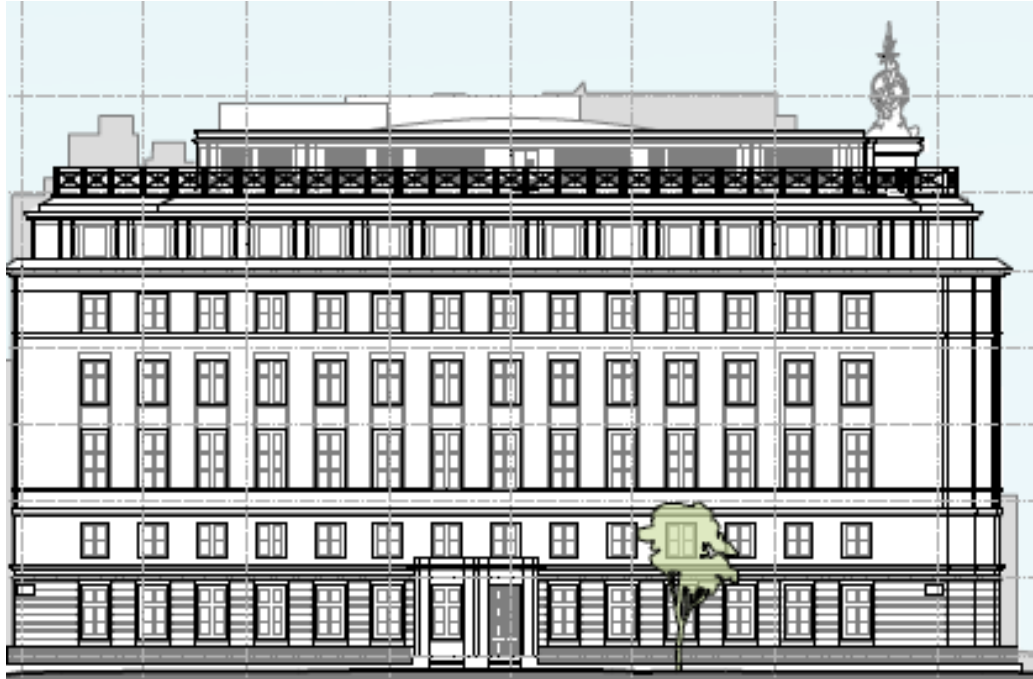
Existing West Elevation



Proposed West Elevation



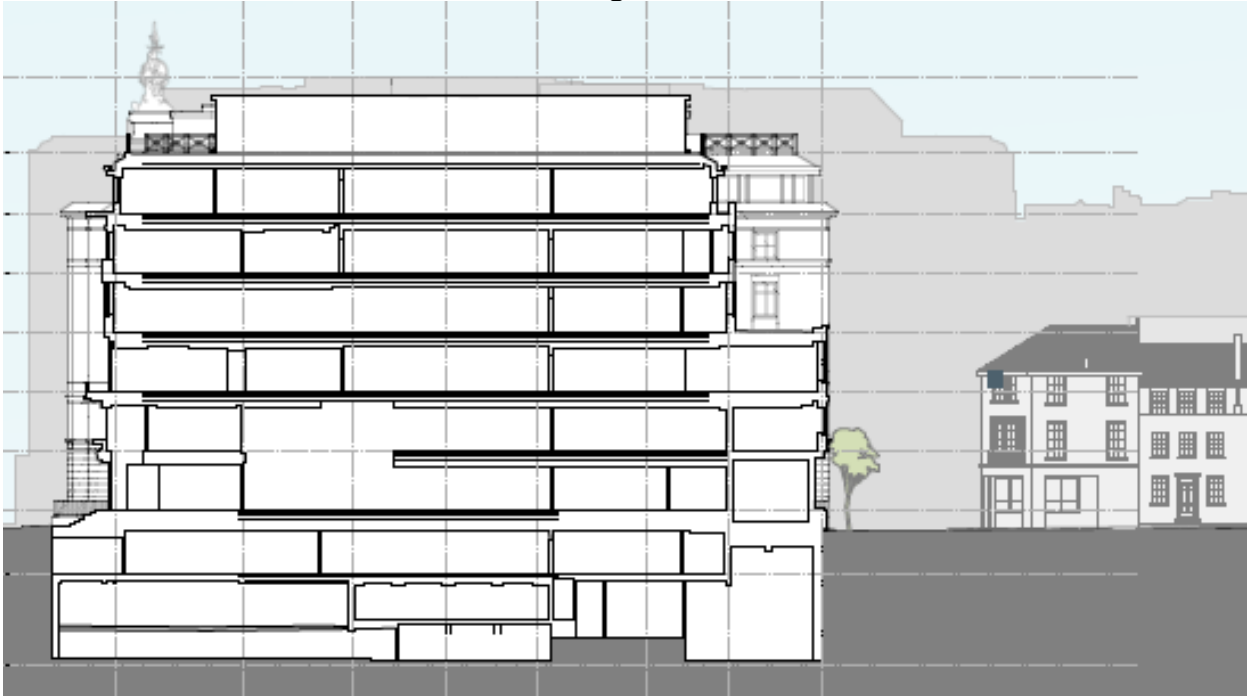
Existing South Elevation



Proposed South Elevation



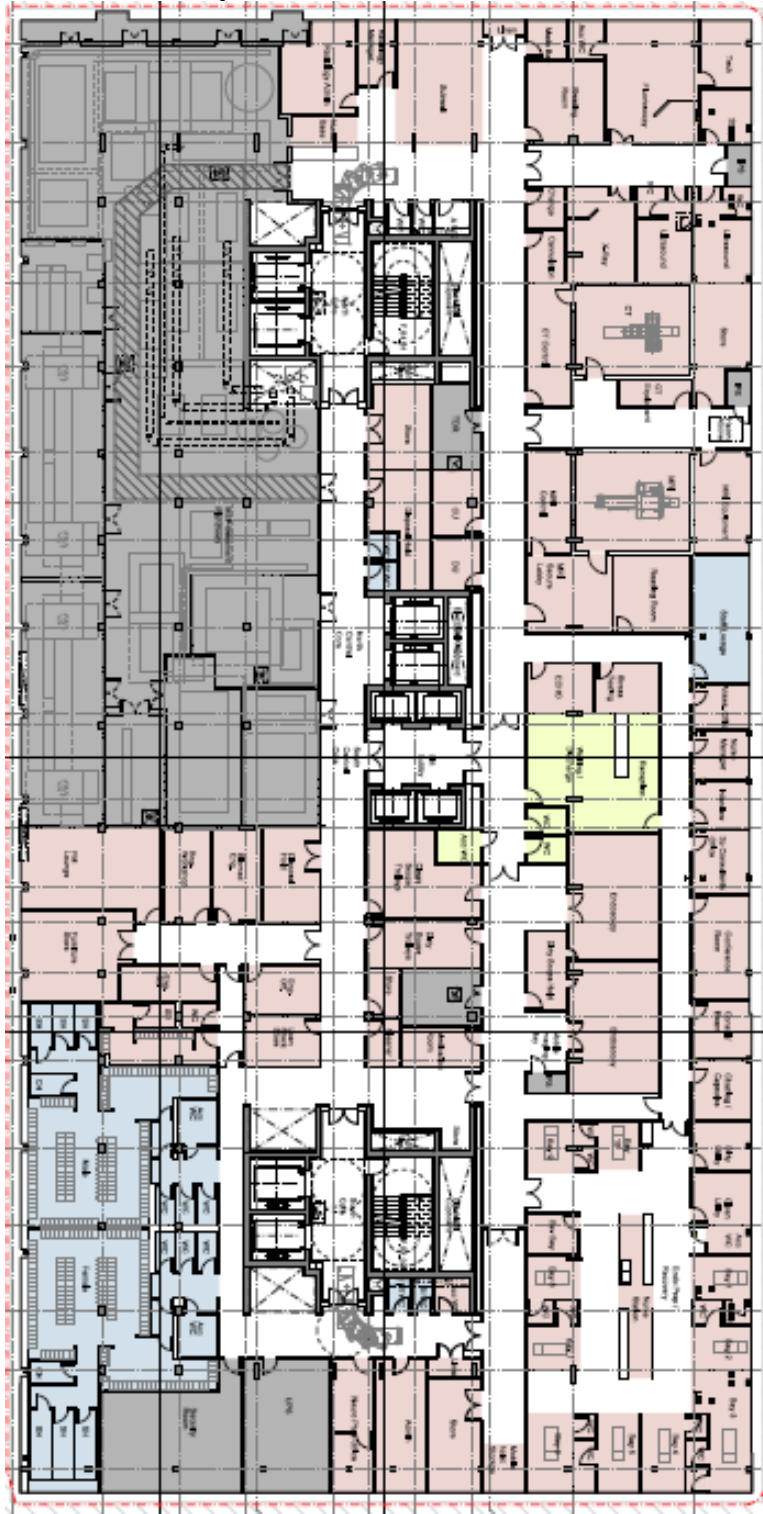
Existing Section



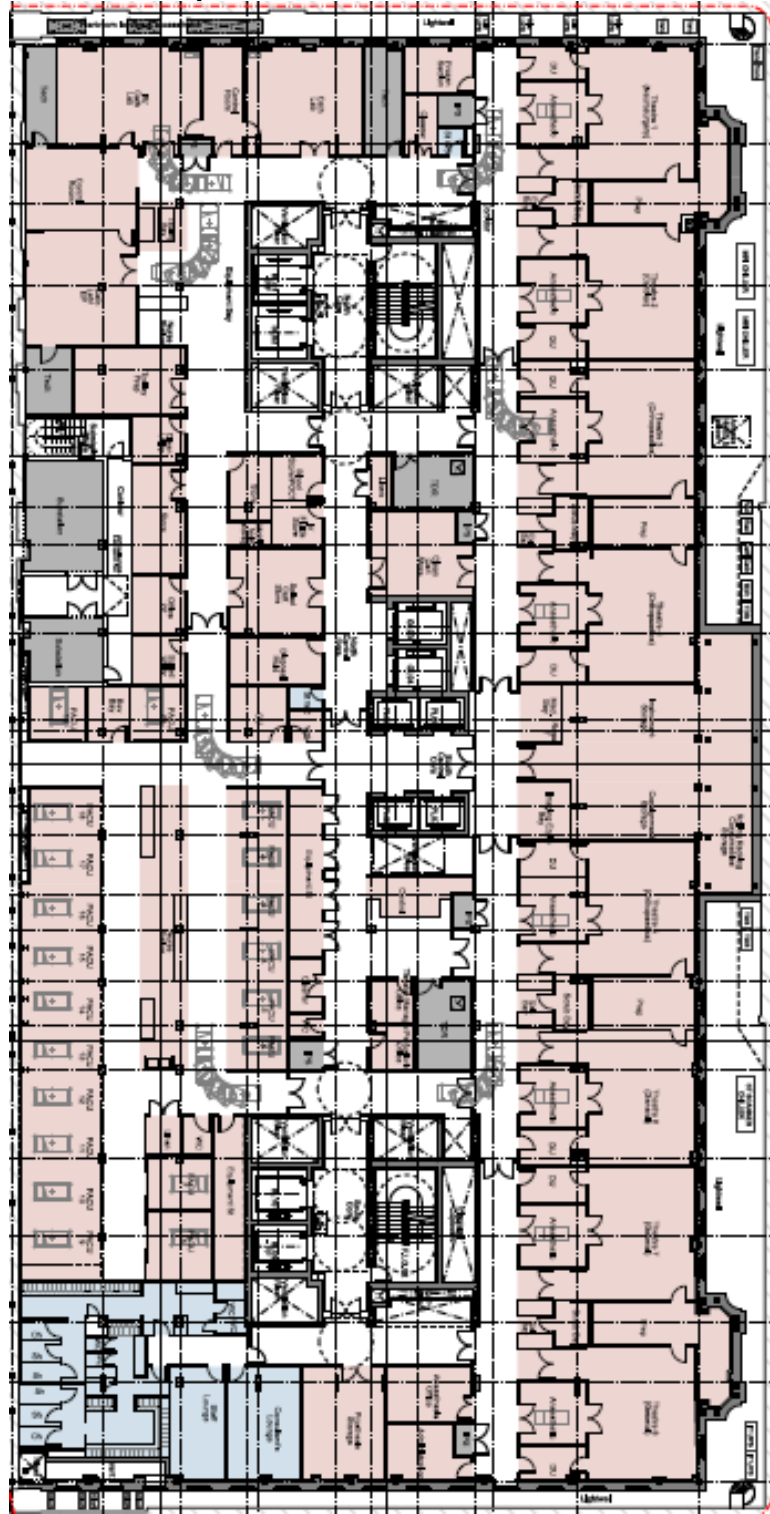
Proposed Section



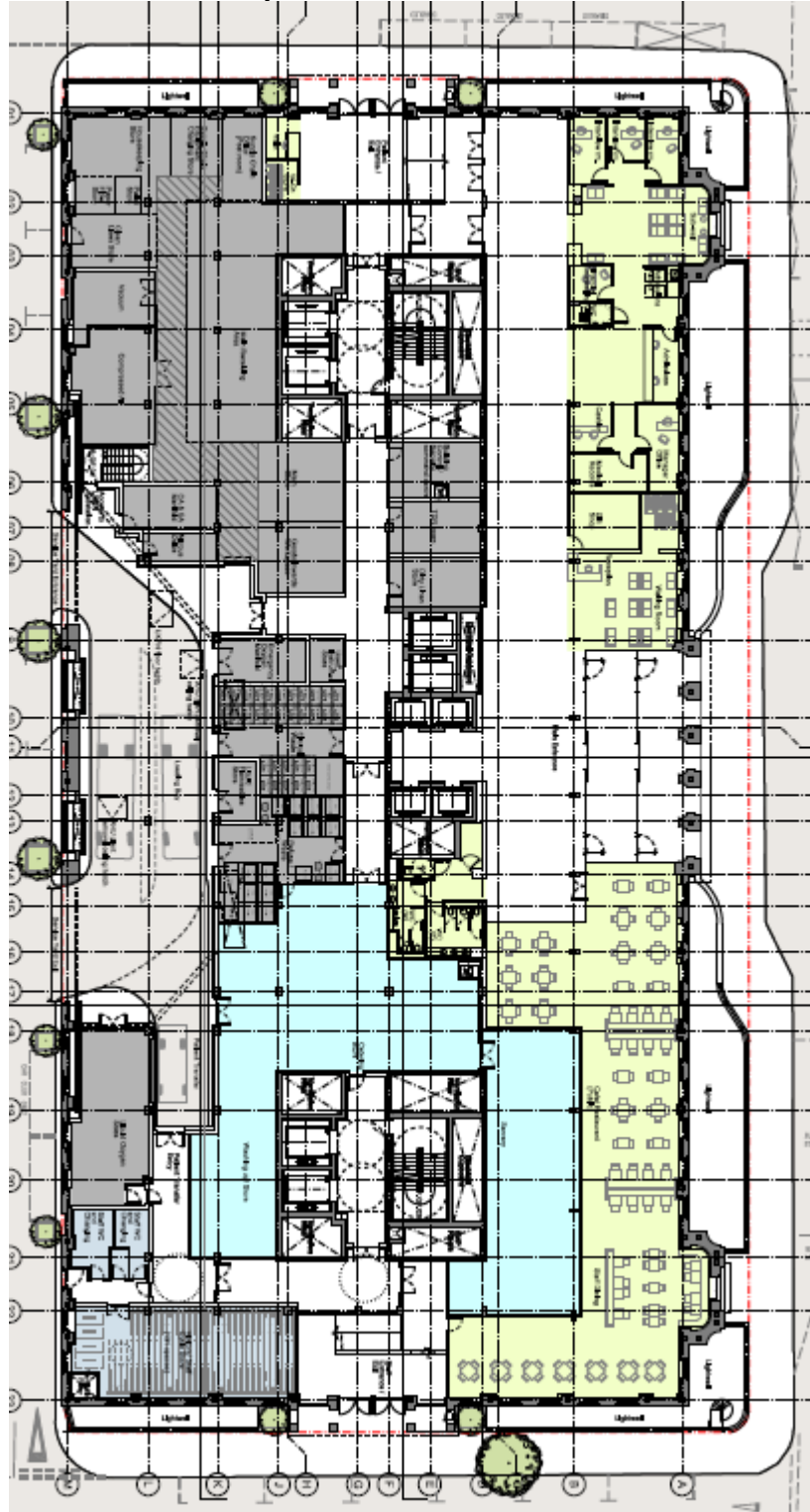
Proposed Basement Floor Plan



Proposed Lower Ground Floor Plan



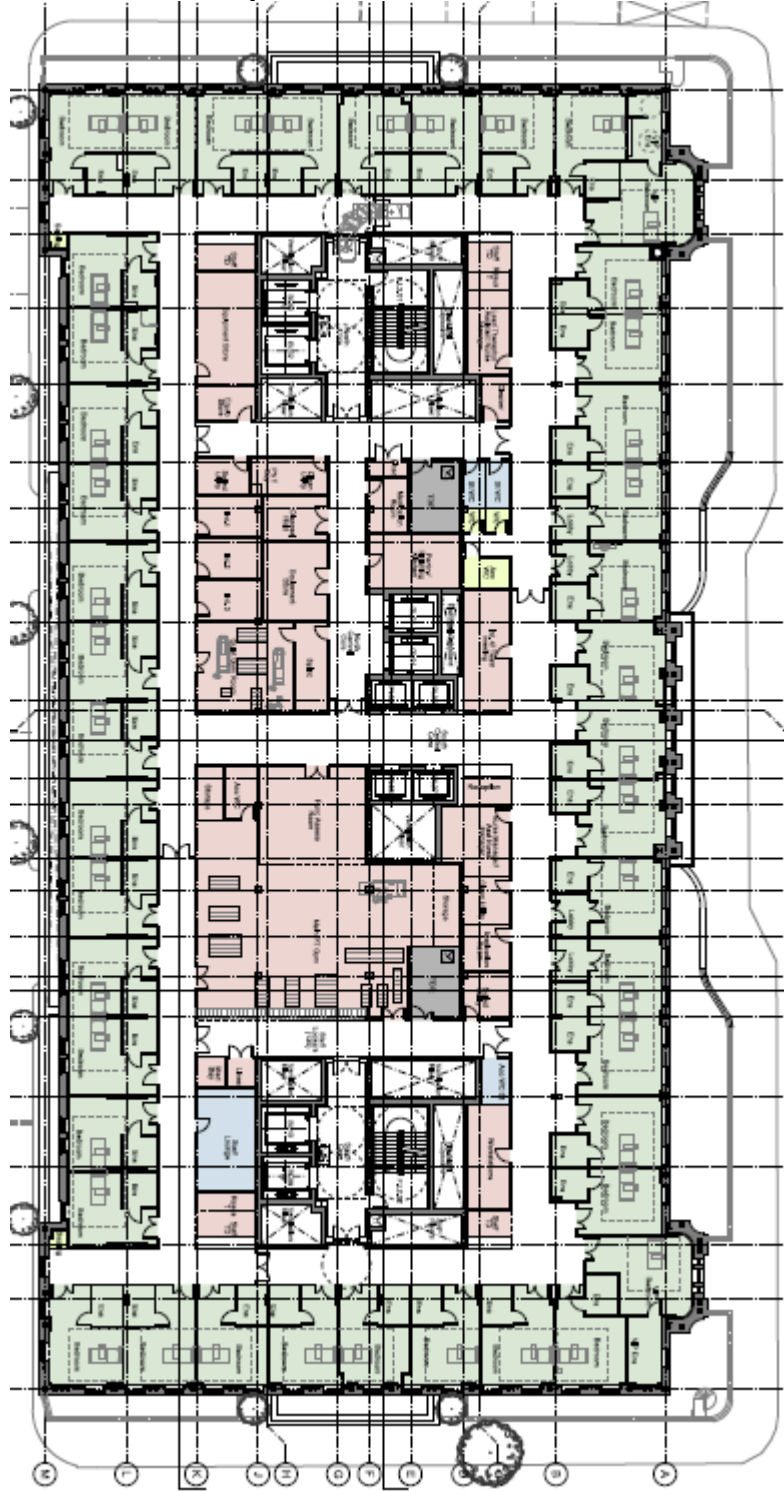
Proposed Ground Floor Plan



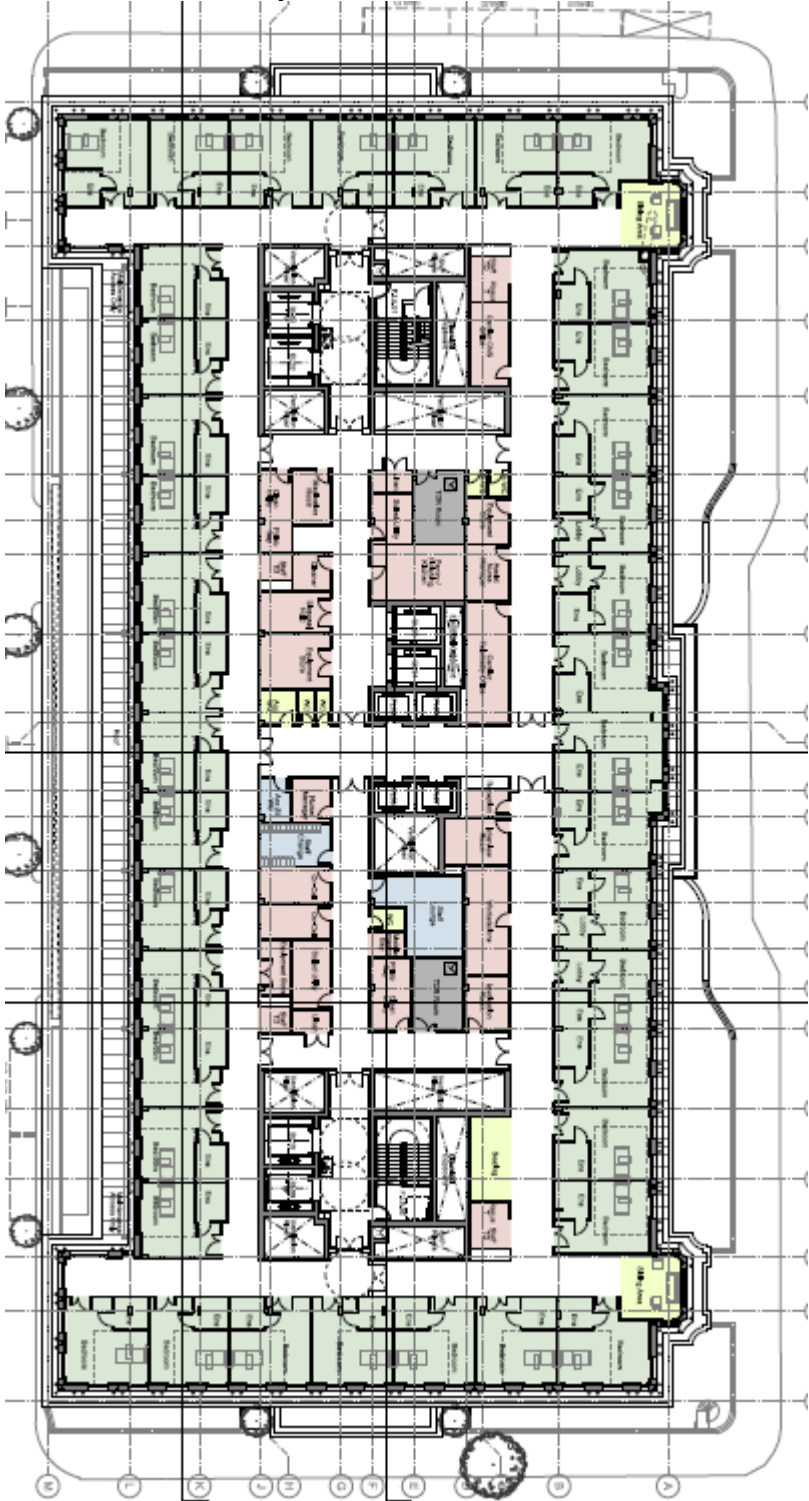
Proposed First Floor Plan



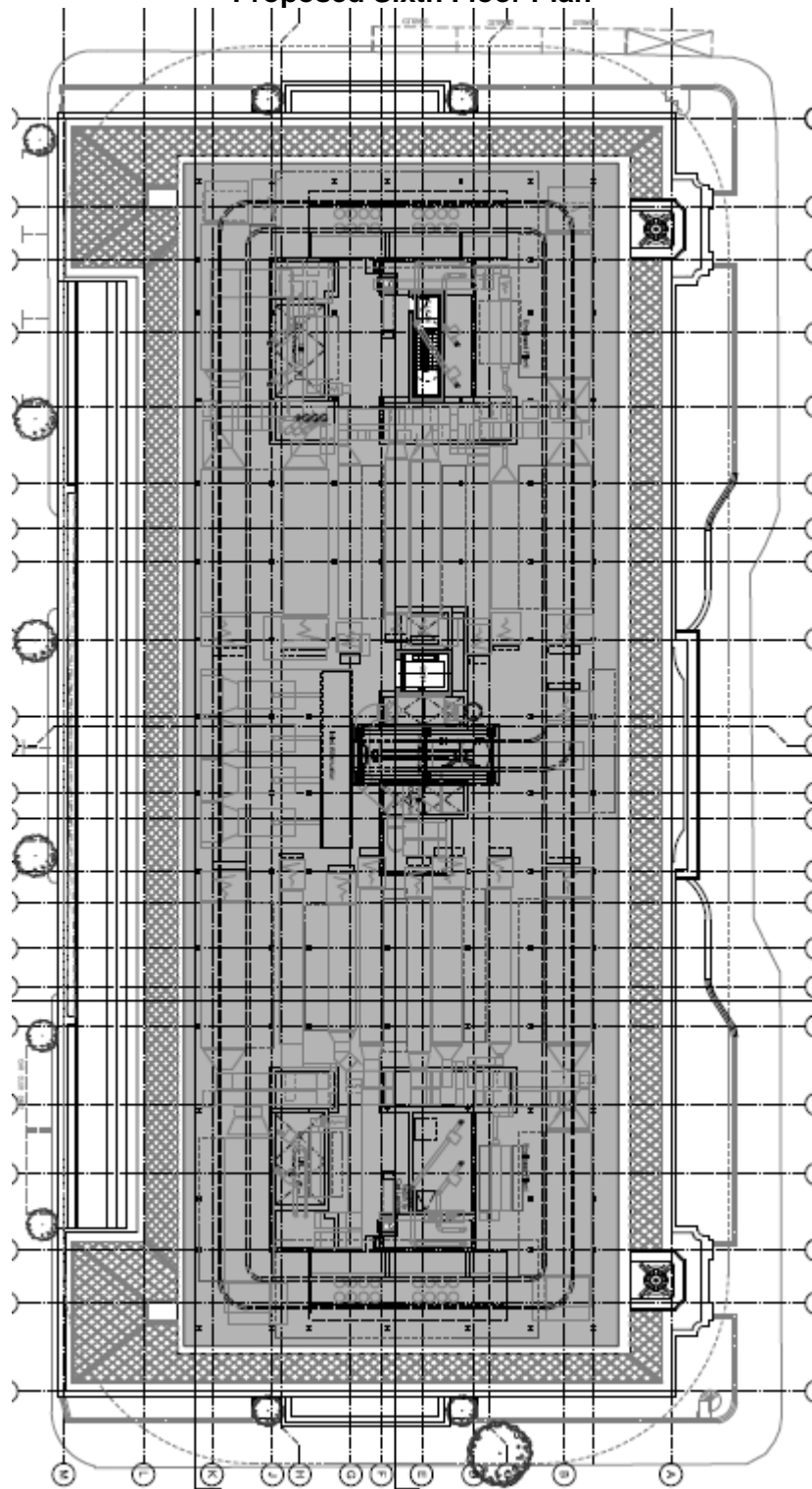
Proposed Second Floor Plan



Proposed Fifth Floor Plan



Proposed Sixth Floor Plan



DRAFT DECISION LETTER

Address: 33 Grosvenor Place, London, SW1X 7HY,

Proposal: Redevelopment behind retained facades to create a medical clinic (Class C2), including alterations to the existing northern, southern and eastern elevations; partial demolition and redevelopment of the existing western elevation along with additional alterations including the creation of a servicing and delivery bay; minor excavation at basement level including provision of lift pits and water attenuation tanks; demolition and redevelopment of the existing fifth floor level; addition of roof top extension at sixth floor level for plant machinery; infill of the existing atria; and other associated alterations.

Plan Nos: 1402-A-020; 097; 098; 099; 100 Rev.A; 101 Rev.A; 102 Rev.A; 103 Rev.A; 104 Rev.A; 105 Rev.A; 106 Rev.A; 107 Rev.A; 200 Rev.A; 201 Rev.A; 202 Rev.A; 203 Rev.A; 204; 250 Rev.A; 251 Rev.A; 252 Rev.A; 253 Rev.A; 300 Rev.A; 301 Rev.A; 302 Rev.A; 303 Rev.A; 304 Rev.A; 305 Rev.A; 310 Rev.A; 311 Rev.A; 312 Rev.A; 313 Rev.A; 33GP-PLP-22-SX-A-250-006; 33GP-WSP-06-M3-M-570112; 7245-SK-30 Rev.F; Site Waste Management Plan (Operational Waste Strategy) dated August 2016.

For information:

Design and Access Statement dated December 2016; Planning Statement dated October 2016; Operational Statement dated August 2016; Energy Statement August 2016; Sustainability Statement dated August 2016; Drainage Strategy dated August 2016; Flood Risk Assessment dated August 2016; Acoustic Report dated August 2016; Transport Assessment dated August 2016; Travel Plan dated August 2016; Outline Construction Management Plan dated August 2016; Outline Construction Logistics Plan dated August 2016; Delivery and Servicing Management Plan dated August 2016; Air Quality Assessment dated August 2016; Statement of Community Involvement dated August 2016; Daylight and Sunlight Report dated 8 August 2016; Crime Prevention Statement dated August 2016; Historic Environment Assessment dated August 2016; Preliminary Ecological Appraisal; Townscape, Heritage and Visual Assessment Addendum dated December 2016; Response Note from WSP-PB dated 13 December 2016.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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

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

Reason:

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

- 2 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 3 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows,
- ii) Doors,
- iii) Service entrance shutters,
- iv) Roof terminations.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 Notwithstanding the approved drawings and information, detailed drawings and specification for all plant equipment/ grills/ louvres etc. to be located within the lower ground floor lightwell must be submitted. You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and

- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

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

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

- 6 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence 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 a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 9 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 10 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 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. 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.

- 11 Prior to the occupation of the development you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy for the development to include an assessment of delivery noise combined with mechanical services, noise from doors and gates and activity and noise from trolleys and human voices. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 12 The development hereby approved shall achieve a Building Research Establishment rating of 'very good' or higher (or any such national measure of sustainability for house design that replaces that scheme of the same standard). Within six months of completion of the development a copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that the development as built has achieved the targeted level, shall be submitted to and approved by us. You must then not remove any of these features.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 13 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

Photovoltaic panels

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 S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 14 The provision for the storage of clinical waste, waste and recyclable material, as shown on drawing numbered 1402-A-100 Rev.A, is to be made permanently available and used for no other purpose (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 15 Waste generated on site must be managed and collected in accordance with the site waste management plan (operational waste strategy) produced by WSP- Parsons Brinckerhoff dated August 2016.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 16 All servicing must take place off-street from the internal loading bay accessed from Chester Mews. Servicing must not take place outside the following hours: 07:30 and 19:30 hours on Monday to Friday; 08:00 and 11:00 hours on Saturday; and not at all on Sunday.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 22 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 18 The medical clinic will provide no more than 205 medical beds.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 19 You must apply to us for approval of a scheme of public art as described in the Planning Statement dated October 2016.

You must not start work on the public art until we have approved what you have sent us. Prior to occupation you must carry out the public art scheme according to the approved details.

You must then maintain and retain the approved public art in situ for the life of the development. (C37AB)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 20 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 21 You must not use the flat roofs at third and fifth floor level on the west elevation for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 22 The glass put in the lower half of the second floor windows on the western elevation facing Chester Mews must not be clear glass, and you must fix them permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant parts of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 23 The blind windows shown at first floor level on the west elevation in drawing no. 1402-A-203 Rev.A shall be retained for the life of the development.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 24 Notwithstanding what is shown on the approved drawings the proposed street trees on Chester Mews are not approved by this permission.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered

to the applicant at the validation stage.

- 2 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

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

- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 5 As this development involves demolishing commercial, institutional or public buildings, you should consider if there is any contaminated land from previous activities on the site. For example, this building may contain asbestos materials or hydrocarbon storage tanks associated with the heating system.

Your investigation should follow the advice in 'Contaminated land, A guide to help developers meet planning requirements', which was produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy from our environmental health consultation team at the address given below.

A full site investigation would involve the following stages.

- Step 1: Desktop study
- Step 2: Detailed site investigation
- Step 3: Remediation strategy
- Step 4: Validation report (after completion)

If you want our contaminated land officer to comment on your investigation reports, please send them to:

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

Phone: 020 7641 3153
(I73BA)

- 6 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the

Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 7 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
 - * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 8 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 9 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 10 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990.