

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	94 Harley Street, London, W1G 7HX,		
Proposal	Use of the basement as medical accommodation (Class D1) and as a 1 x 2 bedroom flat (Class C3).		
Agent	Susanne Lang		
On behalf of	Mrs Suzanne Petrides		
Registered Number	16/07834/FULL	Date amended/ completed	15 August 2016
Date Application Received	15 August 2016		
Historic Building Grade	Grade II *		
Conservation Area	Harley Street		

1. RECOMMENDATION

Refuse permission : Loss of residential

2. SUMMARY

The application premises is a grade II * listed townhouse situated on the eastern side of Harley Street within the Core CAZ, Harley Street Special Policy Area (SPA) and Harley Street Conservation Area. The basement is currently vacant with a lawful residential use. Historically the basement has been in use as three separate flats. Permission was granted in June 2014 for the conversion to 1 x 3 bedroom unit, and subsequently in July 2015 for 1x 3 bedroom and 1 x 2 bedroom units. The July 2015 permission has been substantially implemented and the lawful use is considered to be two residential flats. The upper floors are in medical (Class D1) use and a further residential flat.

Permission is sought for use of the front part of the basement for medical accommodation (Class D1) and the rear as a 1 x 2 bedroom residential flat (Class C3). The proposal would result in the loss of 1 x residential unit and 140 m2 residential floorspace.

The key issue for consideration is one of land use and whether the provision of medical floorspace within the Harley Street SPA outweighs the loss of residential.

Policy SOC5 of the UDP and the S2 of the City Plan aim 'to protect and encourage the provision of private medical facilities and related professional and support services, in the Harley Street Area'. The provision of new medical accommodation accords with the aim of these policies. The applicant argues in the light of this and because the proposal would retain a residential flat in the basement the scheme would not be harmful to the character and function of the area. Furthermore, permission has previously been granted in 2014 for the use of the basement as a single residential flat and the current application would also retain a single flat.

The application needs however to be assessed against adopted City Plan Policy S14 which states that residential use is the priority across Westminster except where specifically stated. As such all residential uses, floorspace and land will be protected and proposals which result in a reduction in the number of units will not be acceptable except where :

- the council considers that reconfiguration or redevelopment of affordable housing would better meet affordable housing need;
- a converted house is being returned to a family sized dwelling or dwellings; or
- 2 flats are being joined to create a family sized unit.

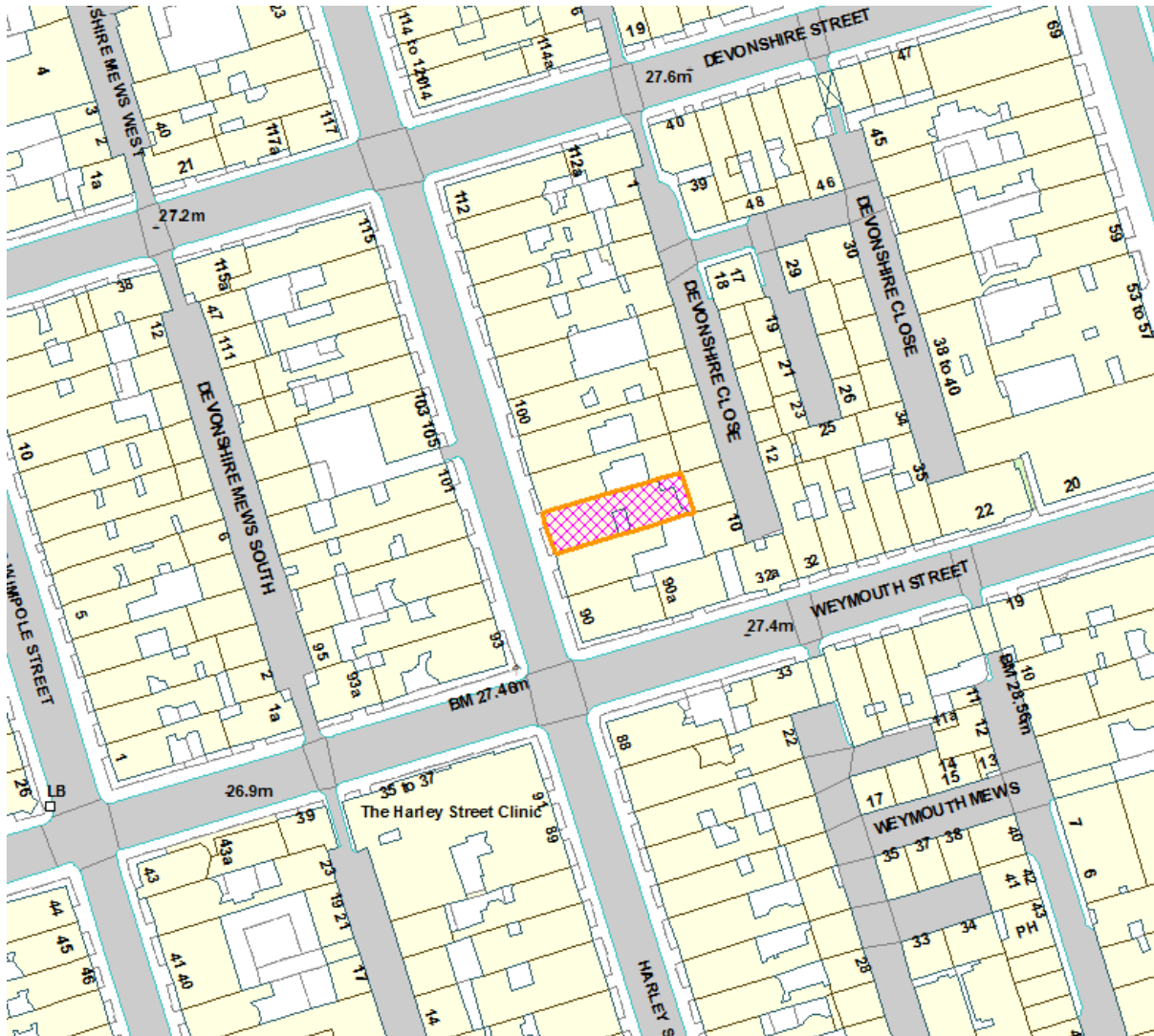
In this case none of the exceptions to the policy to retain residential floorspace are applicable. The lawful use of the basement is 2 flats (1 x 3 bed and 1x 2 bed). Permission was granted in 2014 for the loss of a unit as this would have created a single family sized (3 bed) flat. The current proposal would result in the loss of a 1 family sized unit of 140 m2.

Although medical uses within Harley Street are promoted, this does not priorities medical over residential floorspace. The proposal is contrary to the strategic aim of the Council to achieve its housing targets set out in the London Plan.

An objection has been received from the an existing medical use on the ground floor that works in the basement have resulted in considerable nuisance and that permission should not be granted for further works. Works have been ongoing implementing the consent granted in July 2015 for 2x residential flats. Listed building consent was granted for the internal alterations on 14 October 2016, as the works were not considered to be harmful to the historic fabric of the building. The alterations are relatively minor and permission could not reasonably be withheld on the grounds that they would result in disturbance to occupants of the property.

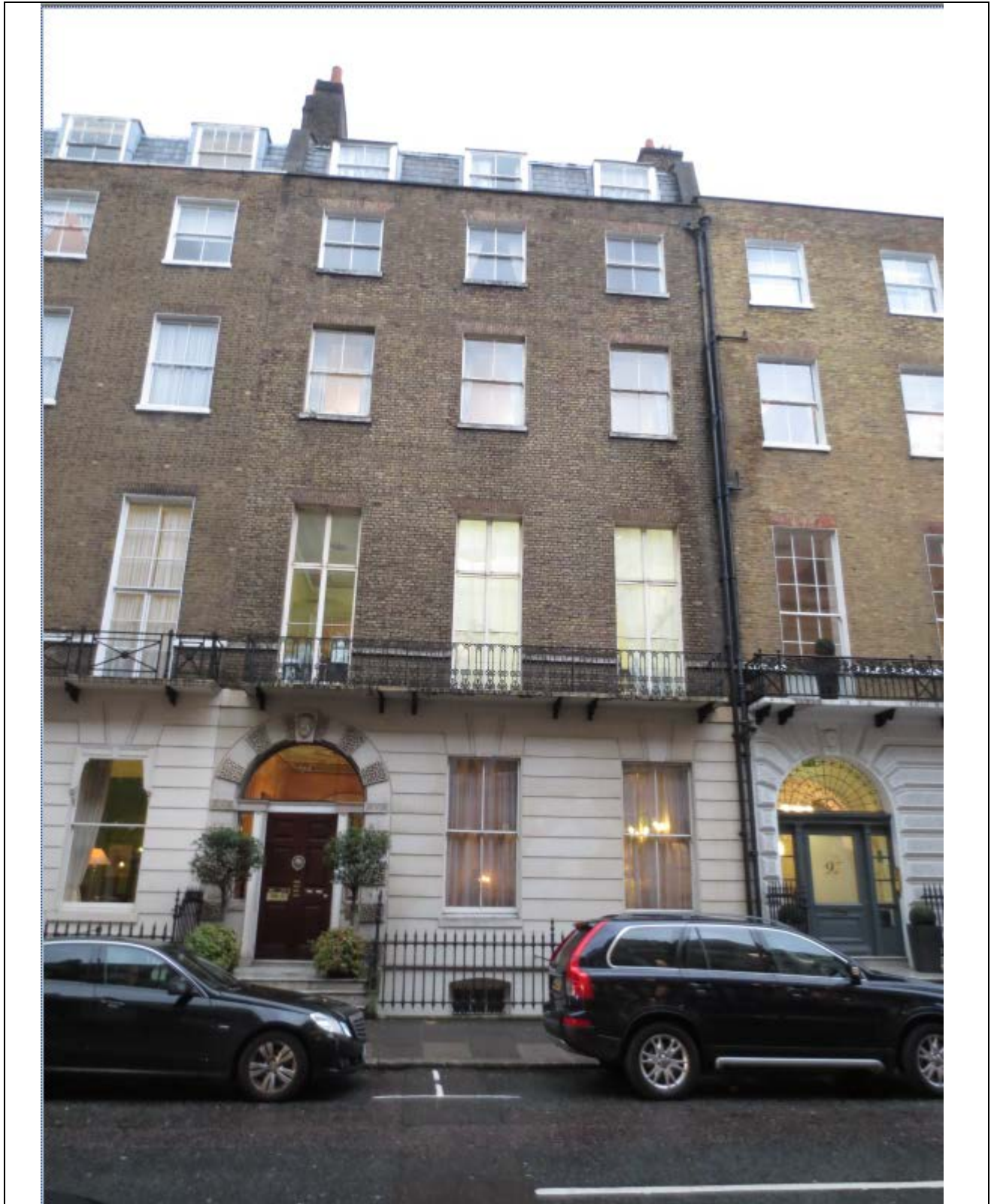
The application is however considered to be unacceptable in land use terms contrary to established housing policies in the adopted UDP and City Plan. There are no extenuating circumstances that would warrant a departure from these policies, accordingly it is recommended that permission is refused.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Marylebone Association
Any response to be reported verbally

Cleansing - Development Planning
No objection

Highways Planning
No adverse impact on parking or servicing, 2 x cycle parking spaces should be provided.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 72
Total No. of replies: 1
No. of objections: 1
No. in support: 0

1 objection received on the following grounds:

- Noise nuisance and loss of privacy during construction
- Contrary to terms of lease.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form and two letters dated 14 September 2016
2. Letter from occupier of 94 Harley Street, London, dated 8 September 2016
3. Memorandum from Highways Planning Manager dated 31 August 2016
4. Memorandum from Cleansing dated 01 September 2016

Selected relevant drawings

(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: MICHAEL WALTON BY EMAIL AT mwalton@westminster.gov.uk .

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 94 Harley Street, London, W1G 7HX,

Proposal: Use of the basement as medical accommodation (Class D1) and as a 1 x 2 bedroom flat (Class C3).

Reference: 16/07834/FULL

Plan Nos: Drawing 0761-PL003-B

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s):

Reason:

- 1 Your development would lead to a reduction in both the number of residential units and residential floorspace which would not meet S14 of Westminster's City Plan: Strategic Policies adopted November 2013 which seeks to optimise housing delivery. We do not consider that the circumstances of your case justify an exception to our policy.

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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.