

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 March 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	Garages At, Devonshire Row Mews, London.		
Proposal	Use of lower ground and ground floor level as Class E (e) medical space and/or Class E (g) (ii) research and development facility. External alterations including alterations to the fenestration and access arrangement at ground floor level along the Devonshire Row Mews frontage, installation of plant and associated enclosures, grilles and access, installation of roof lights and associated works.		
Agent	The Howard de Walden Estate		
On behalf of	The Howard de Walden Estate		
Registered Number	22/06882/FULL	Date amended/ completed	11 October 2022
Date Application Received	11 October 2022		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY & KEY CONSIDERATIONS

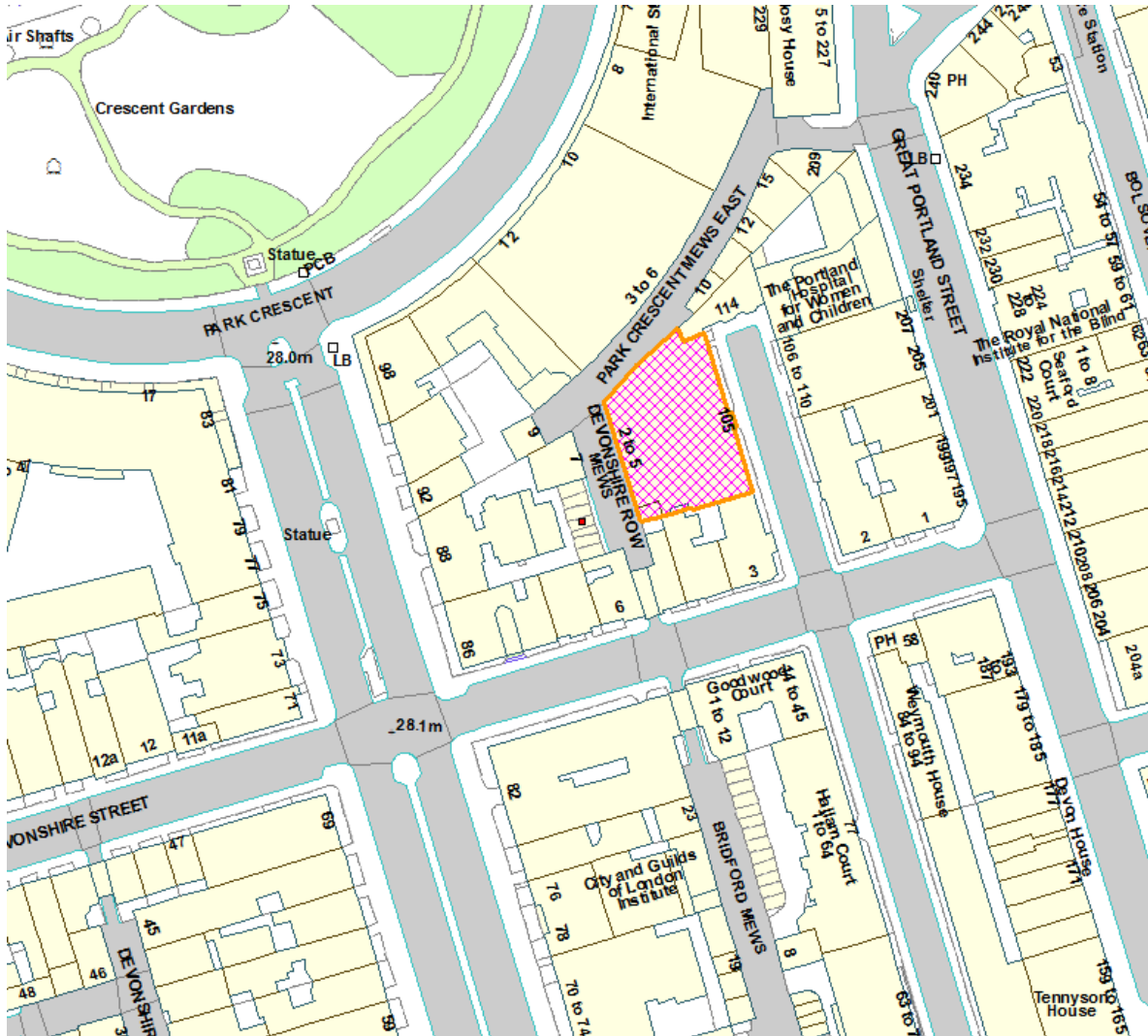
The application relates to the existing garages facing the eastern side of Devonshire Row Mews at part lower ground and ground floor of the property. Permission is sought for the use of the premises as Class E (e) medical space and/or Class E (g) (ii) research and development facility. Alterations are also proposed to the frontage of the premises as well as the addition of plant and skylights.

The key considerations in this case are:

- The acceptability of the proposed use(s) on the character and function of the area
- The impact on the amenity of neighbouring residential properties.
- The impact of the proposed plant and ground floor frontage on the appearance of the building and the character and appearance of the Harley Street Conservation Area.

For the reasons set out in the main report, it is considered that the proposal, with conditions, is acceptable in land use, design, highways and amenity a terms and neighbouring residential occupiers would not be unduly harmed. As such, the application is recommended for approval.

3. LOCATION PLAN



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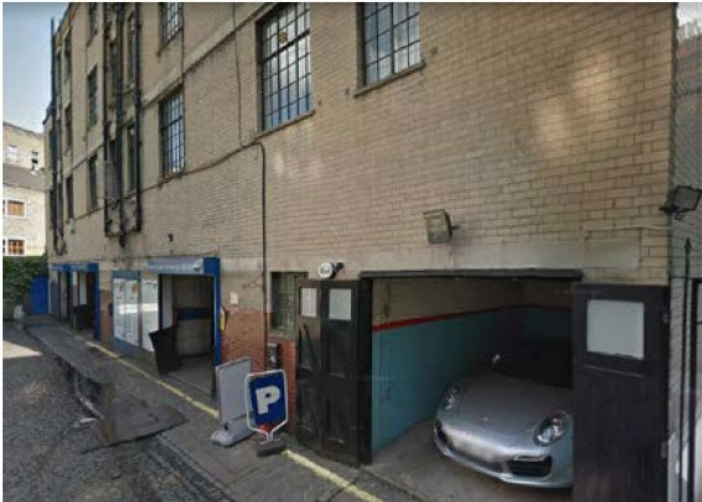
4. PHOTOGRAPHS



Approach from Devonshire Street2-5 Devonshire Row Mews



2-5 Devonshire Row Mews 105 Hallam Street
Proposed location of new roof plant enclosure



Street view of the west elevation



Street view of the south elevation

5. CONSULTATIONS

5.1 Application Consultations

AMENITY SOCIETY (Marylebone Association):

- Concerns raised regarding the size of the metal louvered plant enclosure (subsequently reduced in size)
- Considers cycle parking provision is insufficient
- Should explore options to increase biodiversity on site

AMENITY SOCIETY (Portland Village Association):

- The scheme should address long standing issue of fly tipping in/from the Mews

HIGHWAYS PLANNING MANAGER:

Concerns raised regarding:

- Planters to the elevation (removed from scheme)
- Lack of off-street servicing/ground floor holding area (application amended to include off-street servicing)

ENVIRONMENTAL HEALTH

No objection

WASTE PROJECT OFFICER

Further details required.

ADJOINING OWNERS / OCCUPIERS

No.of original consultees: 107

2 responses (1 Objection and 1 neutral comment) raising the following issues/concerns:

- Loss of manned 24/7 parking facility, the primary users of which are those visiting and/or employed at the Portland Hospital,
- Concerns regarding the implications of construction works
- Queried type of plant, hours of use and the likely noise implications
- Concerns regarding notification by the Applicant

SITE & PRESS NOTICE

Yes.

5.2 Applicant's Pre-Application Community Engagement

The Early Community Engagement Guidance encourages developers carrying out development to engage with those living adjacent or very close to the site at an early stage prior to the submission of a formal application. The current occupants have raised concern regarding the lack of prior notification the application. The Applicant has confirmed that the correct notices have been served on those with a freehold interest or leasehold interest with at least 7 years (21 days prior to submission) left to run. Given the nature of the development, the application is not required to submit details of the engagement they have undertaken with their application. Therefore, whilst details of any pre-application engagement with neighbours that may have taken place has not been submitted, this is not contrary to the expectations of the guidance for development of this scale.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The site is located on the western side of Hallam Street, to the north of properties fronting onto Devonshire Street, to the south of Park Crescent Mews East and to the east of Devonshire Row Mews.

The property is a 4-storey brick-built building with part of the rear lower ground and ground floor in commercial garage use with part of the lower ground and ground floor and all upper floors in Class C3 residential use. The flats above the property are part of 105 Hallam Street.

This application relates to the area currently in use as a commercial garage and has its main frontage onto Devonshire Mews.

The site is located in the Harley Street Conservation Area and the Central Activities Zone (CAZ).

The site is surrounded by a mix of residential, commercial and medical uses.

7.2 Recent Relevant History

No relevant history.

8. THE PROPOSAL

The application seeks to change the use of the lower ground and ground floor level to Class E (e) medical use and/or Class E (g) (ii) research and development use totalling 924.5 m² GIA.

It is intended that the premises will have 10 consultation rooms and 2 treatment rooms. The facilities is proposed to be open to patients between the hours of 0800 and 2000 Monday to Saturday and between 0800 and 1200 on Sundays.

In terms of physical alterations, the proposal seeks to carry out the following works:

- Removal of the existing car lift and introduction of a new passenger lift.
- Demolition and reorganisation of internal partitions, staircases, and removal of redundant internal equipment.
- Installation of a rooflight over an existing light well.
- Alterations at ground floor to reconfigure existing staircase and introduce new stair and service openings.
- Removal and replacement of existing roller shutters, timber doors and glazing on the front elevation at ground floor level with new double-glazed black powder coated steel framed windows and doors.
- Installation of plant enclosed within a metal screen at second floor level.
- New perforated screen facing the internal courtyard of 105 Hallam Street to provide fresh air for new mechanical ventilation.

During the course of the application, the submission was amended to remove planter boxes fitted to the Devonshire Row Mews frontage, omit outward opening doors, reduction of the size of the plant enclosure and to accommodate off-street servicing.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of commercial garage

An objection has been received on the basis that the proposal will result in the loss of a manned 24/7 parking facility which 90% of the customers are either employed at the Portland Hospital in the form of consultants with the remainder visitors.

Policy 27 (G) states that proposals for the redevelopment of existing car parks for alternative uses will be supported. Therefore, despite the objection received, the principle of the loss of commercial car parking is acceptable. There are also a number of commercial car parks in the vicinity of the site including the NCP Harley Street (6 minutes' walk to Portland Hospital), Regent's Park Car Park (2 minutes' walk to Portland Street Hospital) and CitiPark Clipstone Street (5 minutes' walk to Portland Street

Hospital).

Proposed medical use

Health facilities fall within the City Plan's definition of 'community facilities / infrastructure'.

City Plan Policy 17, part A states that "New community infrastructure and facilities will be supported where there is an identified present or future need... New facilities will be of a nature and scale to meet identified need and be sufficiently flexible to meet the requirements of providers as they may change over time." Supporting text in paragraph 17.1 and 17.2 states that such facilities can be either publicly or privately owned and/or operated and that they are integral to supporting people's everyday lives, being used by residents, workers and visitors, and are a vital resource to support successful places and communities. No information has been provided demonstrating present or future need, but in this location, which lies close to the boundary of the Harley Street Special Policy Area, the likely provision of such uses by the private sector would be in response to perceived demand and would not be objectionable.

Proposed research and development use

Policy 13 part A states that 'new and improved office floorspace will be supported to provide capacity for at least 63,000 new jobs over the Plan period, enabling the continued growth and clustering of the creative, knowledge, and research-based sectors. Additional floorspace that meets the needs of modern working practices, including through the provision of co-working space and a range of Class E (commercial, business and service) uses on site, is supported in principle in ...parts of the Central Activities Zone (CAZ) with a commercial or mixed-use character'.

Policy 14 part G states that 'town centre uses (including office use) will also be supported in principle throughout the parts of the CAZ with a commercial or mixed-use character, having regard to the existing mix of land uses and neighbourhood plan policies'.

The application site is located in an area which is mixed-use in character. As such, the proposed research and development use is acceptable in principle.

Implications of Use Class Order

The government introduced changes to Town Centre Uses in the Use Classes Order which came into effect from 01 September 2020. This places medical and research facilities within a wide range of other uses within Class E. Due to the limited information with regards to the increased flexibility, it is considered necessary to restrict the Class E use by condition to the uses specified only.

9.2 Environment & Sustainability

In order to reduce the carbon impact associated with the development, the following measures are proposed:

- To maximise the amount of natural light available to the lower ground floor, the existing lightwell to the north is retained and a rooflight installed above it. Internal walk-on rooflights are introduced into the ground floor to increase natural light to the basement.

- Existing glazing and doors along the west elevation and the north lightwell are proposed to be replaced with new that are compliant with current Building Regulations.
- The existing envelope is proposed to have improved thermal performance and airtightness, to limit heat loss.
- Installation of mechanical ventilation with heat recovery throughout.
- Installation of LED lighting and low flow devices, to limit consumption of energy and water.

This accords with the aspirations of the City Council, as set out in Policies 36 and 38 of the City Plan.

9.3 Biodiversity & Greening

Westminster City Plan Policy S34 requires that developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.

The Marylebone Association have suggested that further biodiversity improvements are explored. The initial proposal included the provision of planters on the front elevation. Due to the highway implications, it was not considered that they were appropriate and as a result were removed from the proposal. Given the confined nature of the site, it is not considered it is possible to provide urban greening in this instance.

9.4 Townscape, Design & Heritage Impact

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

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

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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

Assessment

2-5 Devonshire Row Mews is an unlisted building located within the Harley Street Conservation Area. The building has a London stock brick façade and is 4 storeys tall. It is highly utilitarian in design with a strong service character and does not positively

contribute towards the character of the Conservation Area. There are a number of nearby listed buildings including 1-6 Park Crescent which is listed at Grade I.

The proposals include the removal and replacement of the existing doors at ground floor level, with some of the doors being partially infilled for the opening to be used for windows. The existing doors are modern in design and construction and do not positively contribute to the character of the Conservation Area. The proposed new doors are in a "coach door" style which is more sympathetic to the character of the mews and in accordance with the guidance set out in the 'Mews - A Guide to Alterations' SPG. Furthermore, the openings which are proposed to be partially infilled to create window openings are to be infilled with bricks which match the existing bricks. This proposed approach is acceptable in principle, however more details are required regarding the details of the proposed doors and windows. Conditions have been attached to this effect.

The proposals also include the installation of condenser units, and an associated screen on a roof at second floor level. It is recognised that the condenser units will help support the medical use of the building. The Marylebone Association raised concerns regarding the size of the plant enclosure. Subsequently, the applicant reduced the size of the proposed screen. This screen is not visible from Devonshire Street, the principal thoroughfare, meaning there are only limited public views of it from Devonshire Row Mews, as well as private views from surrounding properties. Furthermore, Devonshire Row Mews as existing has a utilitarian service character and as previously noted does not positively contribute to the character of the Harley Street Conservation Area. Therefore, the installation of the proposed condenser units and associated screen will have a neutral impact on the character of the mews and on the wider conservation area.

On the first floor roof to the rear of the building it is proposed to install a rooflight over an existing lightwell. There are no public views of this area, and it has a strong service character. No details have been provided regarding the design of the rooflight, therefore conditions have been added that these must be provided and approved before any works on the rooflight can go ahead.

Overall, these proposals will have a neutral impact on the character of the Harley Street Conservation Area and on the special interest of the nearby listed buildings. They are therefore in keeping with policies 38, 39 and 40 of the Westminster City Plan 2019-2040 (adopted April 2021).

Design Conclusion

It is considered that the proposals would not cause harm to the heritage asset and therefore, a recommendation to grant conditional permission would be compliant with the relevant policies of the City Plan 2019-2040 and the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed works are considered to preserve the character or appearance of the Harley Street Conservation Area, and the setting of neighbouring listed buildings, and are therefore considered to be acceptable in design terms.

9.5 Residential Amenity

Policy 7 of the City Plan 2019-2040 seeks to protect and, where appropriate, enhance amenity by preventing unacceptable impacts including impacts on daylight and sunlight and sense of enclosure.

Council tax records indicate that there are five residential units within 5 Devonshire Street to the south of the site and 76 residential units within 105 Hallam Street which include the upper floors of the application site.

Impact of the proposed use

Policy 7 also refers to the requirement for development to protect and where appropriate, to enhance local environmental quality. Conditions will be imposed to mitigate the potential impact of the development, where appropriate.

The use of the building for either medical or research and development use is considered acceptable in principle in amenity terms. With regard to the proposed medical use, this provides 10 consulting rooms and 2 treatment rooms, but clearly arrival and departure of patients would be spread throughout the day. The applicant estimates that around 150 people, including patient and staff would access the site across a typical weekday. This would result in approximately some 15 person trips per hour. It is not considered that the use is likely to generate significant activity, particularly when compared to the lawful car park use.

In order to safeguard the amenity of neighbouring residents, it is proposed to restrict the hours of operation to between 0800 and 20.00 on Monday to Saturday and from 0800 to 12.00 on Sundays. Given the existing 24-hour use of the car park, these conditions are considered to result in an improvement to the amenity of adjoining residents. The applicants have confirmed that this condition is acceptable.

Conditions are also imposed to ensure that any internal activity, from either the proposed medical or research and development use, would be harmful to the occupiers of the flats at first floor.

Daylight, sunlight and Sense of Enclosure

The proposal includes a plant enclosure approximately 2.5m in height at second floor level set back from south and west elevations of the building. Given the enclosure is set against the flank wall at second and third floor accommodation and the setbacks, it is not considered that the proposal would cause an unacceptable loss of daylight, sunlight or outlook within neighbouring residential properties.

9.6 Transportation, Accessibility & Servicing

Car parking

No car parking is provided for the medical/research use. The site is located within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. Policy 27 supports development without car parking provision and therefore the lack of parking is considered acceptable.

Trip Generation

It is not considered that the proposed use would result in a significant increase of vehicle trips in the mews when compared to vehicle generating potential of the existing car park and would not affect safety and operation; however, it is likely to result in higher levels of activity at different times of the day when compared to the existing use. While the applicants consider that the majority of patients will use public transport, some may not

be permitted or feel able to use it. A condition has been imposed requiring the submission of an Operational Management Plan (OMP) which includes details of staff and patient numbers, arrival and departure processes, hours of operation, length of patient stay. The medical use would be required to operate in accordance with the approved OMP. Subject to this, on balance, while the proposals are likely to result in increased levels of activity at different times, it is not considered that the arrival/departure of patients, both pedestrian and vehicular, would have a material impact on highway safety or operation.

Servicing

Policy 29 requires off-street servicing and freight consolidation. Servicing on-street is likely to result in conflicts with other highway users (including pedestrians and cyclists), result in localised congestion and have an adverse impact on the local public realm. Due to concerns raised by the Highways Planning Manager during the course of the application, the application has been amended to include off-street servicing, albeit limited to vehicles up to 2.5m in height. On the rare occasion that vehicles greater in height than this is required, users will benefit from the ground floor holding area which is also provided within the servicing area. This enables deliveries to be moved off-street immediately and waste would not need to be left on-street awaiting collection, to the benefit pedestrians and other users as well as the public realm appearance.

Conditions have also been recommended to secure the off street servicing facilities and a robust and focused Servicing Management Plan to demonstrate measures to minimise the impact of the proposal on the highway network.

Cycle Parking

The Marylebone Association raised considered that the proposed cycle parking was insufficient. The proposal contains four cycle parking spaces which is consistent with the London Plan requirement.

Waste

The applicant has indicated waste storage; however, it is not in line with the Council's waste storage requirement. A condition has been recommended for revised waste details.

The Portland Village Association requested that the scheme should address a long standing issue with fly tipping in/from the Mews. Whilst it is likely that due to the provision of adequate waste storage facilities on-site will improve conditions in the Mews, it is not reasonable to require a proposal to address issues outside of their control.

Doors/Planters over Highway

The Highways officer raised concerns regarding the installation of planters on the Mews frontage and with doors opening over the highway. The Applicant revised the door arrangement and omitted the proposed planters during the course of the application to ensure the public highway remained unobstructed in accordance with City Plan Policy 25.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan,

it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

Plant

A neighbouring resident has queried the location of the proposed plant, hours of operation and raised concerns regarding potential noise impacts. The proposal includes the provision of mechanical plant within an enclosure at second floor level and the installation of a perforated screen facing the internal courtyard of 105 Hallam Street to provide fresh air for new mechanical ventilation. The plant comprises of 4 air condenser units, extract units to both the toilet and a pantry and an air handling unit (supply and extract). With the exception of a single condenser unit required to operate 24 hours as it is associated with IT equipment, the proposed plant will operate from 0700 to 23:00. Environmental Health Officers have assessed the acoustic report that was submitted with the application and consider that the proposed plant is likely to comply with the City Council's noise Policy 33. The proposals will not therefore harm the amenity of neighbouring properties.

Construction Impacts

Concerns were raised regarding the impact of construction works on residents' amenity. A condition is recommended to control the hours of building works and an informative is also recommended to encourage the applicant to sign up to the Considerate Contractors scheme. While residents' concerns are noted, given the nature and scale of the development, it is considered that, with the conditions/informative in place, that construction impacts are minimised as far as practicable.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application.

10. Conclusion

Subject to appropriate conditions the proposal accords with development plan policies, specifically London Plan Policy T5 and Policies 1, 7, 13, 14, 17, 25, 27, 29 33, 38, 39 and 40 of Westminster's City Plan.

In terms of heritage impact, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application is therefore recommended for conditional approval

(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 .

11. KEY DRAWINGS

Existing West Elevation



Proposed West Elevation



Proposed Ground Floor Plan



Proposed Lower Ground Floor Plan



DRAFT DECISION LETTER

Address: Garages At, Devonshire Row Mews, London,

Proposal: Use of lower ground and ground floor level as Class E (e) medical space and/or Class E (g) (ii) research and development facility. External alterations including alterations to the fenestration and access arrangement at ground floor level along the Devonshire Row Mews frontage, installation of plant and associated enclosures, grilles and access, installation of roof lights and associated works.

Plan Nos: 2221-ST-XX-B1-DR-A-2151 A01, 2221-ST-XX-GF-DR-A-2152 A01, 2221-ST-XX-RF-DR-A-2153 A01, 2221-ST-XX-XX-DR-A-3151 A01, 2221-ST-XX-XX-DR-A-4151 A01, 2221-ST-XX-B1-DR-A-2251 A01, 2221-ST-XX-GF-DR-A-2252 A05, 2221-ST-XX-RF-DR-A-2253 A02, 2221-ST-XX-XX-DR-A-3251 A05, 2221-ST-XX-B1-DR-A-4251 A01.

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

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 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 You must apply to us for approval of details for the following parts of the development:

- i) windows.
- ii) doors.
- iii) rooflight.

You must not start any work on these parts of the development until we have approved the drawings you have sent us. You must then carry out the work according to these 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 The lower ground floor and ground floor shown on drawings 2221-ST-XX-B1-DR-A-2251 A01 and 2221-ST-XX-GF-DR-A-2252 A05, must not be used for any other purpose other than for medical space and/or research and development purposes, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) or any equivalent class in any order that may replace it.

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, in accordance with Policies 16, 17, 18, 24, 25, 26, 28, 29, 25, 32, 33, 34 and 37 of the City Plan 2019 - 2040 (April 2021).

- 6 (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 exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property between the hours of 07:00 and 23:00 and shall 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 between the hours of 23:00 and 07:00, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the

plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall 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 between the hours of 07:00 and 23:00 and shall not 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 between the hours of 23:00 and 07:00 unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46BC)

- 7 With the exception of the 'Comms Room Condenser' (Ref: CU3), the plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily. (C46CA)

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

- 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 9 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 10 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 11 Prior to occupation of the premises for medical purposes, an Operational Management Plan (OMP) shall be submitted for approval. The OMP must include details of staff and patient numbers, arrival and departure processes, hours of operation, length of stay. The medical use shall only then operate in accordance with the Operational Management Plan.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 12 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

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

- 13 No goods, including fuel, delivered or collected by vehicles with a clearance height of 2.5m or less arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods on such vehicles only if they are unloaded or loaded within the curtilage of the building. (C23BA)

Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23BC)

- 14 You must apply to us for approval of a Servicing Management Plan (SMP). The use(s) 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 Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 15 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

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

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

Reason:

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

- 17 You must apply to us for approval of details of how waste is to be stored on 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 in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the premises. (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 18 In the event that the premises is used for medical purposes, patients shall only be permitted on the premises between the hours of 0800 and 2000 Monday to Saturday and between 0800 and 1200 on Sundays.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With respect to condition 14, the Servicing Management Plan (SMP) should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case. It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The SMP should be responding to the physical layout of the site and provide robust procedures for any future occupant to follow, to ensure servicing occurs in an efficient manner. This will also ensure any future management company or occupant is clearly aware of their responsibilities.

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