

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	75 Harley Street, London, W1G 8QL		
Proposal	Use of all floors as medical use (Class D1) in association with a land use swap with 13-14 Park Crescent. Internal alterations to join the buildings including extensions at first floor level and external alteration to front and rear of the building. Installation of plant to 4th floor and roof. (site includes 73 and 75 Harley Street)		
Agent	Savills		
On behalf of	Howard de Walden Estates Ltd		
Registered Number	17/00438/FULL 17/00439/LBC	Date amended/ completed	19 January 2017
Date Application Received	19 January 2017		
Historic Building Grade	II* (No. 75)		
Conservation Area	Harley Street		

1. RECOMMENDATION

For Sub-Committee's consideration:

1. Does the Sub-Committee consider that:

- i) The principle of a land use swap with 13-14 Park Crescent is acceptable?

2. Subject to 1. above, grant conditional permission, subject to the completion of a legal agreement to secure:

- (i) To provide a minimum of 945m² (GEA) of residential floorspace at 13-14 Park Crescent, or an alternative site in the vicinity of the site, prior to first occupation of any part of the development
(iii) The costs of monitoring the S106 agreement.

3. 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 the proposals are unacceptable in the absence of benefits 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.

4. Grant conditional listed building consent.

5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

The application involves two buildings on the west side of Harley Street. Both buildings are in mixed medical and residential use. No. 75 is a Grade II* listed building. Both properties are situated within the Harley Street Conservation Area and the Harley Street Special Policy Area.

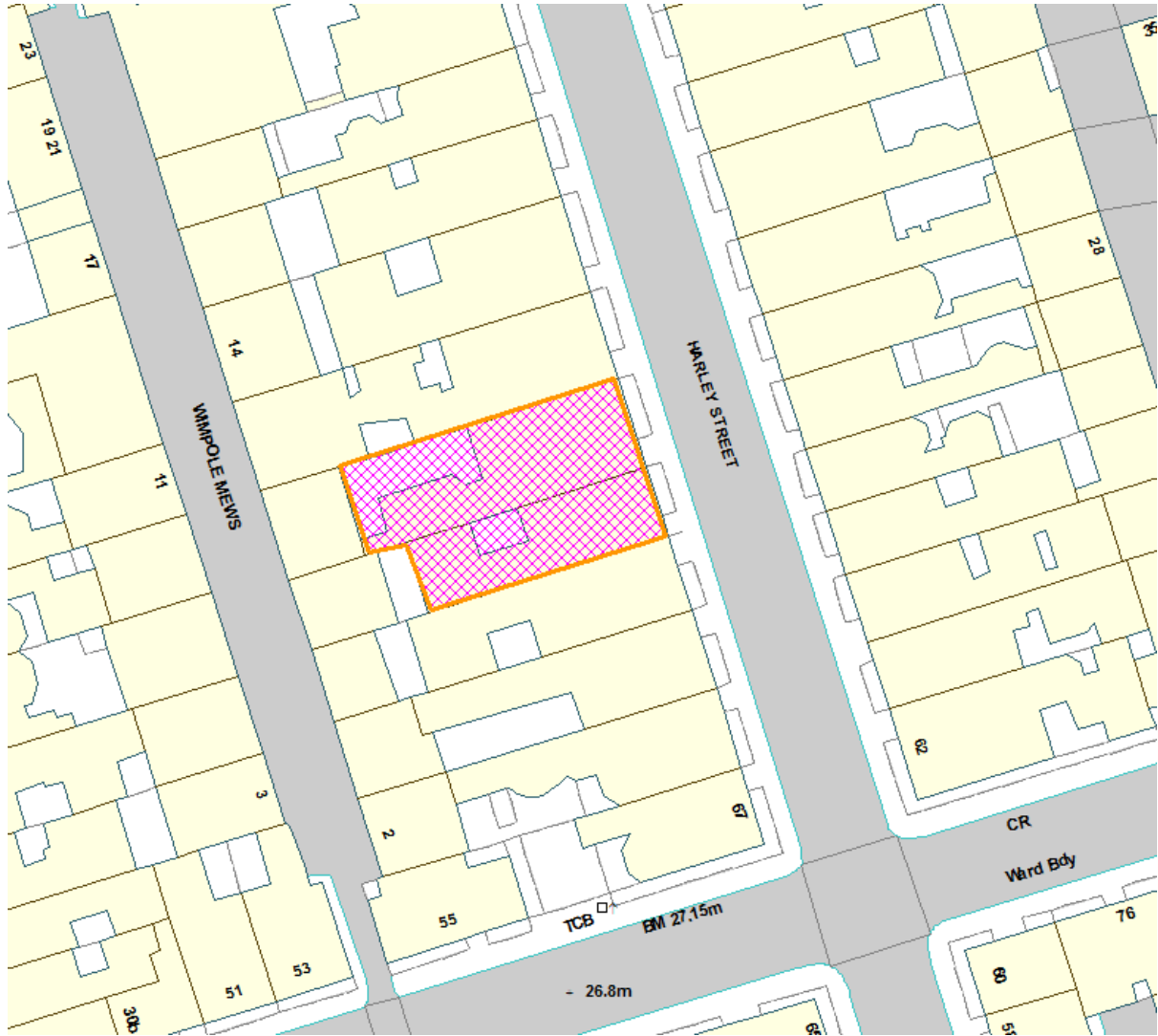
Permission is sought to use the Harley Street buildings as a children's cancer clinic, together with rear extensions at first floor level, internal alterations and the erection of plant at rear fourth floor and roof level. The application is linked to 13-14 Park Crescent West by way of a land use swap to enable the existing residential accommodation at Harley Street to be replaced at 13-14 Park Crescent, a Grade I listed building situated on the eastern side of the historical crescent.

The key issues for consideration are:

- The introduction of a medical use and the relocation of the residential accommodation;
- The impact of the proposed alterations and extensions on the special interest of the Grade II* listed building and on the character and appearance of the Harley Street Conservation Area;
- The impact the medical use will have on highways/traffic movements/servicing;
- The impact on residential amenity.

For the reasons set out in the main report, the introduction of a specialist children's cancer clinic is considered to be an appropriate use to enhance the role of the Harley Street Special Policy Area and the relocation of the existing residential floorspace off-site is considered to result in accommodation of an improved standard of residential quality. The alterations proposed to the Harley Street buildings are considered acceptable in design and heritage terms and would not adversely impact on residential amenity. The application is therefore recommended for conditional approval subject first to the completion of a legal agreement to secure the provision of the off-site residential accommodation.

3. LOCATION PLAN



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

4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND

Authorisation to grant received.

MARYLEBONE ASSOCIATION

No objections raised.

ENVIRONMENTAL HEALTH

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 42; Total No. of replies: 16 letters of objection on the following grounds:

Land Use

- * The existing consulting suites contribute to the character of the surrounding area
- * The proposal will cause disruption and result in the eviction of existing medical practices
- * A large hospital would not be in keeping with the conservation area contrary to the unique status of the Harley Street area
- * 5 hospitals (Harley Street Clinic, Weymouth Hospital, Princess Grace Hospital, the London Hospital and the Heart Hospital) already exist within a 200m radius
- * There is already a shortage of consulting space/rooms in the area after the eviction of many practices from Harcourt House following a permission granted for a hospital and private residence
- * The proposals will result in a change to the character of the neighbourhood to one of bland uniformity, made up of big business, operating solely for financial gain
- * The proposals will erode the balance between residential and medical uses in the area
- * The land use swap only replaces residential floorspace and not residential units
- * There is no control over the delivery of the replacement residential accommodation

Amenity

- * Loss of light and overshadowing

Design

- * Adverse impact on the listed fabric
- * Removal of original staircase on the first floor, knocking through the party walls, the erection of a first floor extension and opening up internal areas, are significant interventions that do not preserve the grade II* listed building
- * Permission has previously been refused for lifts and banisters within No. 75 and internal alterations to a protected building should not be allowed
- * Although No. 73 is not listed, it is one of the most complete 'undisturbed' historical buildings and the former home of William Gladstone

Highways

- * Increase in medical facilities will increase short stay visitors to the area increasing traffic and congestion
- * Increase in diesel traffic contravening government proposals

Other Issues

- * Increased rents are forcing out local businesses
- * Inconvenience to existing patients
- * Loss of job security and financial hardship

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site involves two buildings on the west side of Harley Street. 73 Harley Street is an unlisted building comprising medical use over basement, ground, and first to third floors and one residential flat at fourth floor level. No. 75 is a Grade II* listed building in medical use at ground and first floors and residential accommodation at basement and second to fourth floor levels.

Both properties are situated within the Harley Street Conservation Area and the Harley Street Special Policy Area. The Harley Street conservation area audit identifies no.73 Harley Street as an unlisted building of merit.

The application is linked to 13-14 Park Crescent, a Grade I listed building situated on the eastern side of the historical crescent, within the Regent's Park Conservation Area. Works are currently underway on this site to demolish the building behind a retained façade and for the erection of a new building for residential and a social and community use.

6.2 Recent Relevant History

73 Harley Street

In September 1990 planning permission was refused for the change of use of the rear part of the basement to medical use. Appeal dismissed 5 June 1991.

In May 2013 planning permission was granted for the change of use of the fourth floor from residential use to medical consultancy (Class D1) use as part of a land use swap with 65-69 New Cavendish Street. This permission has not been implemented and has lapsed.

75 Harley Street

No relevant planning history

13-14 Park Crescent West

In May 2015 planning permission was granted for the demolition behind retained front façade and erection of new 6-storey building and new mews building for use as 4 x residential units (2 x 3 Bed and 2 x 4 Bed) over ground to fourth floor mezzanine level, use of sub-basement and basement level and new mews building to the rear as community space (Class D1). Replacement front windows and installation of plant at sub-basement level and ground floor.

Permission was subsequently granted in January 2016 for alterations to the 2015 permission involving additional excavation at sub-basement level (for plant and lift pits),

relocation of lifts and entrances, introduction of ventilation grilles, internal alterations, alterations to the proposed fenestration pattern and other minor alterations.

Both applications were subject to a legal agreement that required the D1 community space to be made ready for occupation, at below market rent for 10 years from first occupation.

7. THE PROPOSAL

The proposals seek to change the use of both Harley Street buildings to Class D1 use to provide a children's cancer clinic, together with rear extensions at first floor level, internal alterations and the erection of plant at rear fourth floor level at 75 Harley Street and at roof level at No. 73. The internal alterations include the insertion of a lift within the rear part of No. 75 and the insertion of openings in party walls to provide circulation between the two buildings.

The applicants have requested that the application is linked to 13-14 Park Crescent West by way of a land use swap to enable the existing residential accommodation at Harley Street to be replaced at Park Crescent West. A planning application to enable the existing D1 use at Park Crescent to be converted to residential accommodation has not yet been submitted.

8. DETAILED CONSIDERATIONS

8.1 LAND USE

Proposed medical use

The site lies within the Harley Street Special Policy Area (HSSPA) and both Harley Street buildings are currently occupied by a number of medical practices including specialist consulting rooms, dental practices and established clinics. A number of objections from existing medical tenants have been received on the loss of existing accommodation, the shortage of consulting space within the vicinity, and the fact that a large hospital would be contrary to the unique character of the HSSPA.

The proposals seek to introduce a specialist Children's Cancer Centre providing radiation oncology and radiation therapy clinical research. The applicant argues that the proposed Centre will expand the range and quality of cancer services in this area for a particular patient group that is currently not well served in the Harley Street medical area, particularly since the London Clinic no longer provide children's cancer treatment services. The proposed Centre will be supported by the facilities at the Harley Street Clinic which is situated at 79 Harley Street and will provide a one-stop facility for the diagnosis and treatment of a wide range of childhood cancers avoiding the need to visit numerous different locations. The applicant therefore argues that the proposal is in accordance with the Howard de Walden Estate's long term strategy for the Harley Street medical area to enhance the range and quality of healthcare services it can offer to patients in London and further afield.

Policy CM2.1 of the City Plan encourages new medical use and complementary facilities and all development that supports and enhances the role of the HSSPA as an international centre of medical excellence. Part 3 of the policy states that existing

medical facilities, including consultation rooms, will be protected, and their loss will only be allowed in exceptional circumstances.

Despite the objections raised, the proposed introduction of a specialist cancer care clinic would clearly be in accordance with both Policy CM2.1 and S34 which encourages new social and community facilities throughout Westminster. A number of objections have been received on the loss of existing consulting rooms, however, these are only protected when proposals result in a net loss of medical floorspace. In this case there would be an overall uplift in medical floorspace and the introduction of a specialist children's cancer clinic, where no other similar facility exists, is considered in this instance to be an appropriate use to enhance the role of the HSSPA.

The applicant has also provided information regarding the availability of consulting rooms within the vicinity of the site and argues that there are more than sufficient available medical suites to accommodate the existing medical tenants. It is understood that the Howard de Walden Estate is currently refurbishing medical consulting accommodation at 61 Harley Street, 55 New Cavendish Street, and 86 Harley Street which will be available for occupation in the coming months with further schemes proposed at 17 Harley Street and 142-146 Harley Street to provide further consulting accommodation (totalling over 20,000 sq ft in the next 12-18 months). The Estate is also willing to offer alternative accommodation to the occupiers of this building.

Loss of residential

The current proposal to convert both buildings however would result in the loss of one residential unit in 73 Harley Street and four flats within No. 75 (as summarised in the table below):

USE	EXISTING	PROPOSED	CHANGE
MEDICAL / D1			
73-75 Harley Street	1,297	2,345	+1,048
13-14 Park Crescent West	888	0	-888
	2,185	2,345	+160
RESIDENTIAL			
73-75 Harley Street	945	0	-945
13-14 Park Crescent West	1,482	2,427	+945
	2,427	2,427	0

As a standalone scheme, the proposals for 73-75 Harley Street would be unacceptable as it involves the loss of 5 flats (945sqm of residential floorspace), contrary to policy S14.

The proposal however involves the relocation of existing residential flats within the Harley Street buildings to 13-14 Park Crescent West. Works are currently underway on this site to demolish the building behind a retained façade and for the erection of a new building (and mews building) for residential and a social and community use. The land-use swap with Park Crescent would result in the entire building being used for residential purposes (as set out in the table above).

City Plan policy CM47.1 allows the swapping of uses between sites and for land use packages in order to maximise the potential of individual sites within the commercial areas of Westminster's Central Activities Zone. CM47.1 states that a land use swap will be

appropriate provided that the sites are in the vicinity of each other; the mixed use character of the immediate area is secured; there is no net loss of floorspace across the site taken as a whole; the uses are appropriate and there is no loss of amenity, any residential accommodation is of a higher quality and the applications are submitted at the same time and all elements are completed within a time frame agreed by the Council.

The land use swap is therefore an appropriate mechanism to secure the benefits of each proposal and to withstand the losses in residential and D1 floorspace. Both sites are within Marylebone High Street ward and 13-14 Park Crescent is only some 300m to the north of 73-75 Harley Street. Furthermore there is a net increase in medical accommodation across the two sites in accordance with CM47.1 and as all the residential would be contained within one building, without relying on the shared access arrangement that currently exists in Harley Street, it is considered that the proposed relocation of the residential to Park Crescent would provide superior residential quality.

An application for the residential swap to Park Crescent has yet to be submitted. However, initial plans provided by the applicant indicate that space designated as a social and community use at lower ground and part ground and first floor levels would be converted to residential, providing seven new flats. Despite the objections raised, there would therefore be a net increase in residential units in accordance with Policy S14 and three of the flats would be provided with outdoor amenity space. A full assessment of the acceptability of the residential layout, including mix of units and standard of accommodation, would be made once the application to convert the consented D1 space has been submitted.

Sub-Committee's views are sought on the principle of a land-use swap between these two sites. Subject to the swap being considered acceptable, a legal agreement would then be required to secure the provision of the residential off-site, and to ensure that there is no net loss in residential use. It is considered that this would ensure the deliverability of the residential to address the objection raised on this point.

Loss of consented social and community use

13-14 Park Crescent was formerly occupied as law courts and the 2015 planning permission granted permission for 4 flats and a community space (for Chabad Lubavitch, for use for weekly classes, lectures and workshops on Jewish topics, religious services, Shabbat meals, and counselling services). The permission was subject to a legal agreement requiring the community space to be made ready for occupation, at below market rent for 10 years from first occupation. Chabad Lubavitch has confirmed that they no longer want this space, and the applicant argues that in these circumstances that a D1 medical use would be in accordance with the legal agreement, and thereby enabling a land-use swap to take place with 73-75 Harley Street. However, the legal agreement only enables a D1 occupier to use the space once a full marketing assessment has been submitted to demonstrate that an alternative voluntary or charitable user cannot be found. A marketing assessment has not been carried out and therefore the proposed medical use would not be in accordance with the legal agreement. However, it is considered that the offer of a specialist children's cancer centre at Harley Street would offset the loss of the former social and community use. The application to convert the community space to residential would require a deed of variation to the existing legal agreement to enable the swap between the two sites to take place.

8.2 Townscape and Design

75 Harley Street is a Grade II Star listed four storey terraced town house, c.1773-74 by John White in partnership with the plasterer Thomas Collins. 75 Harley Street is a good example of its type, despite suffering a number of unsympathetic alterations, such as the subdivision of principle rooms and alterations to the rear façade. No.73 is unlisted but is identified in the Harley Street conservation area audit as an unlisted building of merit.

Impact on historic plan form

The proposed internal demolition relates to non-historic walls that detract from the original plan form. The proposals preserve the surviving elements of special interest from the original building and reverse decades of unsympathetic internal subdivision and alteration. The original plan form is largely restored in the parts of the building where the special interest is concentrated. The restoration of the building to a single occupancy building without the modern subdivisions is particularly welcomed. Objections have been received on this point. However 75 Harley Street was built as a single family dwelling and its restoration to single occupancy allows the original plan form to be re-established, with the removal of unsympathetic subdivision.

The proposed lift in 75 Harley Street is positioned behind the principle stair in place of the existing secondary stair. Objections have been received on the loss of this stair, however the stair is not original, probably having been replaced when the existing lift was installed, around which it wraps.

Linking openings in the party walls behind the lift are proposed at all levels. The areas proposed to be affected are to the rear and in the part of 75 Harley Street where the special interest is weak. No openings in the party walls are now proposed in areas of special interest.

Objections have been received referring to past refusals preventing unsympathetic alterations to the principle stair, including adding secondary hand rails and stair lifts. This application proposes no such alterations and reverses unsympathetic enclosure of the upper portion at second and third floor levels. This proposal restores the principle stair to its original volume and details and this is therefore welcomed.

Design, height and bulk

The remodelling of the rear elevation to 75 Harley Street is welcomed, unsympathetic elements have been removed and the façade is more unified with the adjoining buildings. The proposed materials and architectural detailing are considered to be in keeping with the original building with timber sliding sash windows to match those adjacent. A lift overrun is proposed but this is set back from the rear elevation and would have no impact on any street level views and, from the limited views available from neighbouring properties, would not appear inappropriate or out of character.

A first floor extension is proposed over the rear basement and ground floors. Objections to the principle of this extension have been received. However, the detailed design of the rear extensions are considered acceptable, subject to an amending condition reducing the size of the proposed dormers in the mansard roof.

Plant is also proposed at roof level and on the fourth floor flat roof at the rear of No. 75. This is contained behind a high parapet wall and is considered to have limited impact on the listed building.

Summary

The proposals provide a more sympathetic and historically accurate rear façade and reverse much of the unsympathetic work to 75 Harley Street, particularly to the areas of the building where the special interest is concentrated. The proposals are considered to be in accordance with the Council's 2007 UDP specifically DES 4, 5, 6, 9 and 10 and City Plan policies S25 and S28.

8.3 Residential Amenity

8.3.1 Sunlight and Daylight

UDP Policy ENV 13 aims to protect and improve residential amenity, including the sunlighting and daylighting to existing properties. Part (E) of the policy aims to resist new developments that would materially worsen sunlighting and daylighting levels for residential occupiers. Principally, the policy seeks to ensure good lighting levels for habitable rooms, which are bedsits, living rooms, studies and kitchens (if they include dining space and are more than 12.6m²). In implementing Policy ENV 13 the lighting levels advised in publications by the Building Research Establishment (BRE) with regard to natural lighting values are used.

Policy S29 of the City Plan states that the council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.

The closest residential properties to this site are the mews properties at the rear of the site at 4, 6 and 8 Wimpole Mews. There is also residential accommodation adjoining the site within 71 and 77 Harley Street and also opposite the site at 66, 68, 70 and 72 Harley Street. The applicant has submitted a detailed daylight and sunlight report by Right of Light Consulting Surveyors which assesses the impact of the development on the properties facing the rear extensions which demonstrates that there would be no material losses of daylight or sunlight to surrounding windows. Whilst one letter of objection has been received on the grounds of loss of light and overshadowing, it is not considered that the application could be refused on these grounds.

8.3.2 Sense of Enclosure/Privacy

The proposal involves rear extensions to both 73 and 75 Harley Street which would be in close proximity to the rear facades of 6 and 8 Wimpole Mews. The extensions would have little impact on the outlook from No. 6 Wimpole Mews as this property has no habitable windows in its rear elevation. There are bedroom windows at rear first floor level within 8 Wimpole Mews which would be within 3m of the proposed extension at 75 Harley Street. Whilst there would be some increased sense of enclosure to these windows, they are obscure glazed and as such it is not considered that the application could be argued to demonstrably impact on sense of enclosure or loss of privacy. No objections from these neighbouring occupiers have been received on these grounds.

All windows at lower ground and ground floor, and within the new first floor extension, would be obscure glazed and this would be secured by condition.

8.3.3 Impact of additional medical floorspace

It is anticipated that there would be some 50-60 doctors and staff, with a maximum of between 200-250 patients and visitors attending per day. Operating hours are likely to be from 07:00 to 19:00 on weekdays and 09:00 to 17:00 on weekends with staff arriving approximately 30 minutes ahead of these times to set up for the day's patients and leaving some 60 minutes afterwards. Whilst the additional medical accommodation proposed would be an intensification of the existing use on the site, patient arrival and departure would clearly be spread throughout the day, and in this location it is not considered that the intensification of the existing use would be materially harmful to adjoining and adjacent residential occupiers.

8.3.4 Plant

The proposal includes two areas for external plant, one at roof level at No. 73 and one at fourth floor level at No. 75. Plant is also contained within the building envelope at basement level. An acoustic report has been submitted with the application and assessed by Environmental Health who 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 noise standards for operational plant.

8.4 Transportation/Parking

Servicing

The applicant states that servicing will be undertaken in conjunction with the Harley Street Clinic which is located at 81-83 Harley Street. Any deliveries to the proposed clinic will be made to the existing clinic and then moved to the application site. In the event that a letting with the Harley Street clinic does not proceed, then servicing of the building will be direct from Harley Street. There is on-street parking immediately in front of the building but there is a section of single yellow line just to the north outside No 77 Harley Street where vans can stop to service the building. There is a further section of single yellow line opposite on the east side of Harley Street.

The Highways Planning Manager estimates that the site would generate approximately 7 trips a day (5-6 deliveries and 1-2 refuse collections) and that a condition could be imposed to secure the submission of a Service Management Plan (SMP) once the occupier of the building is confirmed.

Drop-off and Pick-up

The number of staff and patients, as set out above, is likely to be more than the existing approved use of the site, and objections have been received on the grounds of increased traffic. The applicant argues that the bulk of patients/visitors are likely to arrive by public transport rather than by car or taxi, and given the public transport facility and accessibility (PTAL6b) in the area, the Highways Planning Manager considers that the level of trips generated is unlikely to have a significant impact on the public highway.

An objection has been received on the grounds that the proposed use would subsequently increase diesel traffic contravening government proposals. The site is within the Ultra Low Emission Zone (ULEZ) within which all vehicles will need to meet the governments exhaust emission standards.

Cycle parking/Refuse

The London Plan requires 1 space per 5 staff members. Whilst no staffing numbers have been provided, three spaces are likely to be the minimum requirement and these spaces are secured by condition.

Details for the storage of refuse, medical waste and recycling will also be secured by condition.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

The existing entrances into the buildings have three steps above pavement level. There are also secondary steps down to the basement level, which will be used as access to the bicycle storage areas. The proposal includes the installation of a Sesame Access lift to the front of No. 73. This will provide step free access for all into the buildings.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 London Plan

Policy 3.17 of the London Plan supports the provision of high quality health and social care and states that development proposals which provide high quality health and social care facilities will be supported in areas of identified need, particularly in places easily accessible by public transport, cycling and walking.

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

To ensure that the proposal would not result in the loss of residential accommodation, it is recommended that permission is subject to a planning obligation requiring the provision of 945sqm of residential floorspace (ready for occupation) at 13-14 Park Crescent, or an alternative site within the vicinity of the site, on or before the date of occupation of the site for medical purposes (Class D1).

As the application relates to a medical use CIL is not liable.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Biodiversity

The roof over the rear mews has roof lights and a 'green roof'. This is welcomed in biodiversity terms, further details of the type of green roof are dealt with by condition.

Other issues

Objections have been received on the grounds of increased rents, the inconvenience to existing patients and loss of job security and financial hardship. Regretfully these are not matters which could justify a refusal of planning permission.

9. BACKGROUND PAPERS

1. Application form
2. Response from Marylebone Association, dated 15 February 2017
3. Memo from Environmental Health, dated 31 January 2017
4. Memo from Highways Planning Manager dated 11 April 2017
5. Letter from occupier of 6 Kingsley Grange, London, dated 13 April 2017
6. Letter from occupier of 54 Review Road, London, dated 6 April 2017
7. Letter from occupier of 28 Harley Place, London, dated 14 February 2017
8. Letter from occupier of Cavendish House, 240 East End Rd, dated 18 April 2017
9. Letter from occupier of 28 Northampton park, London, dated 10 April 2017
10. Letter from occupier of 34 Garth Rd, London, dated 16 April 2017
11. Letter from occupier of 21, Keystone Crescent, dated 7 April 2017
12. Letter from occupier of 10, Capel gardens, dated 9 April 2017
13. Letter from occupier of 75 Harley Street, London, dated 5 April 2017
14. Letter from occupier of Flat 3, 98 Brunswick Park Road, dated 13 April 2017
15. Letter from occupier of Southend Hospital, Prittlewell Chase, dated 11 April 2017
16. Letter from occupier of 124 Hendon Lane, London, dated 6 April 2017
17. Letter from occupier of 73 Harley Street, General Dentist, dated 18 April 2017
18. Letter from occupier of 36 Vivian Way, London, dated 18 April 2017
19. Letter from occupier of 2 Belsize Square, London, dated 6 April 2017
20. Letter from occupier of 6 Sherwood road, London, dated 18 April 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

10. KEY DRAWINGS



Proposed rear elevation



Proposed Section A-A

PLANNING ISSUE

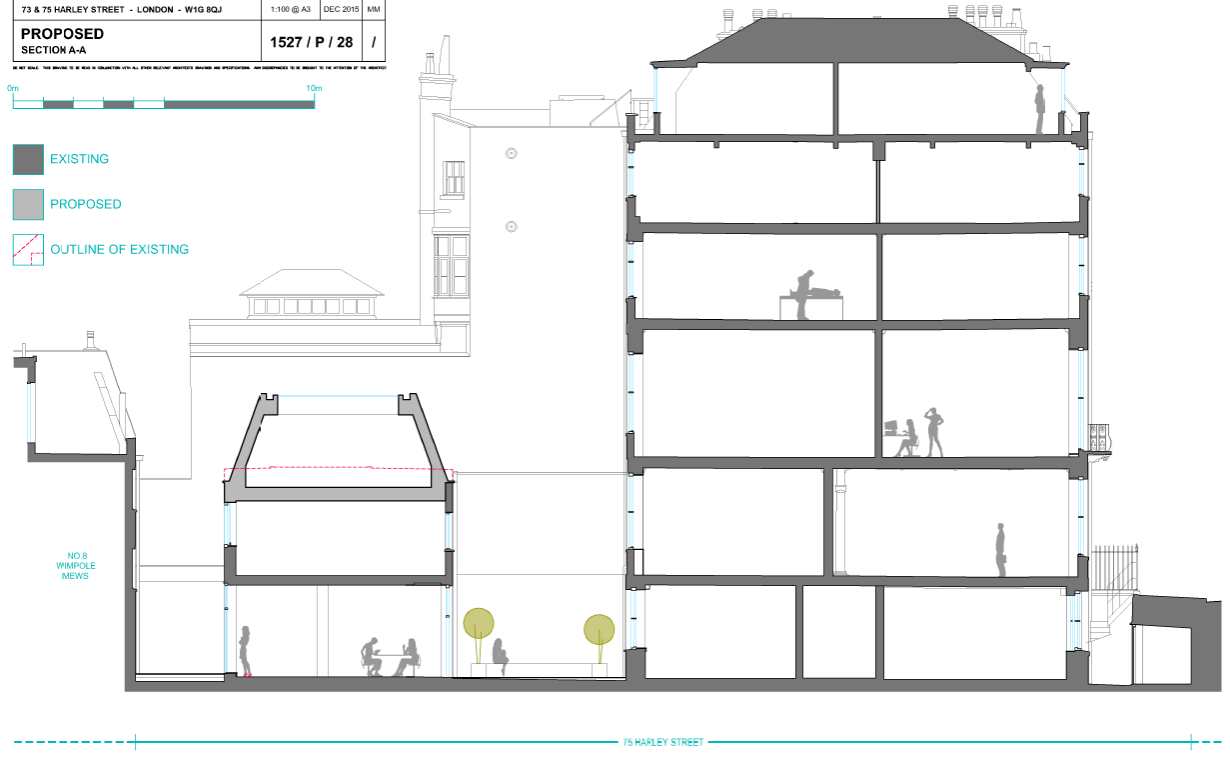
CORRIGAN + SOUNDY + KILADITI CHARTERED ARCHITECTS

93A HIGH STREET ETON WINDSOR BERKSHIRE SL4 6AF TEL: 01753 840519 FAX: 01753 866227

73 & 75 HARLEY STREET - LONDON - W1G 8QJ	1:100 @ A3	DEC 2015	KMM
PROPOSED SECTION A-A	1527 / P / 28		



- EXISTING
- PROPOSED
- OUTLINE OF EXISTING



DRAFT DECISION LETTER

Address: 75 Harley Street, London, W1G 8QL,

Proposal: Use of all floors as medical use (Class D1) in association with a land use swap with 13-14 Park Crescent. Internal alterations to join the buildings including extensions at first floor level and external alteration to front and rear of the building. Installation of plant to 4th floor and roof. (site includes 73 and 75 Harley Street)

Reference: 17/00438/FULL

Plan Nos: 1527 P 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47; Plant Noise Assessment Report 7113/PNA dated 22 July 2016.

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the occupation of the new medical (Class D1) floorspace hereby approved you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 4 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 new medical (Class D1) floorspace 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 building. (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)

- 5 You must provide each cycle parking space shown on the approved drawings prior to the occupation of the new medical (Class D1) floorspace hereby approved. Thereafter the cycle spaces must be retained and the space used for no 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.

- 6 You must use the building for medical purposes. You must not use it for any other purpose, including any within Class D1 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:

To prevent a use that would be unacceptable because of the character and function of this part of the Harley Street Conservation Area. This is in line with S25 of Westminster's City Plan (November 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 7 Patients shall not be permitted within the medical premises before 07.00 or after 21.00 on Monday to Fridays and between 09:00 to 17:00 on Saturdays and Sundays. (C12AD)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 8 (1) Where noise emitted from the proposed plant and machinery at basement level 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 at basement level 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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

9 (1) Where noise emitted from the proposed plant and machinery at fourth and roof level 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 5 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 at fourth and roof level 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 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.

(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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 10 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.

- 11 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 12 The glass that you put in the basement, ground and first floor rooms in the rear elevation of the building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 13 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

1. New windows and roof lights (Scale 1:20 and 1:5)
2. New doors and glass canopy (Scale 1:20 and 1:5)
3. Lift overrun (Scale 1:20 and 1:5)
4. Dormers to mews mansard (Scale 1:20 and 1:5)

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 15 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 17 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- the redesign of the dormer windows to the mansard roofs to conform with the SPG on Roofs

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 18 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work.

They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (108AA)
- 4 Conditions 8, 9 & 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)
- 5 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of residential accommodation off-site.

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: 75 Harley Street, London, W1G 8QL

Proposal: Use of all floors as medical use (Class D1) in association with a land use swap with 13-14 Park Crescent. Internal alterations to join the buildings including extensions at first floor level and external alteration to front and rear of the building. Installation of plant to 4th floor and roof. (site includes 73 and 75 Harley Street)

Reference: 17/00439/LBC

Plan Nos: 1527 P 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the

development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must not disturb existing original floor boards and doors in situ unless changes are shown on the approved drawings. (C27MA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

1. New windows and roof lights (Scale 1:20 and 1:5)
2. New doors and glass canopy (showing ventilation details) (Scale 1:20 and 1:5)
3. Lift overrun(Scale 1:20 and 1:5)
4. Dormers to mews mansard (Scale 1:20 and 1:5)
5. Facade cleaning

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details.,

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- the redesign of the dormer windows to the mansard roofs to conform with the SPG on Roofs

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)