

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 September 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	64-66 Wigmore Street, London,		
Proposal	Use as a hospital (Class C2) for a temporary period of 41 years and associated external alterations including an extension at fourth floor level, extension to existing plant room at roof level, installation of a quench pipe.		
Agent	Mr Andrew Wilson		
On behalf of	Howard De Walden Estate		
Registered Number	16/03247/FULL	Date amended/ completed	11 April 2016
Date Application Received	11 April 2016		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation to the original S106 dated 5th September 2013 to ensure that all the previous planning benefits are secured.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
 - a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefit listed above. If so, 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 the proposals are unacceptable in the absence of the benefit which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site is located on the corner of Wigmore Street and Marylebone Lane, the site extends to the rear along Easley Mews. The site is currently under construction following the grant of planning permission in September 2013 for the redevelopment of the site (along with 58-72 Marylebone Lane)

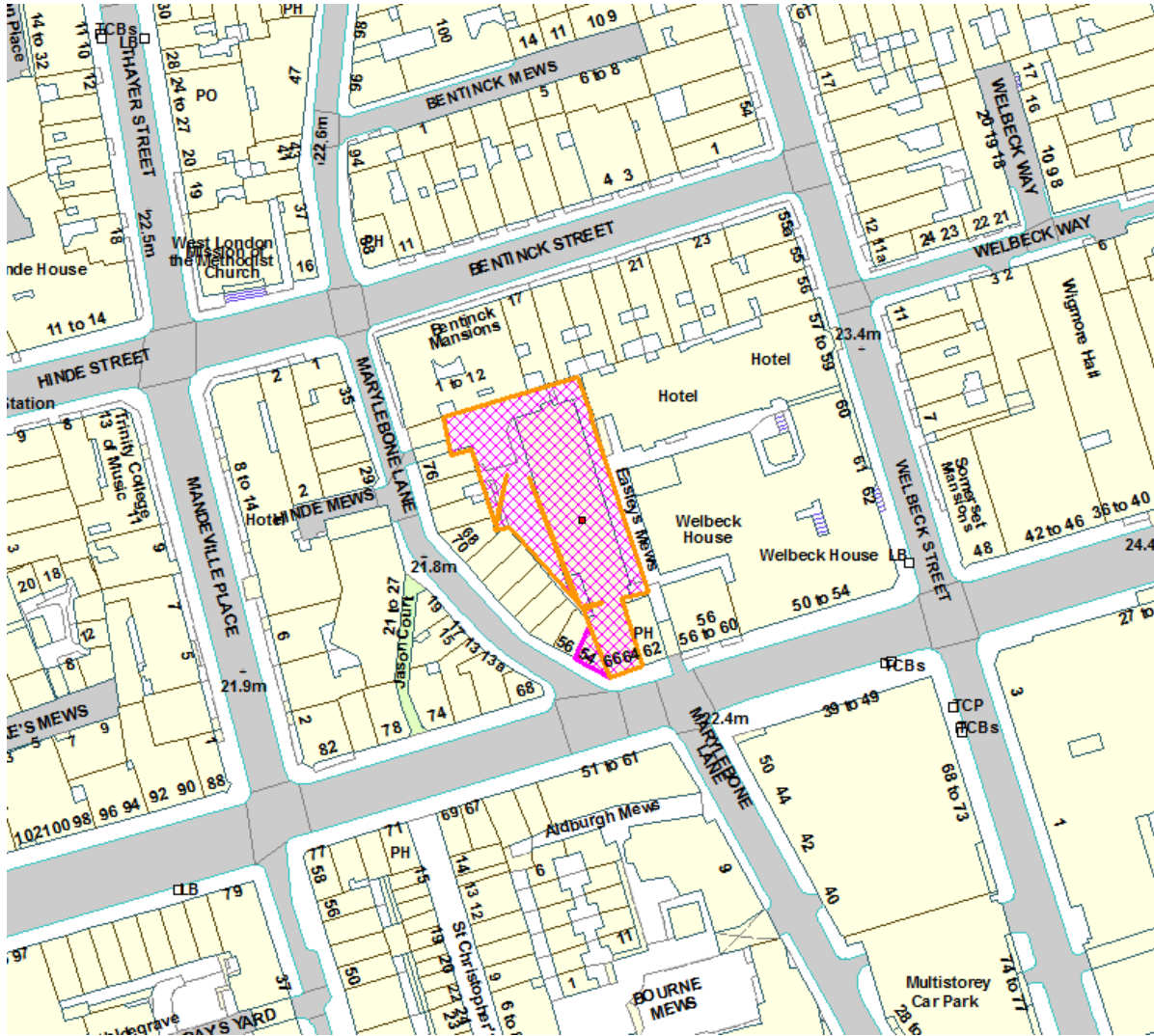
for a mixed use scheme, including offices, restaurant, retail and residential. Permission is now sought for use of the building as a hospital (Class C2) for a temporary period of 41 years. External alterations are proposed to facilitate the hospital use and these include the installation of louvres instead of glazing on the Easley Mews elevation, the installation of a quench pipe, and extension at fourth floor level to accommodate a new lift over-run.

The key issues for consideration are:

- The impact of the hospital use on the amenity of the surrounding area;
- The impact of the hospital use/servicing on the highway;
- The impact of the external alterations on the character and appearance of the Harley Street Conservation Area

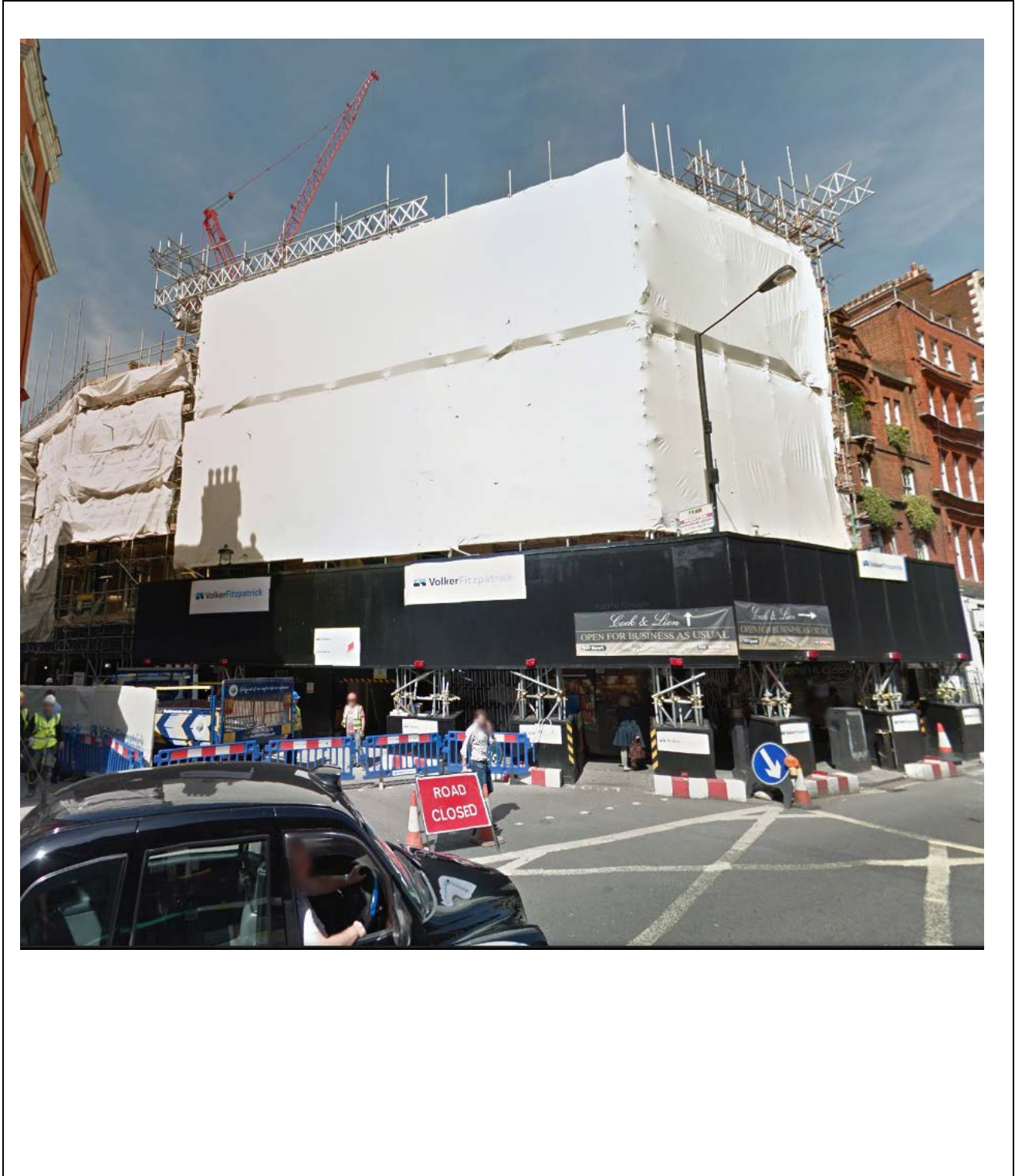
The proposals are considered acceptable in land use, amenity, highways and design grounds and comply with the policies set out in Westminster's City Plan (City Plan) and the Unitary Development Plan (UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

THE MARYLEBONE ASSOCIATION

Any response to be reported verbally

HIGHWAYS PLANNING MANAGER

Objection – loss of off-street disabled parking bay.

CLEANSING

No objection

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 140

No. of responses: 1 letter of objection raising the following:

Amenity

- Impact of the proposals at roof level on daylight and sunlight

Waste

- Clinical waste should not be stored or collected from Easley Mews

Other

- The approved cleaning/maintenance cradle should be lowered behind the roof top housing once the works are completed.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the corner of Marylebone Lane and Wigmore Street, the majority of the building extends into the backland area of the site. Redevelopment works are nearing completion to erect a new building for office use. The site is within the Core Central Activities Zone and the Harley Street Conservation Area.

6.2 Recent Relevant History

Planning permission was granted on 5 September 2013 for the demolition of 64-66 Wigmore Street and 54-56 Marylebone Lane and redevelopment to provide double basement, ground and first to fourth floors for new office (Class B1) and restaurant/cafe (Class A3) purposes and rooftop plant and building maintenance unit; partial demolition and alterations to 58-72 Marylebone Lane including mansard roof extensions, new shopfronts and the installation of mechanical plant in association with the use for retail (Class A1) and restaurant/cafe (Class A3) at basement and ground floor levels and 14

flats (Class C3) at first to fourth floor levels and associated works. This permission has been implemented and is nearing completion.

This site was linked to nine other sites all within the Howard de Walden Estate as part of a land use swap. The S106 secured the following:

- 400m² (four flats) of affordable housing floorspace at Nos. 29-30 Thayer Street/23 Bulstrode Street;
- £928,400 towards the City Council's affordable housing fund;
- £820,800 towards public realm improvements;
- a payment (£11,000) to mitigate the impact of the proposals upon on-street parking demand;
- a contribution of (to be agreed) towards Crossrail.

7. THE PROPOSAL

Permission is sought for the use of the building (the areas only approved for office purposes) as a hospital (Class C2) for a temporary period of 41 years. External alterations are proposed which include an extension at fourth floor level to accommodate the bed lift (facing towards the rear of 58-72 Marylebone Lane). The extension is proposed to be clad in Portland stone and glass which will replicate the facade of the building. The approved green roof at this level will be replaced at fifth floor level. Additional plant areas are proposed at roof level, the existing acoustic louvre cladding will be extended to enclose the enlarged plant area. The operating theatres at basement level will require separate plant areas and this will be located on the Easley Mews frontage and will require the existing/approved glass walling to be replaced with louvers. A quench pipe is proposed at the northern end of the building where the building steps back from Bentinck Street buildings.

The hospital is proposed to be used by a German healthcare provider, Schoen Klink. They are a specialist hospital dealing with neurological, orthopaedic and psychosomatic disorders. Three operating theatres and necessary support areas, including patient recovery will be sited at basement level. At lower ground floor level it is proposed to locate a second stage patient recovery area, a new plant room and a radiology suite comprising x-ray, MRI, CT scanner and EOS imaging.

The main staff/patient entrance will be at ground floor level, including waiting areas, consulting rooms and further plant areas. There is an existing service bay to the rear ground floor and it is proposed to locate the waste storage and medical gases in this location. At first floor level there will be further consulting rooms, rehabilitation/treatment rooms. There will be 37 patient (en-suite) rooms over second, third and fourth floor levels. A kitchen for the hospital will also be provided but only re-heated food is to be provided and there will not be full cooking facilities on site.

The hospital is required to be open 7 days a week, 24 hours a day. It is likely that outpatients/consultations will take place between 08.00 – 21.00 Monday to Friday and 08.00 – 20.00 on Saturdays.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposal will result in the loss of 7,195m² of office floorspace. However, as the loss of the offices is to another commercial use, the loss is considered acceptable. The applicant has requested that the change of use is for a temporary period for 41 years. This is considered acceptable and a condition is recommended to ensure that the building returns to its lawful use as offices.

Introduction of private hospital use

The provision of new social and community facilities, including private medical facilities, is generally supported by adopted Policies SOC1 and SOC5 and S34, subject to the proposed use having no adverse impact on residential amenity or resulting in a substantial increase in traffic generation. Policy SOC5 refers specifically to private medical facilities and states that proposed medical uses outside the Harley Street SPA will be assessed in relation to the demand for them, the scale and location of the facilities and their environmental impact. Such uses are normally directed to the CAZ or Harley Street SPA. However, the supporting text to Policy SOC5 recognises that such uses could be appropriately located on sites outside the SPA, particularly those of international, national and regional importance, where they should be protected and supported.

The UDP also recognises that demand for private medical facilities is likely to continue. Although the application site is located outside the SPA, it is close to its boundary and it is recognised that a new medical facility in this location is likely to benefit from its proximity to similar uses, and associated services within the SPA.

The impact of the proposed use in traffic and amenity terms is discussed in further detail below.

8.2 Townscape and Design

The proposal to install louvres to replace glazing on Easley Mews is considered acceptable in design terms. The alterations at roof level to accommodate the new lift are also acceptable and the extension will match the materials (Portland stone and glazing) as the rest of the building.

8.3 Residential Amenity

The application site is located within an area that is characterised by commercial uses, although it also contains some residential uses, the closest of which are within 54-56 Marylebone Lane, which formed part of the redevelopment scheme granted in September 2013. More established residential units are located to the rear in Bentinck Street and Welbeck Street.

Staff and Patient numbers

It is anticipated that there would be some 90-100 full time staff, with some 5-10 staff plus doctors on duty at night to care for in-patients. It is anticipated that outpatients/consultations will take place between 08.00 – 21.00 Monday to Friday with operating theatres being used between 08.00 – 20.00 (Monday to Friday). Staff arrivals and departures will be outside these hours and will be through the main entrance doors on the corner of Wigmore Street and Marylebone Lane. The proposed use provides 37 in-patient suites, but clearly arrival and departure of patients would be spread throughout the day. With regards to outpatients, it is anticipated that there will be 140-150 patients per day. Given the limited number of in-patient rooms and the number of outpatients it is not considered that the use is likely to generate significant activity, particularly when compared to the lawful office use.

Servicing

Servicing for the hospital will take place within the dedicated servicing bay to the rear of the site. It is envisaged that there will be up to 15 servicing vehicles to the site per day. The approved hours for servicing are: 08.00 – 19.00 Monday to Saturday and 10.00 – 17.00 on Sundays. The hospital requires these hours to be extended to 06.00 – 22.00 Monday to Saturday. This is to ensure deliveries of sterile goods/instruments for each day's surgical procedures can be made before the theatres open and to enable collection of used instruments for sterilisation and the collection of medical waste at the end of the day as this cannot be left overnight. The servicing bay is close to the residential units within Bentinck Mansions, however considering the commercial nature of this part of Marylebone Lane, it is considered that the extended servicing hours are acceptable. An objection has been received on the grounds that Easley Mews should not be used for medical waste. The proposed ground floor plan indicates the location of the waste disposal hold adjacent to the service bay therefore it is unlikely that Easley Mews will be used for medical waste. It is not considered that the application could be refused on this basis.

No ambulance arrivals are anticipated, apart from rare and very occasional emergency transfers. It is not considered that the hospital will have a detrimental impact on the area in environmental terms.

Plant

Additional plant is proposed at basement level and at roof level. The proposal also includes the installation of a quench pipe. The plant at roof level requires the existing plant room to be extended to accommodate the additional plant. New louvres are proposed at basement level (Easley Mews elevation) to allow ventilation of the basement plant rooms.

An acoustic report has been submitted and Environmental Health raise no objection, subject to the imposition of conditions to control the noise output from the proposed plant to ensure that it is compliant with the Council's enforceable noise standards for operational plant.

The quench pipe location is governed by Health and Safety legislation, separate to Planning legislation and there is no planning objection to the quench pipe's position.

The applicant has advised that food will be reheated on-site and therefore there is no requirement to provide a full height extract duct, a condition is recommended preventing hot food cooking on the premises.

Sunlight/Daylight

The proposals involve alterations to the existing/approved plant screen to accommodate the generator flue. An objection has been received from a residential occupier in Welbeck House stating that the extension to the plant room will cause further losses of sunlight. A daylight and sunlight assessment has been submitted which assesses the consented scheme against the alterations now proposed. This indicates that there will not be any further losses of daylight or sunlight to the windows within Welbeck House or to any other surrounding residential properties. The objection on these grounds is not sustainable to justify a reason for refusal.

The objection received also states that the cleaning cradle is currently in the 'up' position and this should be in the parked position behind the screens. This is dealt with by condition.

8.4 Transportation/Parking

The Highways Planning Manager has no objection to the proposed servicing arrangements as these will be similar to the office use. It is considered that a servicing management plan should be submitted which clearly indicates the timings and locations for deliveries to ensure that on-street servicing is minimised.

The approved offices included an off-street disabled parking bay within the servicing bay. This is proposed to be removed and replaced by the emergency generator which would provide emergency power for life saving equipment in the event of a power cut. The Highways Planning Manager has objected to the loss of the disabled parking bay. The parking bay was proposed for the office scheme and there are no conditions relating to its retention. In these circumstances, although regrettable, the loss of the disabled parking bay is considered acceptable.

Cycle parking (25 spaces) is proposed for the hospital use, the levels are consistent with the standards in the London Plan.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

Level access is provided at ground floor level from the street, access to the upper floors is via lifts and stairs.

8.7 Other UDP/Westminster Policy Considerations

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

8.8 London Plan

This application raises no strategic issues.

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

A deed of variation to the original S106 is required, to ensure that all the heads of terms previously agreed are transferred. The original S106 relates to the approved office use and the deed of variation will need to relate to the medical use.

There is another application on this agenda also relating to the modification of the S106. This modification relates to the location of the affordable housing units and is being reported separately to avoid confusion. The two deeds of variation (if agreed) will then be combined.

There is no CIL payment for this scheme.

9. BACKGROUND PAPERS

1. Application form
2. Response from Cleansing, dated 27 April 2016
3. Response from Environmental Health, dated 28 April 2016
4. Response from Highways Planning Manager, dated 10 June 2016
5. Letter from occupier of 1, Welbeck House, 62 Welbeck Street, dated 12 May 2016

(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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

Item No.

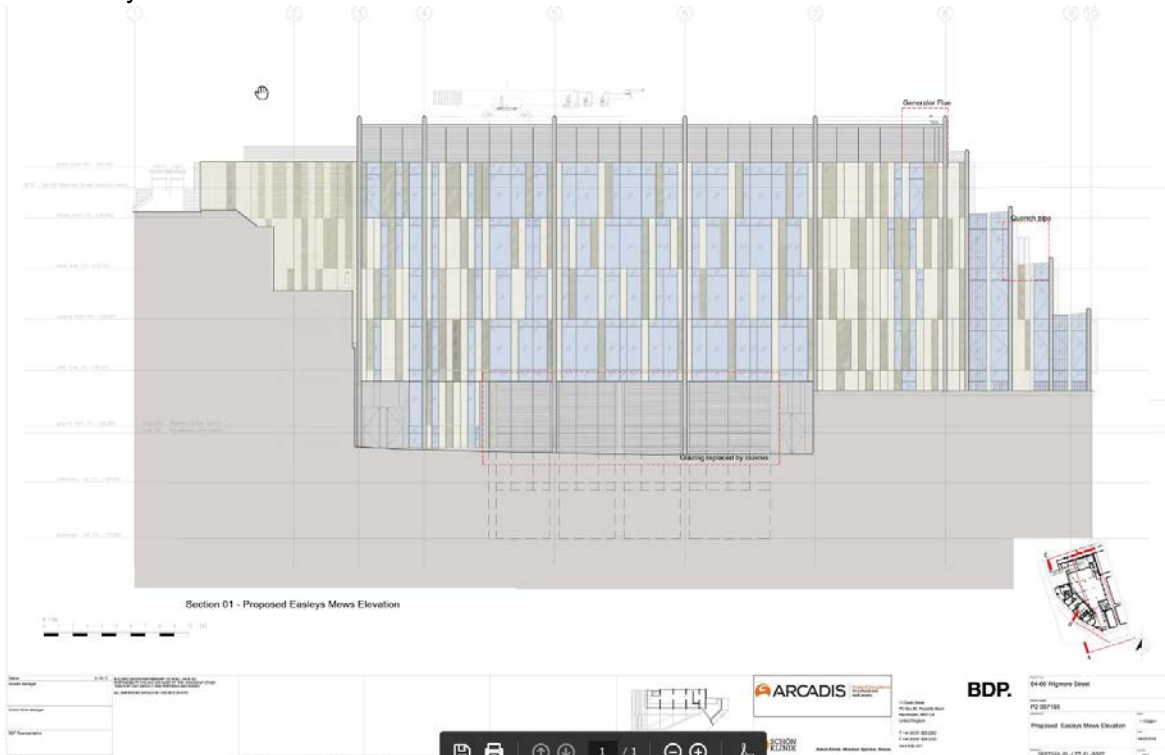
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10. KEY DRAWINGS

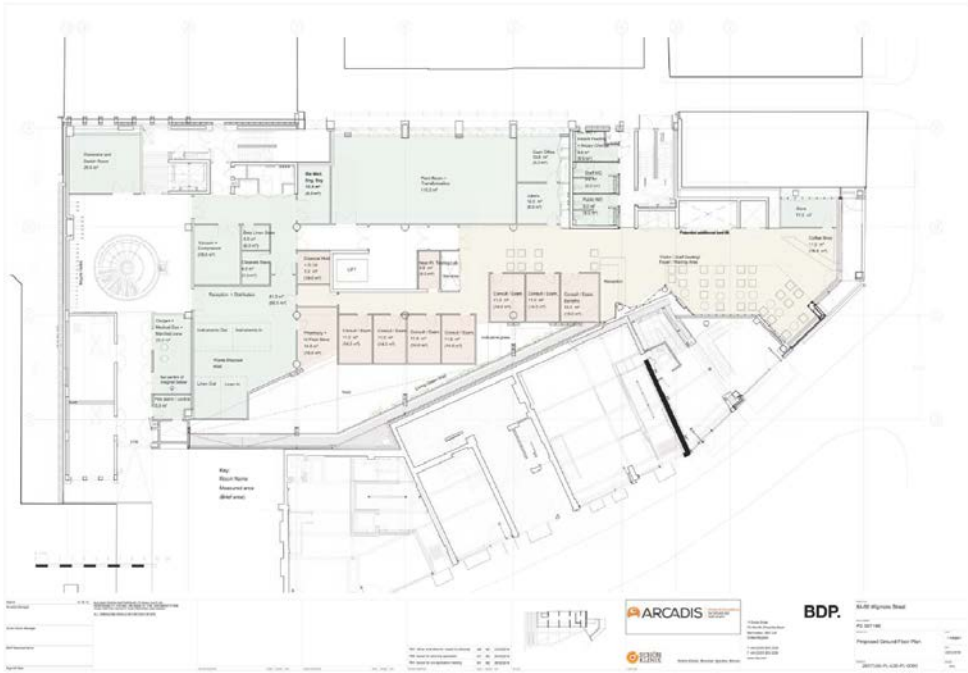
Existing Easley Mews elevation



Proposed Easley Mews elevation



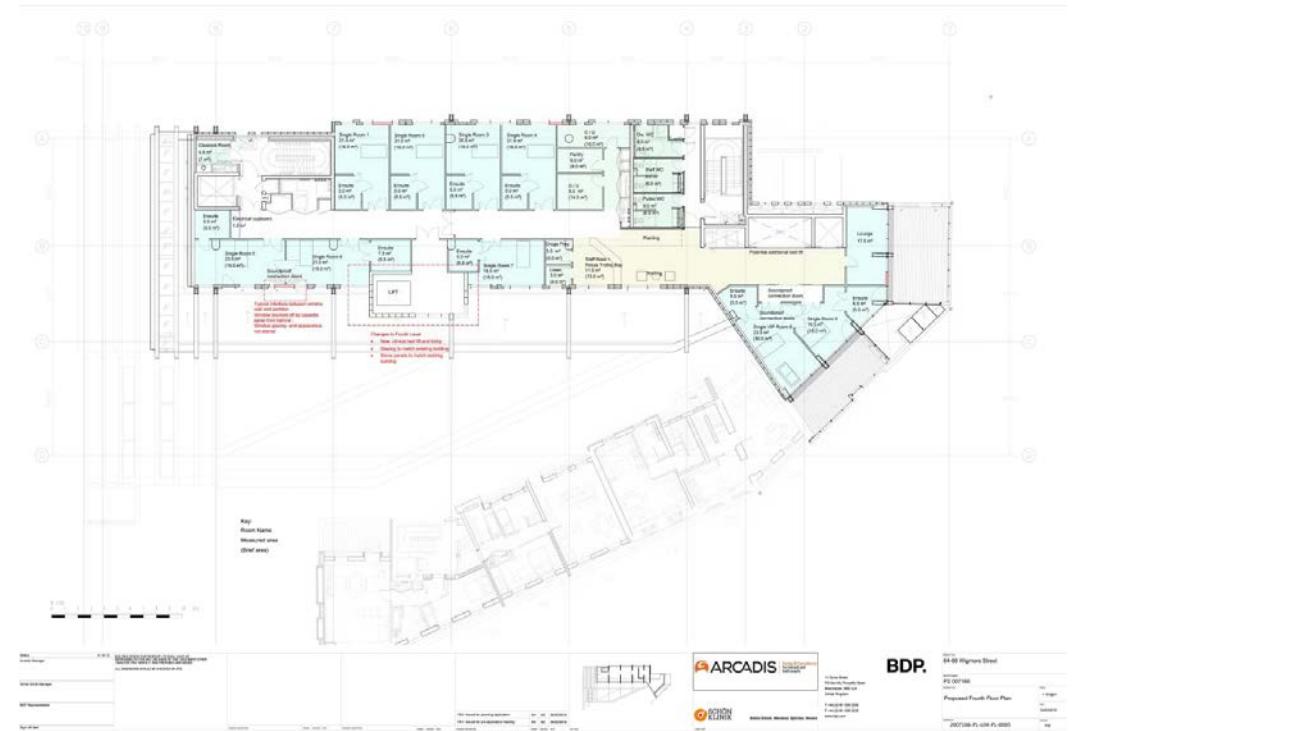
Proposed ground floor plan



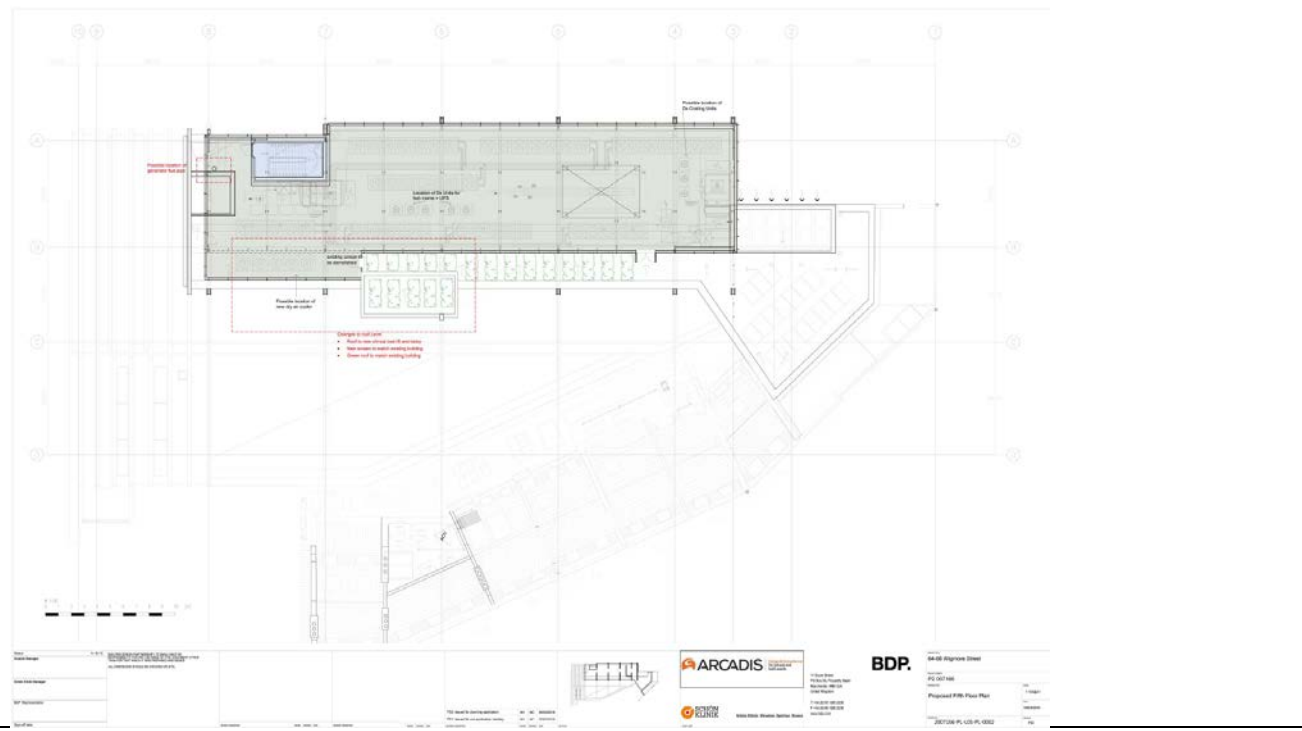
Proposed second floor plan



Proposed fourth floor plan



Proposed fifth floor plan



DRAFT DECISION LETTER

Address: 64-66 Wigmore Street, London, ,

Proposal: Use as a Hospital (Class C2) for a temporary period of 41 years and associated external alterations including an extension at fourth floor level, extension to existing plant room at roof level, installation of a quench pipe.

Reference: 16/03247/FULL

Plan Nos: 2007166-PL-L05-PL-0002 P02, 2007166-PL-L04-PL-0003 P02, 2007166-PL-LB1-PL-0003 P02, 2007166-PL-LLG-PL-0003 P03, 2007166-PL-L00-PL-0003 P03, 2007166-PL-L02-PL-0003 P02, 2007166-PL-L03-PL-0003 P02, 2007166-PL-LZZ-EL-0007 P02

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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
- 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:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of

Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (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 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.

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 (July 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.

- 4 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.

- 5 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 3 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 6 You must apply to us for approval of details of a further background noise survey carried out at representative locations to enable the City Council to verify the measured noise level from the surveys carried out in 2010. 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 7 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are

shown on the drawings we have approved or are required by conditions to this permission.
(C26AA)

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.
(R26BE)

- 8 The hospital use (Class C2) allowed by this permission can continue for 41 years from the date of permission. After that the land must return to its previous condition and use. (C03AA)

Reason:

At the request of the applicant.

- 9 All servicing must take place between 06.00 - 22.00 Monday to Saturday and 10.00 - 17.00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 10 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 S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 11 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 cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 12 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (July 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 13 You must apply to us for approval of details of how waste, recyclable materials, and clinical waste will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the hospital use. (C14EC)

Reason:

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

- 14 You must apply to us for approval of details of a servicing management plan to identify process, storage locations, scheduling of deliveries on a day to day basis and staffing. You must not commence the hospital use until we have approved what you have sent us. You must carry out the measures included in the management plan at all time.

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

- 15 You must use the property as a hospital (Class C2). You must not use it for any other purpose, including any within Class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC 5 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 16 The cleaning/maintenance equipment at roof level shall at all times when not in use be parked in the locations shown on the approved drawings.

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 Harley Street Conservation Area. This is as set out

in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

As set out in S32 of Westminster's City Plan (July 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

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 (July 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.

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.

Item No.

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