

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Site 1: 82 Portland Place, London, W1B 1NS Site 2: 29 Harley Street, London, W1G 9QR		
Proposal	Site 1: Use of lower ground and ground floor levels for residential purposes (Class C3). Site 2: Use of the lower ground to fourth floor for medical purposes (Class D1).		
Agent	Mrs Andrea Merrington		
On behalf of	Howard de Walden Estate Ltd		
Registered Number	Site 1: 17/09947/FULL Site 2: 17/09945/FULL	Date amended/ completed	13 November 2017
Date Application Received	8 November 2017		
Historic Building Grade	Site 1: Unlisted Site 2: Grade II listed		
Conservation Area	Harley Street (both sites)		

1. RECOMMENDATION

- Site 1:
1. Grant conditional permission subject to no substantive planning issues being raised during the remainder of the notification period and a legal agreement to secure the following:
 - a) The conversion of the approved floorspace so that it is ready for occupation for residential (Class C3) purposes either before or within a reasonable timescale of the commencement of the approved development at 29 Harley Street in accordance with planning permission Ref: 17/09945/FULL.
 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 will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an 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.

Site 2:

1. Grant conditional permission subject to a legal agreement to secure the following:
 - a) The conversion of the entire building so that it is ready for occupation for medical (Class D1) purposes either before or within a reasonable timescale of the commencement of the approved development at 82 Portland Place in accordance with planning permission Ref: 17/09947/FULL.
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 will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an 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

The applications relate to two sites; 82 Portland Place and 29 Harley Street. A land use swap is proposed such that part of the lower ground floor and ground floors of 82 Portland Place would be used for residential floorspace (C3 use class). At 29 Harley Street, the entire property would be used for medical purposes (D1 use class). Both sites are located within the Central Activities Zone (CAZ) and the Harley Street Conservation Area. 29 Harley Street is located within the Harley Street Special Policy Area.

The key issues for consideration are:

- The acceptability of the loss of residential floorspace.
- The quality of the proposed residential accommodation compared to existing.
- The impact of the new uses on neighbouring residential amenity.

The scheme would result in the loss of 11 sq.m of residential floorspace when assessed against the current uses at 29 Harley Street or a loss of 404 sq.m when assessed against the last formally known use of the whole building which was as a single family dwellinghouse. Compared to the use of 29 Harley Street as a single family dwellinghouse, the proposal would also see a reduction in the quality of residential accommodation in terms of light levels, outlook and amenity space. However, the lawful use of the ground and basement floors of 29 Harley Street is unclear, probably having been used as office accommodation for some time. The result is that the residential accommodation currently taking place on the upper floors may be not self-contained and may not have access to the outdoor amenity space at rear lower ground floor. This, combined with the significant benefits of an enlarged medical use within the Harley Street Special Policy Area, means that on balance the proposed land use swap is considered to be acceptable.

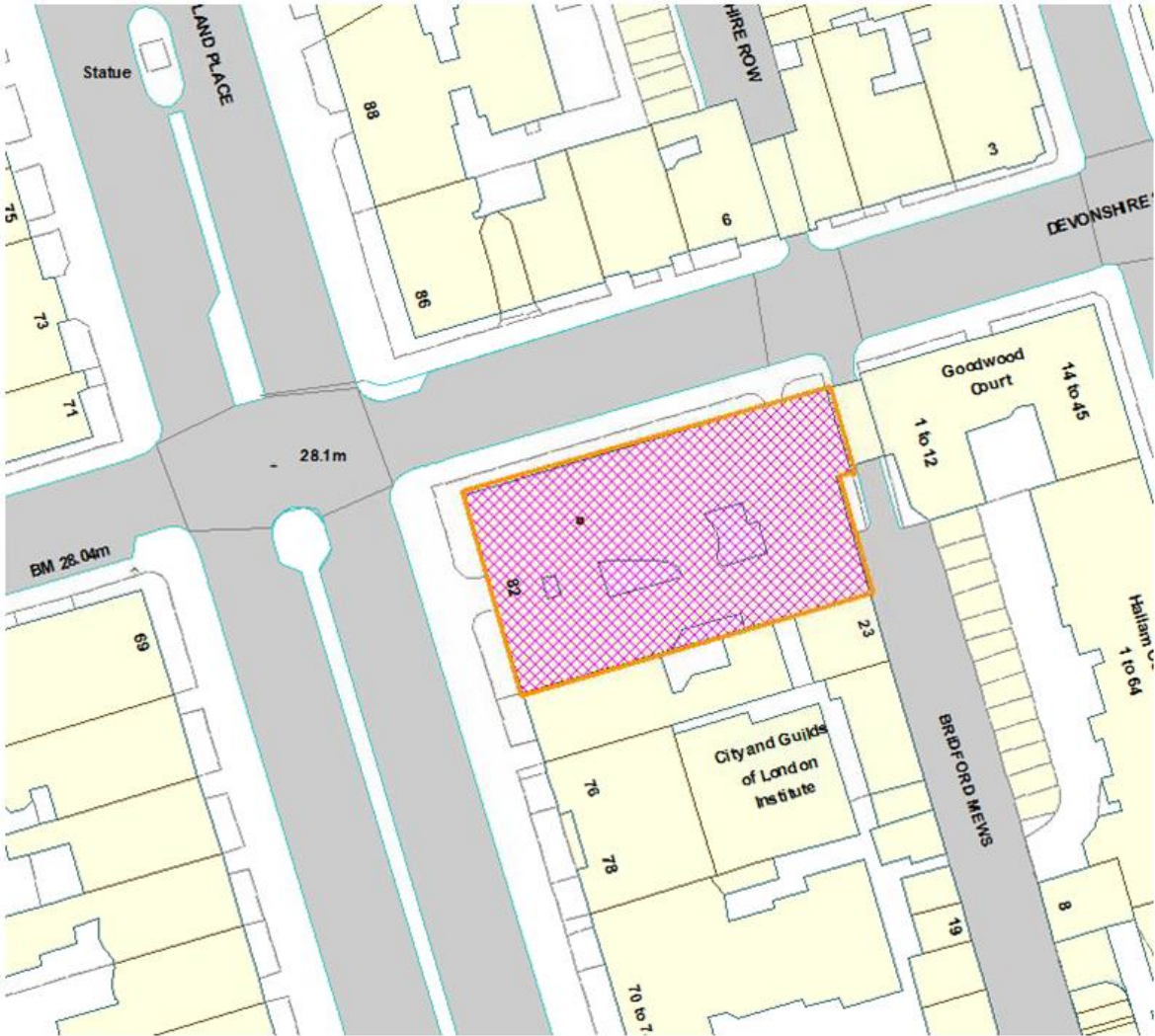
On balance, the proposals are considered acceptable in land use and amenity terms, and the applications are recommended for approval.

Item No.
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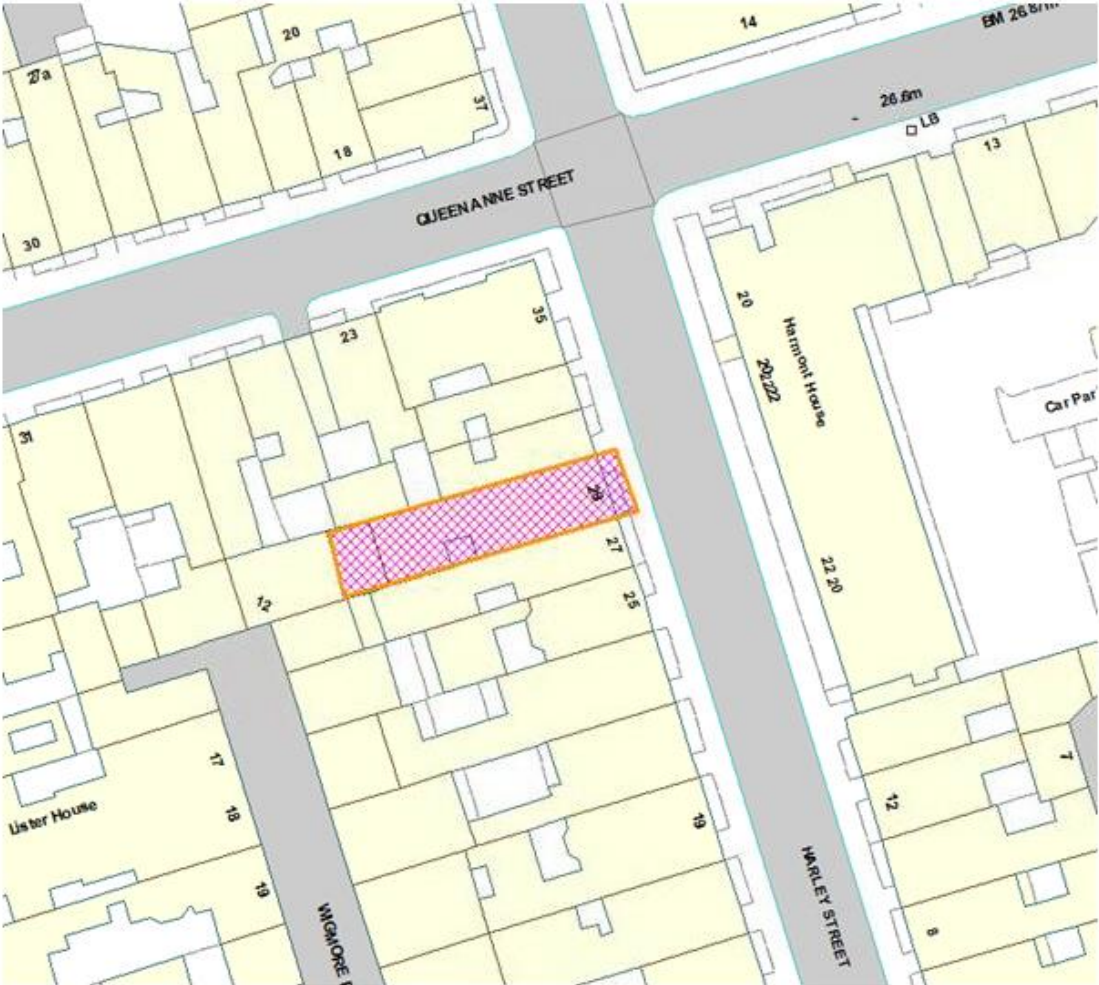
LOCATION PLAN

82 Portland Place



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29 Harley Street



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3. PHOTOGRAPHS

SITE 1: 82 Portland Place



Site 2: 29 Harley Street



29 Harley Street – Ground floor



29 Harley Street – Lower ground floor rear room



4. CONSULTATIONS

Site 1:

MARYLEBONE ASSOCIATION: Any comments to be reported verbally

HIGHWAYS PLANNING MANAGER: No objection, subject to a condition requiring details of cycle parking

CLEANSING: No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 30

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Site 2:

MARYLEBONE ASSOCIATION: Any comments to be reported verbally

HIGHWAYS PLANNING MANAGER: No objection subject to conditions requiring a servicing management plan, and details of cycle parking.

CLEANSING: No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Sites

Site 1:

82 Portland Place is an unlisted building of merit located in the Harley Street Conservation Area. It is within the CAZ and Great Portland Street is also designated as a 'Named Street' within Marylebone and Fitzrovia.

The building itself comprises a basement level, and seven upper storeys. Part of the ground and basement floor are subject to this application and are currently vacant but were last in use for medical purposes (Class D1) (although it is noted that this has been a longstanding use, there is no formal consent for this use). First floor and above are in use and as residential flats (Class C3).

Site 2:

29 Harley Street is a grade II listed building located in the Harley Street Conservation Area. It is also within the CAZ and the Harley Street Special Policy Area.

The building comprises a basement level and five upper storeys. The entire site has historically been used as a single family dwelling, and it remains that 1st-4th floors are still in use as a flat. Some or all of the ground and basement levels appear to have been in use as B1 offices for a considerable length of time, although permission has never been granted for this use and there is a lack of evidence – as reflected by planning history - to prove or disprove that this office use has now become the lawful use of this part of the building.

5.2 Recent Relevant History

Site 1: 82 Portland Place

17/02489/FULL

Use of lower ground and ground floor as a residential unit (Class C3) (part of a land use swap with 1st to 4th floors of 29 Harley Street RN: 17/02490/FULL).

Withdrawn 24/10/2017

17/00425/FULL

Use of lower ground and ground floor levels as Class C3 residential use (Land use swap with the first to fourth floors of 29 Harley Street)

Withdrawn 22/02/2017

15/05438/FULL

Use of the basement and ground floors for residential purposes (Class C3) to create 1x 4 bed unit.

Withdrawn 16/11/2017

14/03030/CLEUD

Use of Flat I over ground floor and lower ground floors as a residential dwelling (Class C3).

Refused 20/05/14

13/09975/FULL

Use of part ground floor and lower ground floor as a residential dwelling (Class C3) comprising 1x4 bedroom unit.

Withdrawn 27/02/2014

Site 2: 29 Harley Street

Two applications for lawful development certificates have been withdrawn. These applications sought to establish that the basement and ground floors have become lawfully Class B1 office use through this use having taken place without interruption for at least the last ten years. Given that the basement and ground floors are not self-contained, this allows some or all of this floorspace to be used by the residential occupiers of the upper floors. This flexibility in how the building could have been used, combined with the lack of precise and unambiguous evidence that every part of the ground and lower ground have been used without interruption as offices for the last ten years, meant that Officers were of the view that the evidence presented meant that the applicant had failed to demonstrate (on the balance or probability) that the lawful use of

the ground and basement floors is now within Class B1. However, Officers also accept that there is a lack of any evidence to prove that the ground and basement floors are lawfully in residential use. As such, it is unlikely that successful enforcement action could be taken to revert some or all of the ground and basement floors to its former residential use.

17/03968/CLEUD

Class B1 (office use) at lower ground and ground floors only of this building.
Withdrawn 24/10/2017

17/02490/FULL

Use of first to fourth floors for medical purposes (Class D1). (Part of land use swap with (Suite I) lower ground and ground floor level, 82 Portland Place RN:17/02489/FULL).
Withdrawn 24/10/2017

17/00422/FULL

Use of first to fourth floors for medical purposes (Class D1). (part of land use swap with (Suite I) lower ground and ground floor level, 82 Portland Place).
Withdrawn 22/02/2017

16/10803/CLEUD

Use of lower ground and ground floor as offices (Class B1).
Refused 01/02/2017

04/09058/FULL

Use of building for office purposes (Class B1) as part of land use swap with various other properties including Collingwood House, New Cavendish Street and buildings in Marylebone High Street, Queen Anne Street, Wimpole Street, Devonshire Street and Devonshire Place.
Withdrawn 21/09/2005

6. THE PROPOSAL

At 82 Portland Place, it is proposed that the ground and basement level (345 sq.m) would change use from medical to a 5-bed flat. The lawful medical floorspace is proposed to be relocated to 29 Harley Street, with the entirety of this building being converted to medical use.

There would be no external alterations at 82 Portland Place. There would be no internal or external alterations to 29 Harley Street, and therefore no requirement for listed building consent.

The occupier for the proposed medical use at 29 Harley Street is not yet known.

When taken as a land use swap, the land use implications of the proposed development across the two site are as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
C3 Use (Residential)	356 749 (if the entirety of 29 Harley Street is considered)	345	- 11 - 404 (if the entirety of 29 Harley Street is considered)
D1 Use (Medical)	345	749	

7. DETAILED CONSIDERATIONS

7.1 Land Use

City Plan Policy CM 47.1 outlines how planning permission for the swapping of uses between sites which are located in the CAZ will be appropriate where:

1. the sites are in the vicinity of each other;
2. the mixed use character of the immediate area is secured at a fine grain;
3. there is no net loss of floorspace which is protected by other policies in the plan across the sites taken as a whole;
4. the uses are appropriate within each area and there is no loss of amenity resulting from the introduction or intensification of a use into an area;
5. any residential accommodation is of a higher quality than could have been achieved without the land use swap or package;
6. the applications for all sites are submitted at the same time and all elements of the scheme are completed within a time frame agreed by the City Council.

The close proximity of the two sites and their location with the CAZ means that, in principle, there is no objection to the proposed swap, provided that Parts 2 – 5 of City Plan Policy CM 47.1 are met.

D1 Medical use

Gain at 29 Harley Street

City Plan policy CM2.1 sets out that all development within the Harley Street Special Policy Area should support and enhance its role as an international centre of medical excellence, and encourages new medical facilities. It specifically states that the Council will consider land use swaps within the Special Policy Area where it is demonstrated that there would be no net loss of medical floorspace and where the accommodation would provide higher quality medical space.

The proposal would increase the amount of floorspace in D1 use in an appropriate location, which would accord with City Plan Policy CM2.1 and the first part of City Plan Policy CM47.1(4). It is considered that the proposed medical use at 29 Harley Street would provide higher quality medical space than currently exists at 82 Portland Place. Further to this, its location within the Harley Street SPA would serve to significantly enhance the function of the area as a centre of medical excellence.

Loss at 82 Portland Place

The re-provision of the medical use on site to 29 Harley Street means that there is no loss of social and community floorspace across the City which overcomes the protection for this medical floorspace within City Plan Policy S34.

Residential use

Gain at 82 Portland Place

The proposed residential floorspace at ground and basement level of 82 Portland Place would provide a living room, dining room and kitchen at ground floor level, and a total of five bedrooms at basement level (3 to be en-suite). Bedrooms 1, 2, 3 and 5 would meet the minimum requirement for double bedrooms, whilst bedroom four would be considered a single bedroom. Overall, the proposed unit would generously exceed the minimum internal floorspace requirements set out in the Nationally Described Space Standards (NDSS).

A daylight and sunlight report has been submitted which demonstrates that all rooms, except bedroom 5 would meet the BRE requirements for Average Daylight Factor (ADF) which would receive just 0.07% ADF in contrast to the BRE target of 1% for bedrooms. Bedroom 1 and bedroom 5 would both fail to meet the BRE requirements for Annual Probable Sunlight Hours (APSH). However, since these are not living rooms, it is considered to be acceptable in this instance, particularly as there would be no external changes to the property.

Loss at 29 Harley Street

City Plan Policy S14 protects all residential uses and floorspace and seeks to optimise the number of units on site. Similarly, UDP policy H3 seeks to maximise the amount of land in housing use where appropriate, within the CAZ.

The relocation of residential floorspace from 29 Harley Street to the ground and basement floors of 82 Portland Place would result in a net loss of 11 sq.m of residential floorspace when assessing the proposal against the current uses, or a net loss of 404 sq.m residential floorspace when assessing the proposal against the last formally known use of the building as a single family dwellinghouse. Both of which would be contrary to City Plan policy S14 as a result of the loss of residential floorspace. Furthermore, there is a small rear courtyard garden at 29 Harley Street which would be lost from domestic use and the proposed flat at 82 Portland Place has no outdoor amenity space. Were 29 Harley Street a single family dwellinghouse, the proposed would be unacceptable in principle.

As set out above, however, the existing residential offer at 29 Harley Street shares an access and staircase with the ground and basement level which are currently in unauthorised use as offices (B1 use class) so that the uses cannot be independent of each other. It is therefore recognised that at present that the property does not provide high quality residential or office accommodation. In light of the distant prospect of the City Council successfully taking enforcement action to revert the building to a single family dwellinghouse, it is considered that the proposed self-contained maisonette at 82 Portland Place would provide high quality living accommodation which generously exceeds the minimum requirements set out in the Nationally Described Space Standards. As such, despite the small loss of residential floorspace, it is considered that

on balance the result of the land use swap will result in higher quality residential accommodation, in accordance with City Plan Policy CM47.1(5).

Policy S15 of the City plan sets out that residential developments should provide an appropriate mix of units to contribute to Westminster's housing needs. The proposal would retain the provision of a family-sized dwelling (albeit as a maisonette rather than an entire property) the scheme would be in accordance with policy S15.

Affordable housing

There is no requirement to provide any affordable housing.

7.2 Townscape and Design

There would be no external changes to either 29 Harley Street or 82 Portland Place. As such, the character and appearance of the Harley Street Conservation Area would be preserved.

7.3 Residential Amenity

82 Portland Place is a mansion block with a number of flats located over the upper floors. The proposed residential unit at ground and basement level would be an ordinary domestic use and would not give rise to any harm to neighbours' amenity.

There are no residential dwellings immediately adjacent to 29 Harley Street. As such, the proposed medical use would not result in any harm to neighbours' amenity, subject to the applicant submitting a detailed operational management plan prior to first use of the premises.

7.4 Transport & Accessibility

The Council's Highways Planning Manager has reviewed the submission and notes that no details have been submitted for servicing or management of the proposed medical use at 29 Harley Street. It is recommended that a condition be applied to secure details of this prior to first use as a medical premises so that the Council can be satisfied that the proposal would accord with Policy S42 of the City Plan.

No details for cycle parking have been submitted for either site. Conditions are recommended to secure such details prior to first use of the medical premises, and first occupation of the new residential unit.

The proposed residential unit at 82 Portland Place would be accessed via the main entrance steps to the building. Internally there would be a staircase between ground and basement level, therefore the unit would only be accessible to the ambulant disabled.

Similarly, at 29 Harley Street there is stepped access and, owing to the nature of the listed building, there is no internal lift proposed. This premises would also only be accessible to the ambulant disabled

7.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

7.6 Refuse /Recycling

The Council's Cleansing Manager has reviewed the submissions and commented that there is insufficient information on waste and recycling storage. It is recommended that details of waste and recycling storage be secured by condition.

7.7 London Plan

London Plan policy 3.5 sets out that housing developments should be of the highest quality both internally and externally. The proposed residential unit would comply with standards set out in policy 3.5.

7.8 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.

7.9 Planning Obligations

Taken individually, both schemes are unacceptable through resulting in a loss of social and community floorspace (Site 1) and a loss of residential floorspace (Site 2). As set out above, however, when taken as a package the two schemes are acceptable. It is recommended that a legal agreement ensures that both schemes are delivered within a timely manner of each other, in accordance with City Plan Policy CM47.1(6).

8. BACKGROUND PAPERSSite 1

1. Application form
2. Response from Highways Planning received 11 January 2018
3. Response from Cleansing received 01 December 2017

Site 2

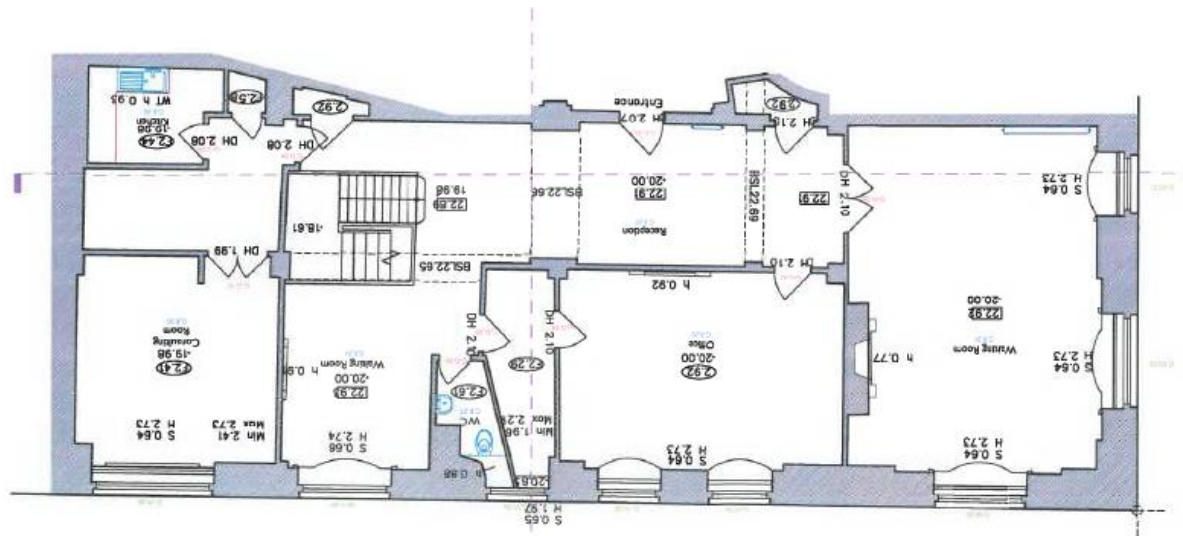
1. Application form
2. Response from Highways Planning received 11 January 2018
3. Response from Cleansing received 01 December 2017

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

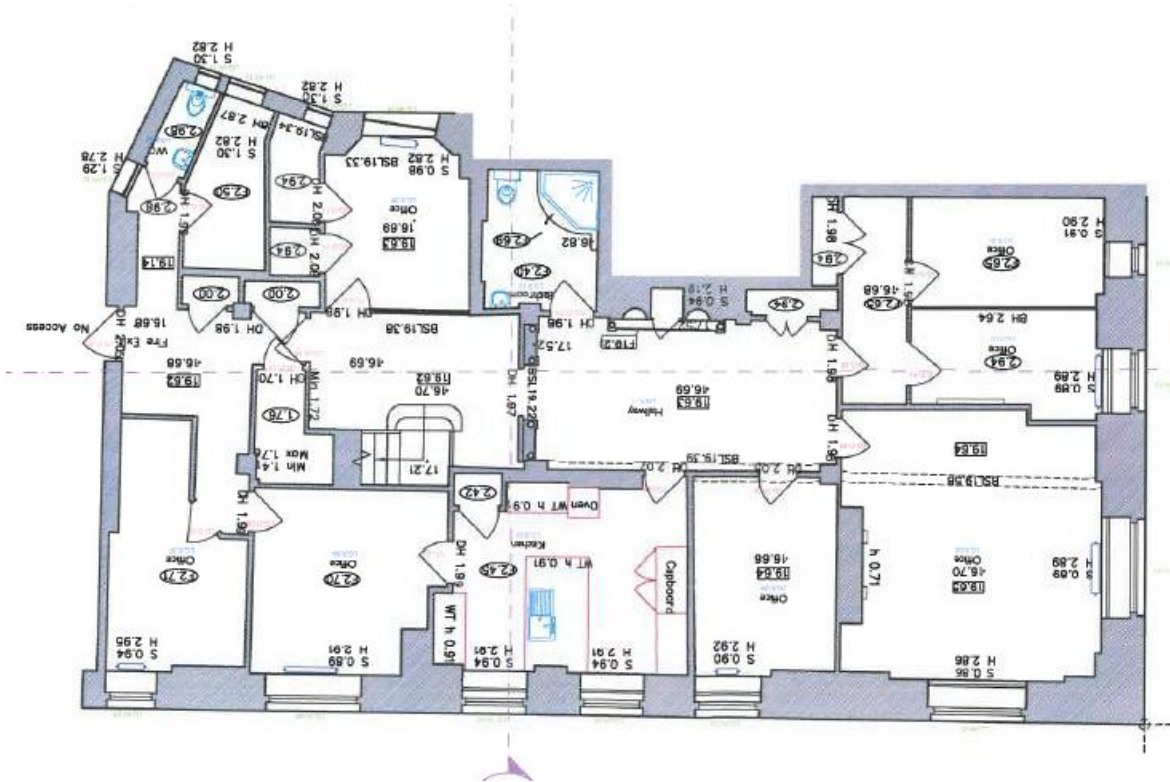
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

9. KEY DRAWINGS

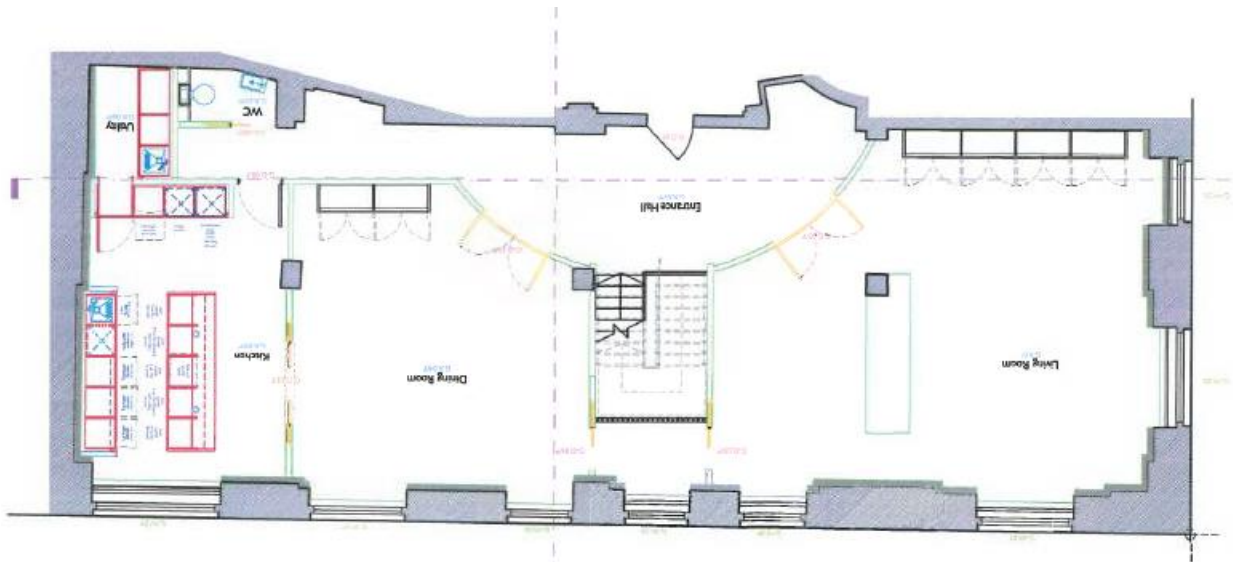
SITE 1: 82 Portland Place existing ground floor



SITE 1: 82 Portland Place existing basement floor



SITE 1: 82 Portland Place proposed ground floor

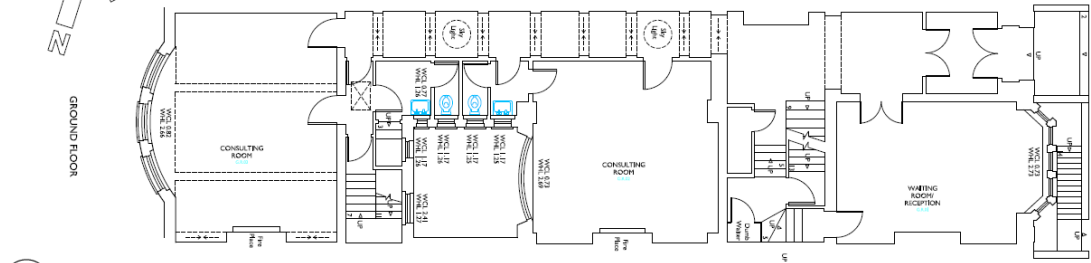
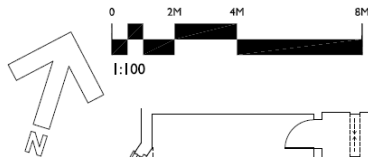
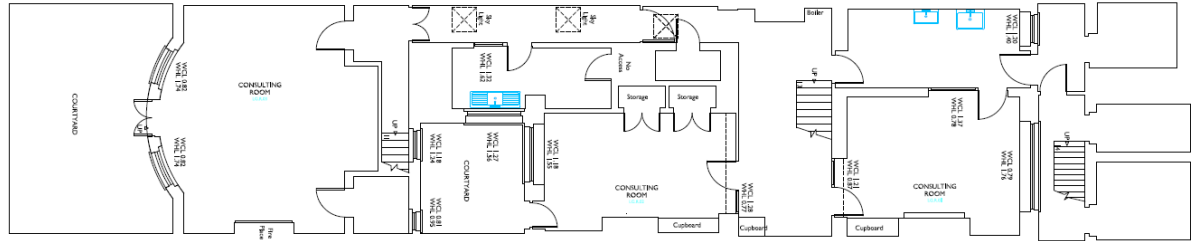


SITE 1: 82 Portland Place proposed ground floor



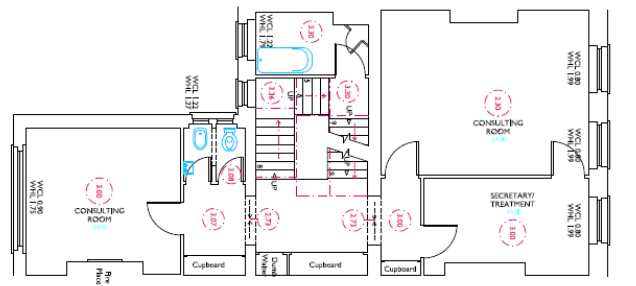
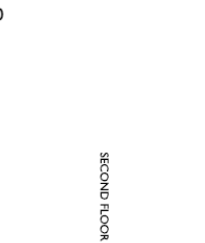
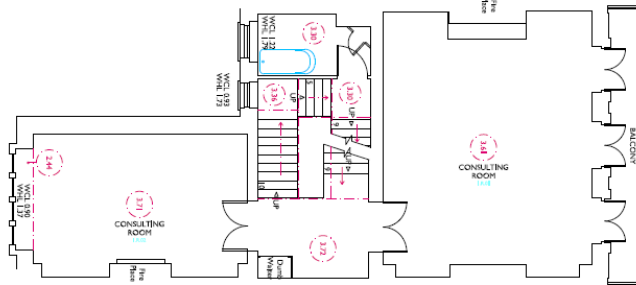
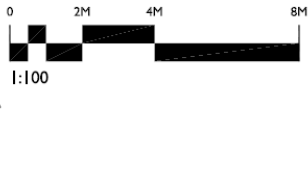
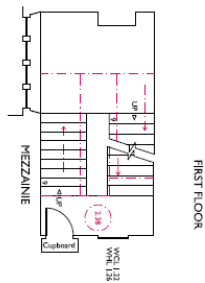
SITE 2: 29 Harley Street Proposed

LG Lower Ground Floor
1:100@A3



G Ground Floor
1:100@A3

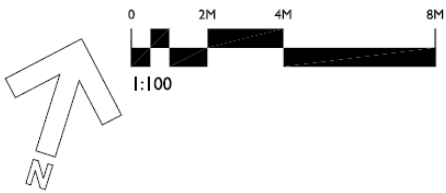
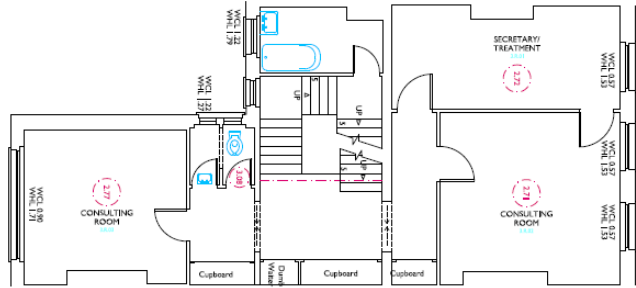
I First Floor
1:100@A3



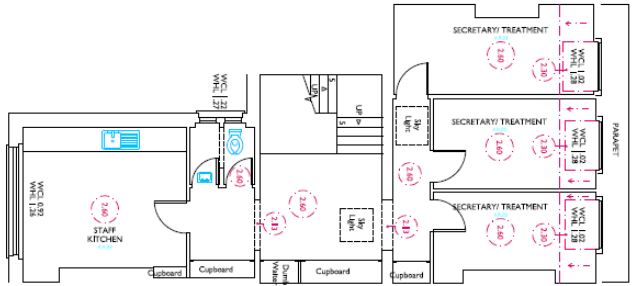
2 Second Floor
1:100@A3

3 Third Floor
1:100@A3

THIRD FLOOR



FOURTH FLOOR



4 Fourth Floor
1:100@A3

DRAFT DECISION LETTER

Address: 82 Portland Place, London, W1B 1NS,

Proposal: Use of lower ground and ground floor levels for residential purposes (Class C3).
(Land use swap with 29 Harley Street)

Reference: 17/09947/FULL

Plan Nos: VM015/002/P, VM015/001/P, VM015/001/R, VM015/002/R

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents 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 in the interests of proper planning.

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

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

- between 08.00 and 18.00 Monday to Friday;
- 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.

Reason:
To protect the environment of neighbouring occupiers. This is as set out in S27 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not occupy the residential unit hereby approved 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 residential unit. (C14EC)

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)

- 4 You must apply to us for approval of details of secure cycle storage for the C3 residential use hereby approved. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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.

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 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person

provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement secures the following:

-The conversion of the approved floorspace so that it is ready for occupation for residential (Class C3) purposes either before or within a reasonable timescale of the commencement of the approved development at 29 Harley Street in accordance with planning permission Ref: 17/09945/FULL.

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

DRAFT DECISION LETTER

Address: 29 Harley Street, London, W1G 9QR

Proposal: Use of the lower ground to fourth floor for medical purposes (Class D1) (Land use swap with lower ground and ground of 82 Portland Place)

Reference: 17/09945/FULL

Plan Nos: 001/P, 002/P, 003/P

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents 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 in the interests of proper planning.

- 2 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling 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 prior to the occupation of any of the medical (Class D1) floorspace hereby approved, clearly mark the stores and make them available at all times to everyone using the D1 medical floorspace (D1/C)

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)

- 3 You must apply to us for approval of details of secure cycle storage for the D1 medical use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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.

- 4 Prior to first use, you must apply to us for approval of a Servicing Management Plan (SMP) which identifies process, storage locations, scheduling of deliveries and staffing arrangements. The use hereby permitted shall be carried out in accordance with the approved servicing management plan.

Reason:

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

- 5 Prior to first use, you must apply to us for approval of an Operational Management Plan (OMP) which identifies:

- The nature of the D1 medical use
- The number of staff
- The maximum number of customers at any one time
- Hours of operation

Reason:

So that the Council can be satisfied that the proposed use would protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement secures the following:

- The conversion of the entire building so that it is ready for occupation for medical (Class D1) purposes either before or within a reasonable timescale of the commencement of the approved development at 82 Portland Place in accordance with planning permission Ref: 17/09947/FULL

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.