

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Site 1 Macintosh House , 54 Beaumont Street, London, W1G 6DW Site 2 7-8 Park Crescent W1		
Proposal	1) Demolition of existing building and erection of a new building comprising 2 x basements, ground and part four and part five upper floors for with plant at roof level for use medical purposes (Class D1). 2) Alterations including the provision of secondary glazing to the front elevation at lower ground, ground and first floors, and replacement windows to the rear elevation at ground, first and mezzanine levels, insertion of roof lights and courtyards to lower ground floor level and internal alterations in connection with the use as 7 residential flats (C3)		
Agent	Montagu Evans		
On behalf of	Howard De Walden Estate Limited		
Registered Number	Site 1 16/09208/FULL Site 2 16/09212/FULL 16/09213/LBC	Date amended/ completed	6 October 2016
Date Application Received	26 September 2016		
Historic Building Grade	1)Unlisted 2) Grade 1 listed		
Conservation Area	Sites 1 + 2 - Harley Street		

1. RECOMMENDATION

Site 1:

1. Grant conditional permission, subject to a S106 legal agreement to secure the following:

i) the provision of 7 residential flats (ready for occupation) at 7 Park Crescent on or before the date of

occupation of Macintosh House 54 Beaumont Street for medical purposes (Class D1).

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the 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 the 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.

Site 2

1) Grant conditional permission, subject to a S106 legal agreement to secure the following:

- i) not to occupy 7-8 Park Crescent for residential purposes (Class C3) prior to the commencement of development at Macintosh House 54 Beaumont Street in connection with the provision of the medical floorspace approved under application 16/09208/FULL.
- ii) Lifetime car club membership (minimum 25 years) for each residential unit payable on first occupation

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the 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 the 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.

2) Grant conditional listed building consent

3) Agree reason for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

These applications relate to two separate sites within the Howard De Walden Estate and the Harley Street Conservation area, outside the Core Central Activities Zone (CAZ) within the wider CAZ. At site 1) Macintosh House Beaumont Street permission is sought for the redevelopment of a 1960's building which the lawful use is a HMO, to provide a new building for specialist medical diagnostic and consulting facilities (Class D1). In order to offset the loss of the lawful residential HMO at Macintosh House, it is proposed to link the development to a scheme at 7-8 Park Crescent (site 2). Permission and listed building consent is sought for alterations in connection with the conversion of the lower ground, ground and first floors from medical (Class D1) to seven residential flats (Class C3).

The key issues for consideration are :

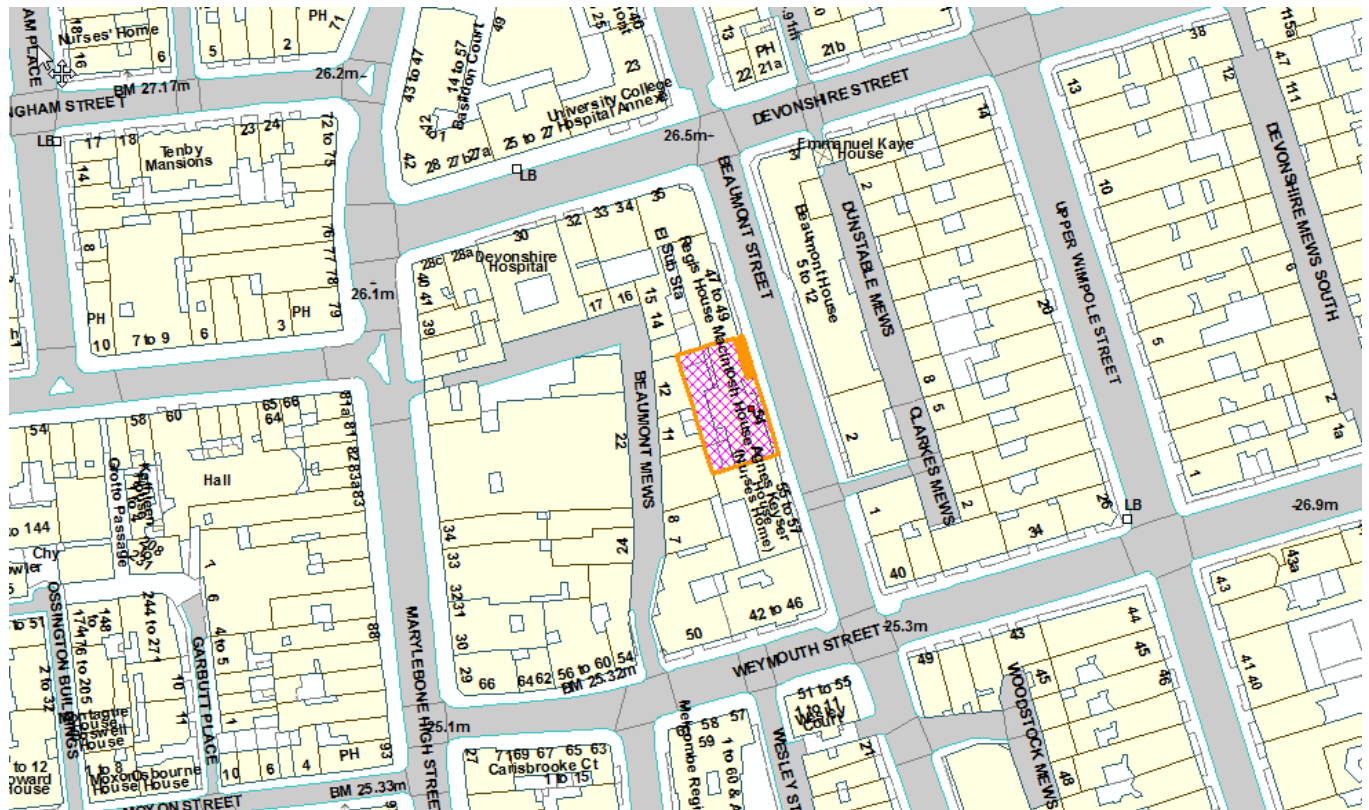
- The land use implications across both sites; and
- The impact of the new building at Macintosh House (site 1) on the townscape and character and appearance of the Harley Street Conservation Area.

Across both sites the schemes would result in the provision of 1,876 m² of medical floorspace (Class D1), and 985m² residential (Class C3) and the loss of 1,572 m² of HMO. The provision of new residential and medical accommodation would maintain a mix and balance of uses that is appropriate to the area and are acceptable in land use terms.

Macintosh House is a 1960's building of a modern but undistinguished design. It does not make a positive contribution to the Conservation Area. In 2010 permission was granted for a redevelopment scheme (unimplemented). The principle of demolition has been established. The proposal would result in the provision of a new building which is taller than its neighbours and the design references a modern art deco style. This is welcomed and would enhance the character and appearance of the Harley Street Conservation Area. At site (2) No's 7-8 Park Crescent the works are of a much more modest nature, the main works involve the provision of rear lower ground floor lightwells. The alterations are again considered acceptable in design terms and would not adversely impact on the Grade 1 listed buildings.

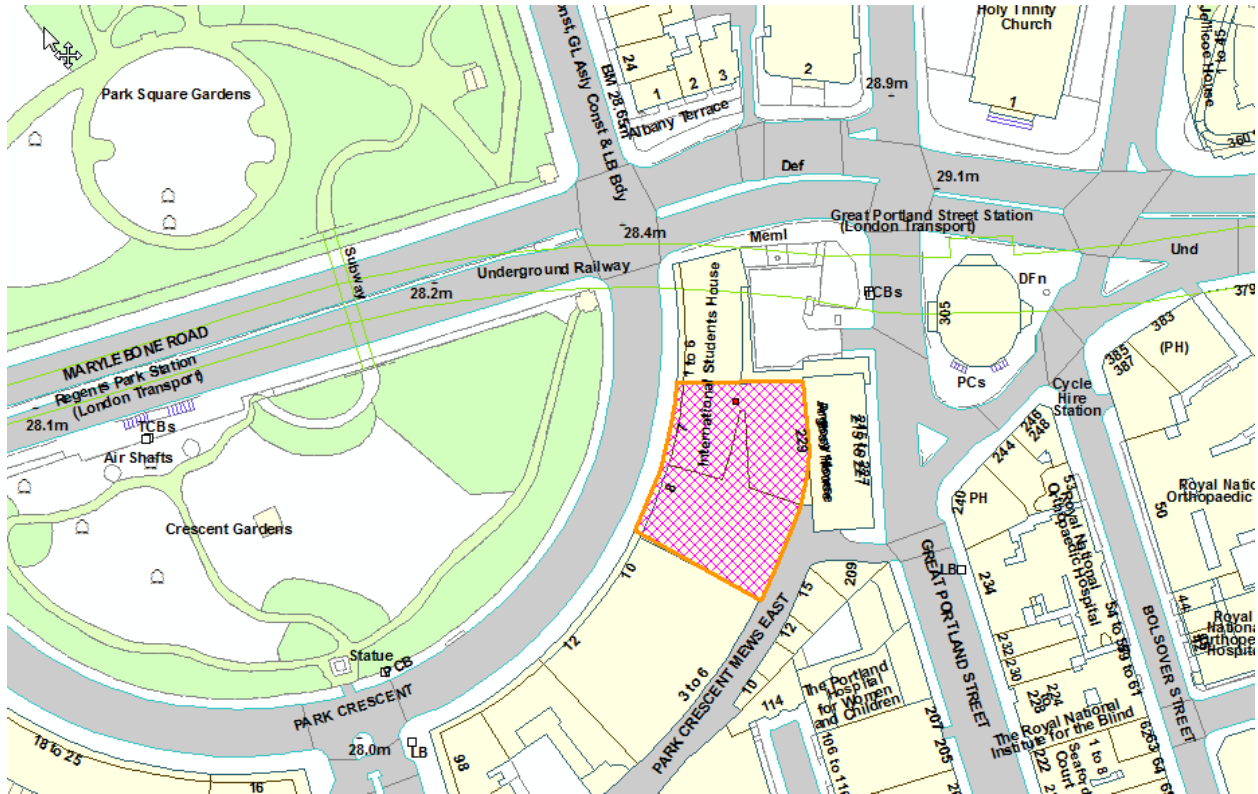
In other respects the schemes at both sites are considered acceptable, subject to appropriate conditions, in accordance with adopted UDP and City Plan Policies. The applications are therefore considered acceptable and are recommended for approval.

3. LOCATION PLAN



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Site 1 Macintosh House , 54 Beaumont Street, London, W1



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Site 2 7-8 Park Crescent W1

4. PHOTOGRAPHS

3 Feb 2017 09:37:11



Site 1 Macintosh House , 54 Beaumont Street W1,

3 Feb 2017 08:50:36



Site 2 7-8 Park Crescent W1

5. CONSULTATIONS

Site 1

Marylebone Association

Any response to be reported verbally.

Highways Planning - Development Planning

No objection, subject to a conditions requiring a servicing management plan and cycle parking.

Cleansing - Development Planning

Objection, advise that the waste stores provided are too small to cope with the amount of waste expected, further details of waste provision should be secured by condition.

Thames Water Utilities Ltd

Request that permission is subject to approval of a drainage strategy

Building Control

Comment that the applicant should be advised that appropriate approvals should be obtained from relevant statutory authorities prior to the commencement of works

Environmental Health

No objection, subject to noise conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 191

Total No. of replies: 2

No. of objections: 2

2 objections received on the following grounds:

Design

The new building would dwarf the existing structure and would be considerably higher than buildings either side. It would have a detrimental effect on the street and set an unwelcome precedent.

Noise and disturbance during construction work

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Site 2

Marylebone Association

Any response to be reported verbally.

Environmental Health

No objection subject to noise conditions.

Cleansing

Request that further details of refuse is secured by condition.

Highways Planning Manager

No objection subject to the provision of cycle parking and securing lifetime car club membership.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 32

Total No. of replies: 4

No. of objections: 4

4 letters of objection on some or all of the following grounds:

The existing clinic provides a valuable service and its loss favour of residential would be harmful to the character and function of the Central Activities Zone.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Sites

Site 1 Macintosh House Beaumont Street

The application site lies on the western side of Beaumont Street and comprises a four storey building (plus basement) known as Macintosh House. The building which was built in the 1960's was used until 2010 by the City Council to provide accommodation for the elderly in the form of 28 non self-contained flats (HMO). The building is currently in temporary use as a Public Library on the lower ground to first floor. The upper floors are vacant.

Macintosh House is the central of three blocks which make up most of street the frontage. The buildings on each side are both an additional storey higher across their full extent and also each have a further set back storey on top of this. The building to the north is known as Regis House and accommodates 20 residential flats; whilst the building to the south is a nurses' hostel known as Agnes Keyser House.

To the rear of the site is Beaumont Mews, which is accessed from Marylebone High Street and Weymouth Street. The nearest residential accommodation are dwellinghouses at Nos 11 and 12-13 Beaumont Mews.

The area is characterised by a mixture of medical and residential uses and to a lesser extent office accommodation. The site lies outside the Core Central Activities Zone and is also just outside the Harley Street Special Policy Area (SPA). The eastern side of Beaumont Street is within the SPA. The King Edward VII Hospital occupies much of the eastern side of the street whilst the Weymouth Street Hospital occupies the junction of Beaumont Street and Devonshire Street to the south of the application site.

The site lies within the Harley Street Conservation Area and is identified in the Harley Street Conservation Area Audit as making a negative contribution to the conservation area.

Site 2 7-8 Park Crescent

The site comprises two terraced properties within the eastern section of Park Crescent. The building comprises, lower ground, ground and three upper floors, including a mezzanine between first and second floors. These are mixed use buildings comprising residential accommodation on the top two floors and medical accommodation on the lower ground, ground and first floors (Class D1). The lower ground floor occupies the full extent of the site to the rear. Access to the residential on the second and third floors is via No.8. No.7 provides access to the ground and first floors across both buildings and part of the lower ground floor.

The application relates to the lower ground, ground and first floors only. The second and third floors of the building are not part of the application site.

The building is Grade I listed located within the Regent's Park Conservation Area. It is also located within the Marylebone and Fitzrovia sub-area of the Central Activities Zone. It was completely reconstructed as a facsimile in 1959. Behind the front façade is a modern concrete framed building which is unremarkable in architectural terms. As a result there is nothing of architectural interest beyond the facade.

To the rear of the site is a building comprising student accommodation which physically abuts the site.

6.2 Recent Relevant History

Site 1

11 May 1961: Planning permission granted for the redevelopment of the site for a five storey building including basement for use as 21 single and seven double flats for the elderly, warden's basement flat and a communal room.

On 31 January 1964 permission was granted for:

"The revised front and rear elevations of the building at present under construction, for use as 21 single and 28 double flats for old people, a warden's flat and communal room, at 50-54 Beaumont Street, St Marylebone."

Planning Permission and Conservation Area Consent was subsequently granted on 9 December 2010 ref 10/07973/FULL and 10/07974/CAC, for:

"Demolition of existing building and erection of five and part six storey building with basement and sub-basement to accommodate medical use (Class D1) at basement and ground floor level, 24 non self-contained residential units with communal bathrooms and common room (sui generis use) on the first to fifth floors and plant room at sub-basement level."

Since this time, the building has been put to use over the lower ground, ground and first floors as a library. Planning permission was granted on 26 February 2013, under reference 12/12466/COFUL for:

“Temporary use of basement, ground, and first floors as a public library (Class D1) until 30 September 2015.”

Condition 2 of that permission states:

“On cessation of this temporary use, these floors must return to their previous condition and use as part of a house in multiple occupation (Sui Generis).”

Site 2

None directly relevant to the current application

7. THE PROPOSAL

Site 1

Permission is sought on behalf of the Howard De Walden Estate for the redevelopment of Macintosh House, Beaumont Street to provide a new building for specialist medical diagnostic and consulting facilities (Class D1). The new building will comprise 2 x basements, ground and four upper floors with a setback 5th floor and plant above. The buildings form and function have been designed having regard to the King Edward VII hospitals requirements who occupy the site on the eastern side of Beaumont Street opposite and Agnes Keyser House directly to the south. The aspiration is that the new medical space will be occupied by King Edward VII hospital and discussions are on-going with the Howard De Walden Estate regarding the hospitals occupation.

Site 2

To offset the loss of residential at Macintosh House it is proposed to link the development to applications at 7-8 Park Crescent, a Grade 1 listed building. The lawful use of 7-8 Park Crersent is medical (Class D1). Planning and listed building consent are sought for internal and external alterations in connection with the conversion into 7 residential flats (Class C3).

The residential comprises 1 x 4 bedroom flat over first and mezzanine floors, with the living accommodation facing Park Crescent and the bedrooms facing to the rear. 1 x 3 bedroom flat over ground and lower ground floors fronting Park Crescent, 4 x 1 bedroom flats at lower ground floor level and 1 x 2 bedroom flat at ground floor level.

The three bedroom flat is accessed solely and directly from the entrance at 7 Park Crescent, while the remaining flats will be accessed from the residential entrance at 8 Park Crescent. All the flats would have access to the communal gardens opposite the site. The two bed flat has a private rear terrace, while the one bed apartments will have courtyard spaces, which are created by removing part of the roof of the lower ground floor level, which extends out beyond the rear façade of the building.

New windows are provided for the apartments to the rear elevation to match those on the top two floor. Secondary glazing is proposed to the front facing flats. The vaults underneath the pavement are utilised for bin storage, cycle storage and plant.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed floorspace figures are set out in the table below:

	Existing Area	Proposed Area	+/-
Medical D1	1,087	2,963	+1876
HMO	1,572.8	0	-1,572.8
Residential (C3)	0	985	+985
Total	2,659.8	3,948	+1,288.2

Land USE

Site 1

Loss of HMO

Macintosh House is currently in use as a temporary library on the lower ground, ground and first floors, the upper floors are vacant and were previously in use as an HMO, non self-contained residential accommodation, providing housing for the elderly.

The HMO comprised 28 non self-contained residential units in the form of 21 single bedrooms and 7 double bedrooms each with its own attached toilet and small kitchen but with shared bathroom facilities and a communal lounge. This accommodation which was ran by the City Council was substandard and did not comply with Housing legislation. Permission was granted for a redevelopment scheme in 2010 which would have provided medical facilities at sub-basement, basement and ground floor levels and 24 non self-contained flats on the upper floors. This permission was not implemented and has subsequently lapsed.

Under UDP policy H7 HMOs are protected where they provide satisfactory accommodation under Housing and Environmental Health legislation. In 2010, studies conducted by the Director of Housing found Macintosh House to be substandard, particularly due to the small size of the units and that the accommodation couldn't reasonably be brought up to standard. The building was considered surplus to requirements. The 2010 permission was not implemented and the site has not been used as an HMO since 2010. The lease is due to be surrendered in 2017.

Consequently policies regarding HMO accommodation need to be balanced against the poor condition of the housing, the long term vacancy and the fact that the accommodation is surplus to housing requirements. Furthermore the accommodation is not a form of affordable housing as there were no conditions or Section 106 obligations limiting the rent that could be charged. It was essentially private residential accommodation where occupants shared a bathroom. In the circumstances the loss of the HMO accommodation is considered acceptable.

Public Library

The lower floors are in temporary use as the Marylebone library which will be initially relocated to 9-11 New Cavendish Street. The intention is that in the long term this will be relocated to part of the Seymour Leisure Centre which will be the subject of a separate application.

Medical.

The new building will provide medical consulting rooms, diagnostic facilities with associated supporting facilities. Discussions are on-going between the applicant and the King Edward VII Hospital and the building has been designed to meet their requirements. As a whole this would provide 2,963 m2 of medical floorspace across the basement, lower ground ground and four upper floors plus plant room.

The King Edward Hospital is located on the eastern side of Beaumont Street immediately opposite the site. Agnes Keyser House which is also part of the hospital is located directly to the south of Macintosh House. The King Edward VII hospital need to expand and site constraints prevent this on its own site. Macintosh House is one of the few sites capable of delivering the new medical facilities to meet its needs given the location directly opposite and adjacent to the hospital. The aspiration is for the new medical floorspace to meet the needs of the King Edward VII. The scheme has been designed with this in mind and discussions are on-going between the Howard De Walden Estate and the King Edward VII hospital.

The site lies outside the Core CAZ in the Marylebone Sub- Area of the CAZ. Medical uses serve both the local and wider communities. City Plan Policy S34 is applicable which states that new social and community facilities will be encouraged throughout Westminster. Policy SOC 5 relates to private medical facilities. The policy states that outside the Harley Street Special Policy Area proposals for private medical facilities will be assessed in relation to the demand for them, the scale and location of the facility and its impact on the area in environmental terms.

Although the site on the western side of Beaumont Street is just outside the Harley Street SPA (the eastern side lies within the SPA) the street has a strong medical character. The provision of medical facilities at Macintosh House is considered acceptable and would not be harmful to the character of the area.

Site 2

Policy S34 seeks to protect medical floorspace, consequently there is a presumption in retaining the medical floorspace (Class D1) at 7-8 Park Crescent. However the loss of medical is acceptable as this will be re provided at Macintosh House and across both sites there would be an addition of 1,876 m² of medical floorspace. The re-provision of a greater quantum of improved medical floorspace with Marylebone Area of CAZ is considered acceptable.

Residential at 7-8 Park Crescent

City Plan policy S14 states that residential use is a priority across Westminster except where specifically sated and the Council will seek to achieve and exceed its borough housing target as set out in the London plan. The policy seeks to optimise the number of residential units. The scheme will provide 7 new units. The proposed mix is 4 x 1 bed, 1x 2bed, 1x 3 bed and 1x 4 bed.

The new flats would meet the Mayor's dwelling space standards set out in London Plan Policy 3,5. Overall the level of accommodation is considered acceptable.

The scheme across both sites would maintain the balance of uses in this part of the Central Activities Zone. The medical use at Park Crescent will be relocated to Macintosh House and the provision of residential at Park Crescent would offset the loss of the sub-standard long term vacant HMO at Macintosh House as a land use package this is considered acceptable. The respective uses will be secured via Section 106 agreements to ensure the delivery of both the medical and residential uses.

8.2 Townscape and Design

Site 1

The building dates from the latter half of the last century and is of modern but undistinguished design. It does not make a positive contribution to the character and appearance of the Harley

Street Conservation Area and its demolition is uncontentious in principle. The urban design issue to be considered are the merits of the proposed building and its impact on the street and the conservation area.

The proposed building is taller than the existing building, and taller than its neighbours to the north and south. It is five storeys above street level, with two basement levels. There is a substantial plant room on the roof, set back from the street frontage. Although the building is taller than the adjoining buildings it is not as tall as the hospital buildings on the east side of the street.

The top floor and plant are visible in street views, and the rear of the building is visible from the mews to the west. It is apparent in these views that the proposed building is taller than its neighbours. However, given its location in the middle of the terrace, and its architectural relationship to the tall hospital buildings opposite, on the east side of the street, it is considered that this massing is not harmful to the streetscape in this part of Beaumont Street.

The design of the Beaumont Street facade takes the form of three curved projecting bays with a horizontal emphasis. The facade is to be clad in natural Portland stone (base bed). The windows will be framed in white metal with curved glass on the corners. The ground floor facade is faced in Whitbed Portland ashlar stone with a rusticated, textured finish. This will create a subtle contrast to the smooth finish of the Portland (base bed) on the upper floors. The windows and doors at this level will be finished in bronze. The entrance will feature a metal gate, to be designed as a work of public art. Modern black railings will enclose the front areas.

The rear façade is faced in a buff brick. The design is simpler than the front façade, appropriate to its location. The roof level plant is enclosed by a grey solid metal screen.

The proposed design makes reference to earlier, twentieth century buildings in a 'Moderne' / Art Deco style, examples of which can be found in the Harley Street Conservation Area, such as the RIBA Headquarters on Portland Place. It is considered that this is an acceptable and appropriate design approach for this part of Beaumont Street which is not of particularly high townscape quality. The proposed building is of high design quality, and it will enhance the character of the street and the character and appearance of the Harley Street Conservation Area.

An objection from a resident that the proposed new building would be harmful to the townscape and set an unwelcome precedent is not considered to be sustainable. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4 and DES 9.

Site 2

The buildings comprising Park Crescent, including No's 7-8 Park Crescent, were rebuilt in their entirety in the late 1950s and early 1960s following wartime damage and post-war neglect. No 7-8 Park Crescent is, behind the historically accurate façade to Park Crescent, completely and entirely modern in character and appearance. As a modern building internally the fabric itself has no historic significance, nor any intrinsic modern architectural design quality. The key elements of the heritage significance of 7-8 Park Crescent as a Grade I listed building and indeed that of the other listed buildings of Park Crescent is its external appearance to Portland Place and Park Crescent and its historical importance as part of the grand Nash project for the West End.

The scheme involves primarily internal alterations and works to the rear to create internal lower ground floor courtyards and rear terraces. These works are considered acceptable in design

terms and would not be harmful to the listed buildings. The works accord with the relevant tests set out in the listed buildings and conservation areas act and policies of the NPPF City Plan and UDP.

Proposals include double glazing to the front and rear which at the rear is acceptable due to the entirely modern façade and appearance. It is considered the front elevation windows should be single glazed as the front façade is a faithful historic reproduction. An amending condition is recommended requiring the deletion of proposed secondary glazing.

8.3 Residential Amenity

Site 1

Daylight and Sunlight overview

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

For daylighting matters, the most commonly used BRE method for calculating values is the 'vertical sky component' (VSC) method which measures the amount of light reaching the outside face of a window. This method is most widely used as it does not need to rely on internal calculations, which means that it is not necessary to gain access to all affected properties to assess, and compare, potential light loss across all properties. However, it is still important to know what an affected room is used for, since the BRE guidelines principally seek to protect living rooms, dining rooms, kitchens and, to a lesser extent, bedrooms. Under this method, if an affected window is already not well lit (considered to be below a nominal value of 27%) and the daylight received at the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly depending on the given circumstances.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited, and would be reduced by more than 20% as a result of a development, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested, and living rooms and conservatories are considered to be the most important rooms to be protected in terms of sunlighting – with kitchens and bedrooms less so.

A daylight and sunlight report has been submitted in support of the application which assesses the impact of the development on 11 Beaumont Mews, 23-24 Beaumont Mews, 50 Weymouth Street, 1 Beaumont Street, Regis House 54 Weymouth Street and 35 Marylebone High Street (consented scheme) including 4 x mews houses.

With regards to daylight the study shows that the vast majority of windows will meet the BRE requirements. There are 8 windows in the 35 Marylebone High Street development currently under construction in which the VSC losses exceed the recommended 20%. Four of these windows serve hallways and are non-habitable rooms. Four living rooms tested would also

breach the BRE guidelines however this is only by 2% and the VSC figures are not uncommon for central London.

With regards to sunlight again the vast majority of windows tested would meet the BRE guidelines. The exception being 2 windows in Regis's House 54 Weymouth Street in which losses are greater than the 20 % guidelines. However it is not considered that permission should be withheld on this basis. The surrounding properties would maintain good levels of daylight and sunlight.

Privacy

Site 1

The building has been purposely designed with its core and services along the rear façade. Consequently the vast majority of windows are obscured. On the northern and southern part of the western elevation the windows are clear glazed but this reflects the existing relationship of the existing Macintosh House which has clear windows in its rear corridors. Consequently, there will be no material increased overlooking to the residential premises to the rear.

Site 2

At 7-8 Park Crescent there are no extensions and the scheme would not impact upon daylight or sunlighting to surrounding properties. Rear terraces are proposed which will provide valuable amenity space to the proposed flats. Subject to these terraces being adequately screened the creation of terraces would not result in overlooking. It is recommended that details of the screening will be secured by condition.

8.4 Transportation/Parking

Site 1

Car parking

No car parking is to be provided for the proposed use. The Highways Planning Manager raises no objection to this aspect of the scheme.

Servicing

A Transport Statement submitted in support of the application includes an assessment of the servicing strategy for the proposed Medical Space. The statement estimates that given the size of the proposed medical facility there would be typically 5 – 6 deliveries per day by small vans and 1 clinical waste collection.

The Highway Planning Manager raises no objection to this aspect of the application but advises that a condition should be imposed requiring the use to be carried out in accordance with an agreed servicing management plan (SMP). It is therefore recommended that an appropriate SMP is secured by condition.

To accommodate deliveries and patient taxi movements, the applicants transport statement refers to the removal of one parking bay on the west side of Beaumont Street and extend the existing single yellow line. The intention being that a replacement bay would be provided adjacent to 22 Devonshire Street. This is not however part of the application and these changes would require separate consent from the City Council as Highway and Traffic authority. The Highways Planning Manager advises that the changes would not necessarily be agreed.

Cycle Parking

The scheme includes the provision of 20 cycle spaces for staff with none for visitors. The London Plan requires 1 space per 5 staff which equates to 20 spaces. The proposal is therefore policy compliant. Given the location of the spaces a cycle gutter should be provided within the front lightwell staircase. This will be secure by condition.

Site 2

Car Parking

The scheme would result in the provision of 7 new residential flats with no off street car parking. UDP policy TRANS 3 requires residential parking to be at a maximum of 1 space per dwelling. The policy states that for any new residential development the City Council may take into account the likelihood of additional demand for on-street parking arising from the development. The City Council will normally consider there to be a serious deficiency where additional demand would result in 80% or more of available legal on-street parking places being occupied during the day (i.e. parking bays) or at night (i.e. parking bays and single yellow lines) in the vicinity of the development. In these circumstances, the City Council will normally seek to resist development unless the potential impact of additional cars being parked on-street in the vicinity is mitigated

The most recent night time parking survey in 2015 indicates that night time parking occupancy of res park bays within a 200 metre radius of the site is 83% with additional yellow line availability this reduces to 56%. The daytime survey information indicates that parking occupancy is 75%.

In order to mitigate for this potential increase in parking, the applicant is proposing to offer 25 year car club membership to the occupants of the flats, which could be secured as part of the Section 106 legal agreement.

Cycle parking

Ten cycle parking spaces are provided in accordance with the adopted London Plan standards, of 1 space per 1 bedroom flat and 2 spaces per 2 and 3 bedroom flats. It is recommended that the cycle parking spaces are secured by condition.

8.5 Economic Considerations

The provision of an additional 1,876 m² of medical floorspace and seven residential flats will make a welcome contribution to the local economy.

8.6 Access

Both schemes include inclusive design and access in accordance with policy.

8.7 Other UDP/Westminster Policy Considerations

Impact of construction works

Basement excavation

The application involves the excavation of two basements.

City Plan policy CM28.1, requires all applications for basement development to demonstrate that they have taken into account the site-specific ground conditions, drainage and water

environment(s) in the area of the development. Applications must be accompanied by a detailed structural methodology statement and separate flood risk, as appropriate. Where the development will have significant impacts on matters covered by the policy, or where work will affect a particularly significant and/or sensitive heritage asset, these reports will be independently assessed. The applicants will be required to confirm that they will comply with the relevant parts of the Council's Code of Construction Practice. In addition, the structural stability of the existing building (where appropriate), nearby buildings and other including the highway and railway lines/tunnels must be safeguarded. The development must not increase the flood risk on the site, or beyond, and must be designed and constructed so as to minimise the impact, on construction and occupation, on neighbouring uses; the amenity of those living or working in the area, on users of the highway and on traffic and the operation of the highway. Significant archaeological deposits must also be safeguarded.

The application is supported by a structural report and a report detailing local ground conditions. Although these reports do not include details of a finalised basement design, they consider local geology and hydrology issues and include suggestions regarding the likely construction method, which are considered acceptable. The application has been reviewed by the Building Control Officer raises no objection but comments that the demolition works appear close to underground tunnels and the applicant is reminded of the need to comply with statutory legislation and obtain all necessary approvals prior to commencing works.

Construction Management

An objection has been received from a resident that the development would result in significant noise disturbance and inconvenience. The concerns are noted, however permission could not reasonably be withheld on these grounds. In order to safeguard the amenities of local residents, it is recommended that standard conditions be imposed to limit the hours of construction and excavation works. A condition is also recommended which would require the applicant to sign up to the Council's Code of Construction Practice, which covers areas such as public access and the highways network, noise and vibration, dust and air quality, waste management and liaison with neighbouring occupiers.

Noise

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant, and seek to protect occupants of adjoining noise sensitive properties. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 of the City Plan requires disturbance from noise and vibration to be contained.

At site 1 plant is proposed in a dedicated plant enclosure at roof level. An acoustic report has been submitted in support of the application which identifies the nearest noise sensitive premises as being the 4th floor windows of Agnes Keysner House and Regis House. Environmental Health Services have assessed the application and raise no objection subject to the imposition of standard conditions restricting noise levels and vibration.

At site 2 condensing and air handling units are to be located in the vaults underneath the pavement to the front of the property. An acoustic report was submitted as part of the application. Environmental Health have confirmed they have no objection subject to the normal noise conditions which are recommended.

Refuse

In the case of both applications at sites 1 and 2 dedicated waste and recycling storage areas have been provided. In both cases the cleansing manager has advised that further details of refuse provision should be provided to ensure that the facilities are adequate in compliance with standards.

Energy Site 1

Section 10 of the NPPF contains the Government's policy on climate change.

Paragraph 96 states that: "in determining planning applications, local planning authorities should expect new development to: Comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the application, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption".

The Mayor seeks to achieve an overall reduction in London's carbon dioxide emissions of 60% (below 1990 levels) by 2025 (Policy 5.1 Climate Change Mitigation). All Boroughs are to develop policies to promote the reduction of carbon dioxide emissions and to help achieve the Mayor's strategic carbon dioxide emissions target.

Policy 5.2 of the London Plan (Minimising Carbon Dioxide Emissions) states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- **Be Lean:** use less energy – This involves the use of passive and energy efficiency design measures to reduce the energy requirement and subsequent carbon footprint of the site. These provide a footprint which delivers compliance with Building Regulations Part L (2010) and the Baseline Energy and Carbon emission figures for the development.
- **Be Clean:** supply energy efficiently – The use of a central energy centre has been considered to serve the development, to provide the primary heating and cooling requirements for the development.
- **Be Green:** use renewable energy – The use of renewable energy has been investigated in the context of the site and the overall usage pattern of energy throughout the development.

City Plan Policy S40 refers to renewable energy and states that "all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the council considers that it is not appropriate or practicable due to the local historic environment, air quality and / or site constraints".

The Application is accompanied by an Energy Statement prepared by GDM Partnership. As set out in the Energy Statement the proposals reduce the Carbon Emissions at the Be Lean stage by 24%. A further 0.6% reduction is achieved through the incorporation of Photo Voltaic's at roof level. CHP has been discounted due to the low background heating demand and the low hot water demand.

Sustainability

London Plan Policy 5.3 (Sustainable Design and Construction) states that development proposals should demonstrate that sustainable design standards are integral. This should include:

- Minimising carbon dioxide emissions across the site, including the building and services (such as heating and cooling systems)
- Avoiding internal overheating and contributing to the urban heat island effect.
- Promoting and protecting biodiversity and green infrastructure.

The Energy Strategy submitted in supported of the Application that the aspiration is to achieve a BREEAM 'Very Good' rating for the building.

8.8 London Plan

The proposals across both sites do not raise any strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc. are detailed in the Council's Supplementary Planning Guidance on Planning Obligations. On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council adopted its own Community Infrastructure Levy on the 1st May 2016.

However the charging schedule does not apply to private medical facilities and a CIL payment is not required for the development at site 1.

At site 2 the total floor area is being reduced from 1059 m² to 906 m². This loss is mainly through the reduction in the mezzanine floor. As the premises has been occupied for 6 months out of the last 3 years a discount is applied for the existing floorspace and as such a CIL payment is not required.

To ensure that the schemes across both sites would maintain the balance of uses appropriate to this part of the Central Activities Zone it is recommended that permission at Macintosh House is subject to a planning obligation requiring the provision of 7 residential flats (ready for occupation) at 7 Park Crescent on or before the date of occupation of Macintosh House 54 Beaumont Street for medical purposes (Class D1). A planning obligation would also prevent 7- 8 Park Crescent being occupied for residential purposes (Class C3) prior to the commencement of development at Macintosh House 54 Beaumont Street.

8.11 Environmental Impact Assessment

The proposals are not of sufficient scale to require an Environmental Impact Assessment.

9. BACKGROUND PAPERS

Site 1

1. Application form
2. Response from Plant And Equipment, dated 31 October 2016
3. Response from Building Control - Development Planning, dated 24 October 2016
4. Letter from occupier of 32-33 Marylebone High street, London, dated 27 October 2016
5. Letter from occupier of 1 Beaumont Street, London, dated 6 November 2016

Site 2

1. Application form
2. Response from Plant And Equipment, dated 23 November 2016
3. Letter from occupier of 7 Park Crescent, The Hale Clinic, dated 20 October 2016
4. Letter from occupier of 39 Falconwood Avenue, Kent, dated 24 October 2016
5. Letter from occupier of 39 Falconwood Avenue, Welling, dated 14 October 2016
6. Letter from occupier of 54a Wrentham Avenue, London, dated 13 October 2016
7. Letter from occupier of Westminster City Hall, 64 Victoria Street, dated 23 November 2016

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MICHAEL WALTON BY EMAIL AT mwalton@westminster.gov.uk.

10. KEY DRAWINGS

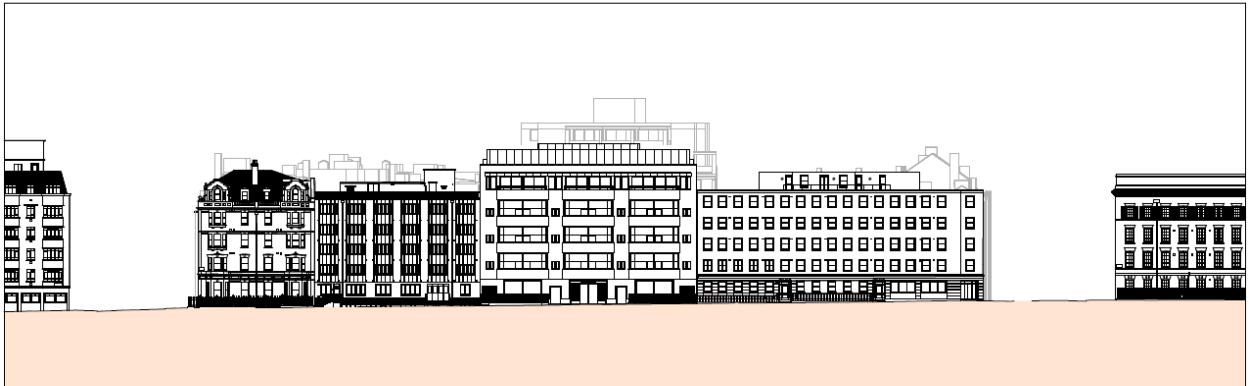
SITE 1

Existing Elevation – Beaumont Street



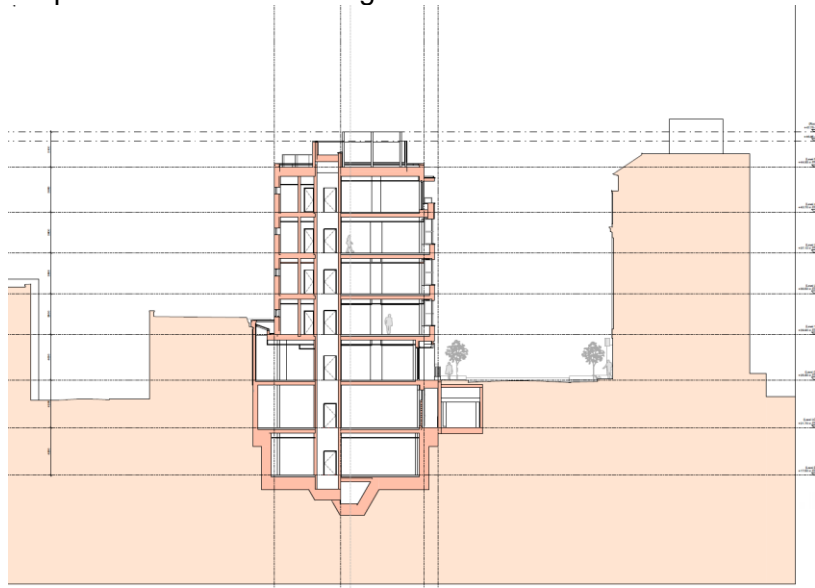
01 EXISTING BUILDING
PK 300 Context Elevation (Beaumont Street West)

Proposed Elevation – Beaumont Street



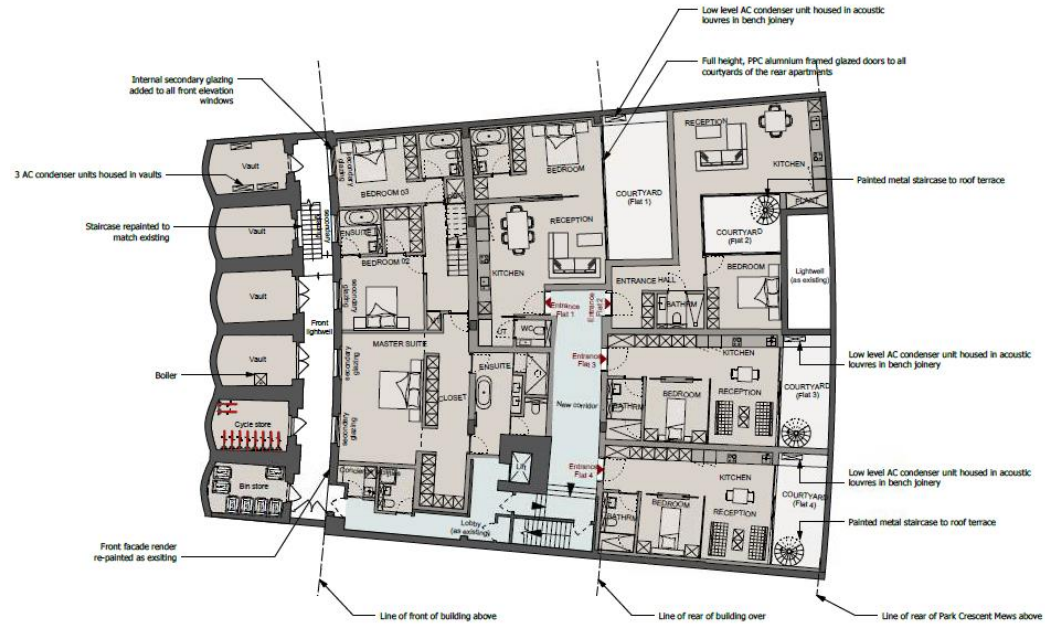
02 PROPOSED SCHEME
PK 300 Context Elevation (Beaumont Street West)

Proposed Section – Looking North

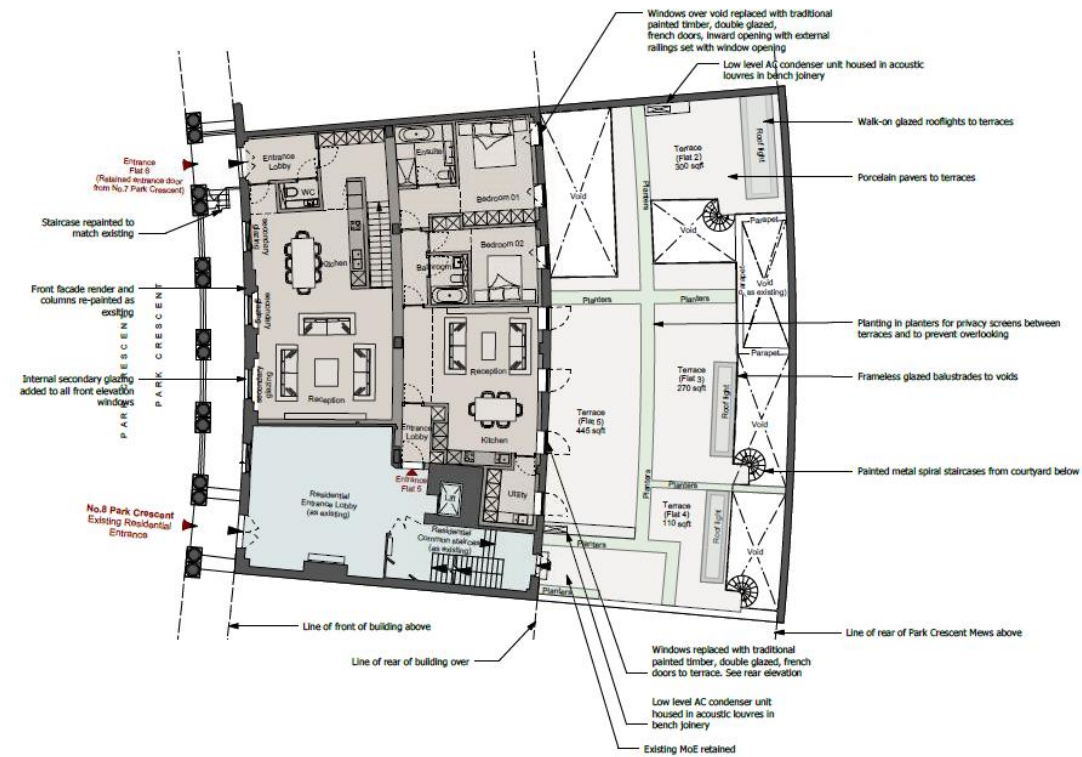


SITE 2

Proposed Lower Groundfloor Plan



Proposed Groundfloor Plan



Proposed First Floor Plan

