

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 20 March 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>Site 1: 142 - 146 Harley Street and 32-34 Park Crescent Mews West, London, W1G 7LE</b> <b>Site 2: 89-92 Marylebone High Street, London, W1U 4QW</b> <b>Site 3: 83A Marylebone High Street, London, W1U 4QP</b>		
<b>Proposal</b>	<ol style="list-style-type: none"> <li>1. Use of the ground and first floor of 32-34 Park Crescent Mews as medical (Class D1). Alterations including excavation at lower ground floor level, partial infilling of rear light wells, erection of new rear extensions at first floor levels to provide plant rooms and enlargement of existing lift, all in order to provide additional medical (Class D1) floorspace at 142-146 Harley Street. Removal of the front steps of 142 and 146 Harley Street and the installation of a new 'sesame lifts' to both buildings. Installation of new plant within existing vaults and at roof level and installation of a new sub-station at ground floor level of 32 Park Crescent Mews West. Internal alterations. (Part of a land use package with 83A Marylebone High Street and 89-92 Marylebone High Street).</li> <li>2. Erection of a single storey mansard roof extension and reconfiguration of existing units to create two additional residential units (Class C3), creation of three new terraces, one at rear third floor level and two to the rear of the new fourth floor (Part of a land use package with 142-146 Harley Street and 32-34 Park Crescent Mews West).</li> <li>3. Erection of roof extension to create new fourth floor level to enlarge existing second and third floor flat (Class C3) (Part of a land use package with 142-146 Harley Street and 32-34 Park Crescent Mews West).</li> </ol>		
<b>Agent</b>	Howard de Walden Management Ltd		
<b>On behalf of</b>	Howard de Walden Management Ltd		
<b>Registered Number</b>	Site 1: 17/09778/FULL & 17/09779/LBC  Site 2: 17/09780/FULL  Site 3:17/09781/FULL	<b>Date amended/ completed</b>	13 November 2017
<b>Date Application</b>	3 November 2017		

<b>Received</b>			
<b>Historic Building Grade</b>	Site 1: Grade II Site 2: Unlisted Site 3: Unlisted		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

### Site 1:

1. Grant conditional permission subject to a S106 legal agreement to secure:
  - a) The medical (Class D1) use hereby approved shall not be occupied until the works to construct the fourth floor of 83a Marylebone High Street for residential purposes for use in connection with the existing second and third floor maisonette and to construct the mansard roof extension and alter the existing third floor to create two additional residential units at 90-92 Marylebone High Street have all been completed in accordance with the planning permissions refs: 17/09780/FULL and 17/09781/FULL and the dwellings / residential floorspace are ready for occupation;
  - b) A financial contribution of £62,000 towards the City Council's affordable housing fund (index linked and payable prior to commencement of development); and
  - c) Costs of monitoring the S106 agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
  - a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Planning shall consider whether the permission should be refused on the grounds that 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.
3. Grant conditional listed building consent.
4. Agree reasons for granting listed building consent as set out in informative 1 of the draft decision notice.

### Site 2:

Grant conditional permission.

### Site 3:

Grant conditional permission.

## 2. SUMMARY

These proposals involve three different sites in a land use package. 142 - 146 Harley Street and 32-34 Park Crescent Mews West (Site 1) consists of basement, ground and four upper levels with a two storey mews building to the rear and are located within the Harley Street Special Policy Area, the Harley Street Conservation Area and the Central Activities Zone.

Permission is sought to provide infill extensions and utilise three existing residential units within the mews buildings to the rear as medical accommodation. Replacement residential floorspace as a result of this proposal will be re-provided at Site 2 and 3.

Site 2 relates to 89-92 Marylebone High Street, which is located on the west side of Marylebone High Street. Permission is sought for a mansard roof extension and reconfiguration of existing units to create two additional residential units (Class C3)

Site 3 relates to 83a Marylebone High Street, which is located on the west side of Marylebone High Street. Permission is sought for a single storey roof extension to provide additional residential floorspace to the existing second and third floor flat.

The key issues are:

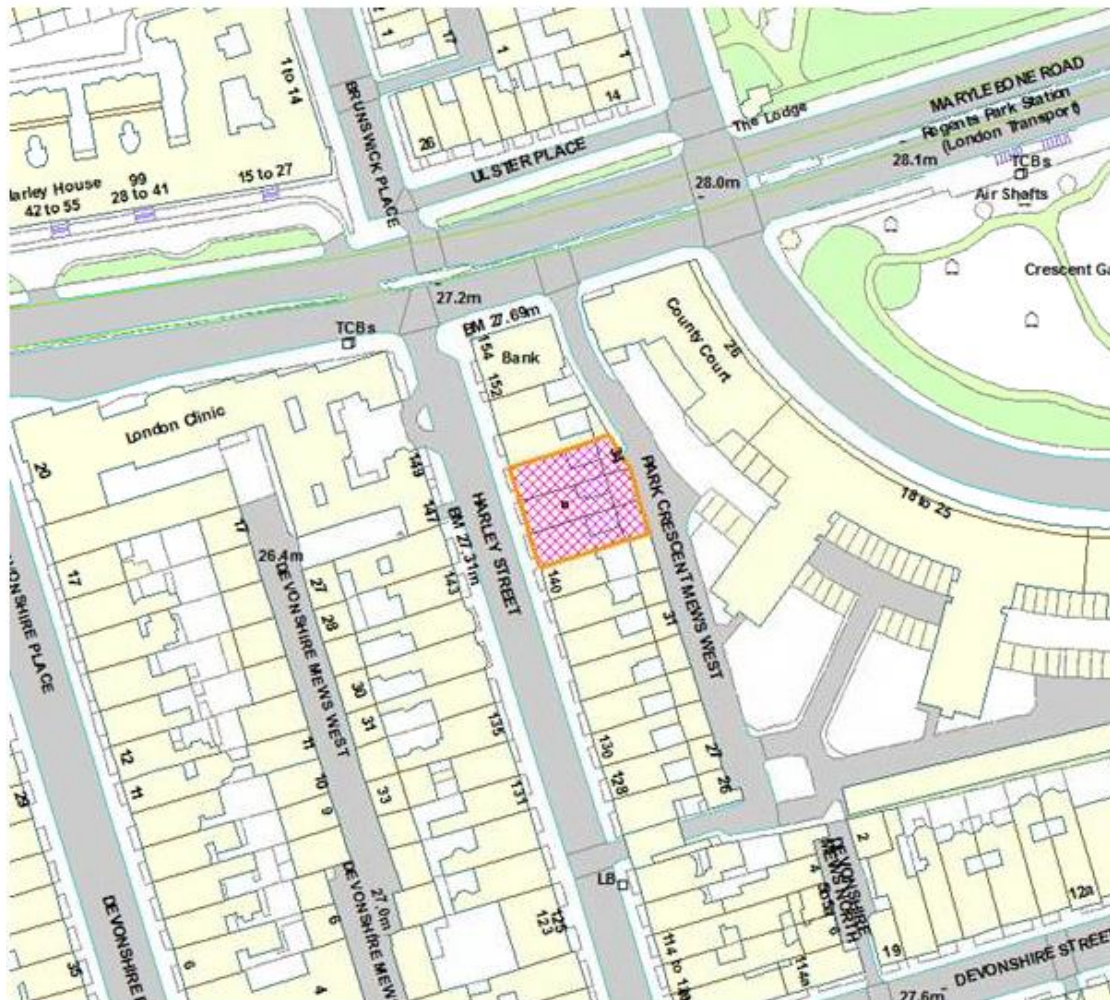
- The loss of 35.5 sqm GIA of residential floorspace and the loss of one residential unit.
- The impact of the proposed alterations and extensions to all three sites on the character and appearance of the conservation area
- The amenity impact of the proposed extensions at Sites 2 and 3 on surrounding sensitive properties.
- The impact of the works at Site 1 on the special interest of these listed building.

When the three sites are assessed as a land use package, the proposal would result in an increase of 304.8 sqm GIA of medical floor space within the Harley Street Special Policy Area (HSSPA) and a reduction of 35.5 sqm GIA of residential floorspace. There would be a reduction of one residential unit but an increase of two family sized units.

There has been an objection to the proposals at Site 2 on both amenity and design grounds but as detail in the main report, all of the proposals are now considered acceptable in land use, design, highways and amenity terms for the reasons set out in the main report and are recommended for conditional approval.

### 3. LOCATION PLANS

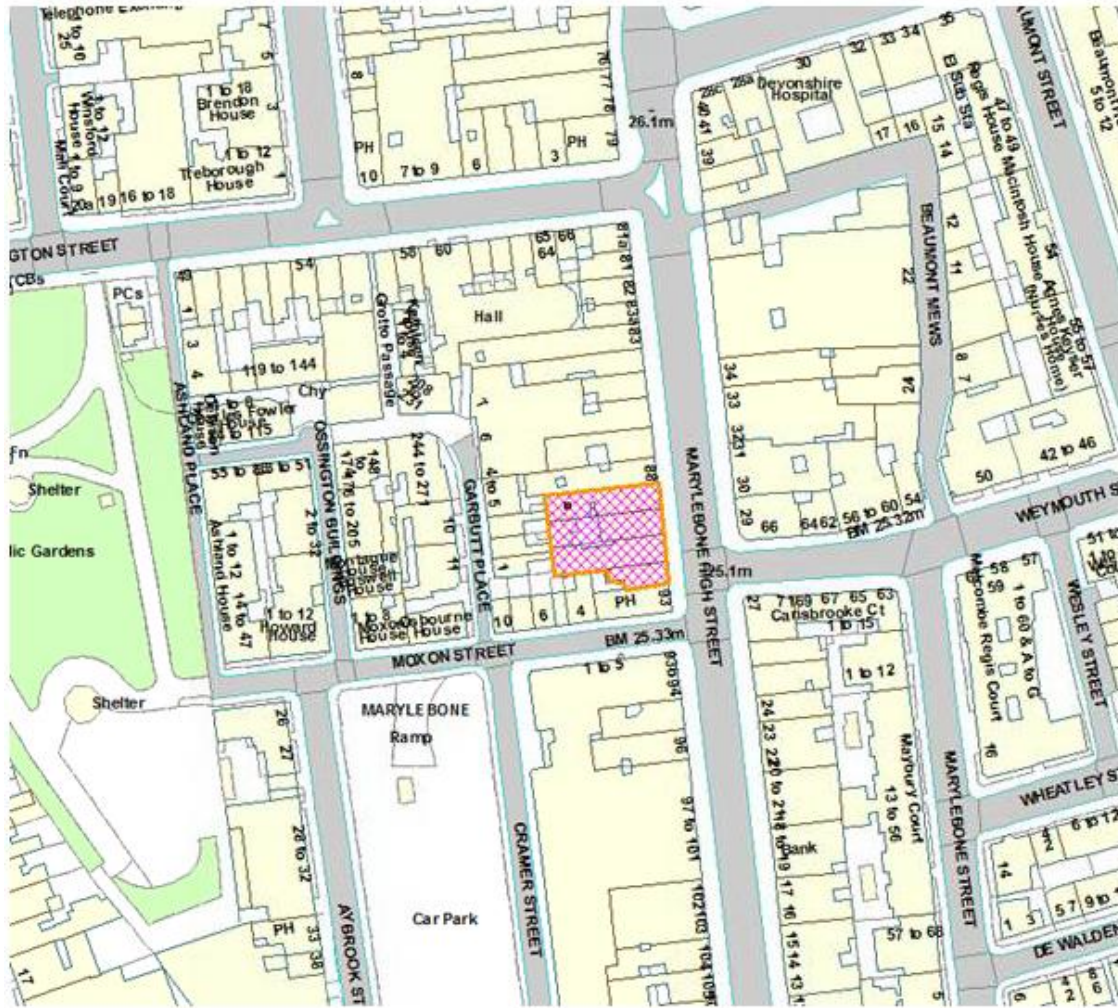
#### SITE 1



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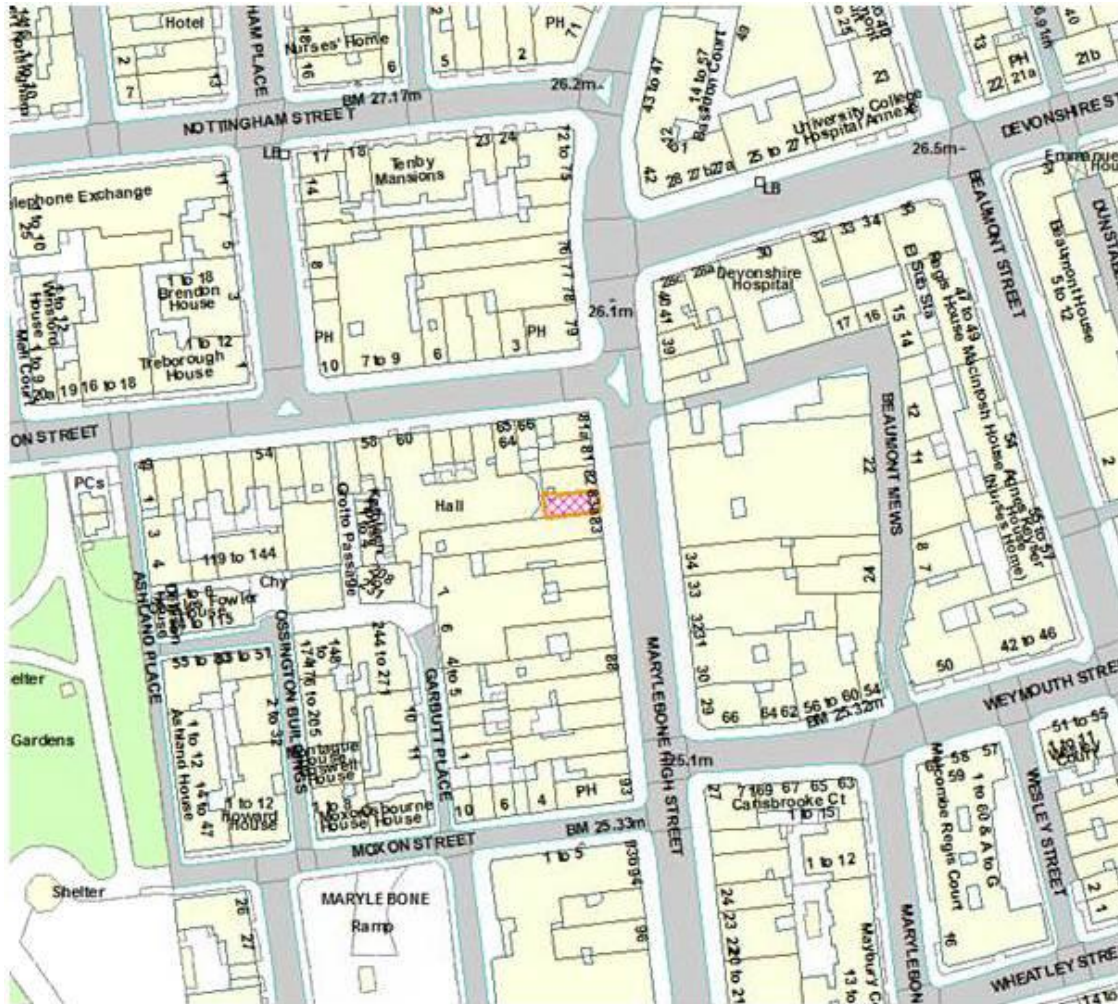


SITE 2



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#### 4. PHOTOGRAPHS

##### SITE 1

##### Harley Street elevation



##### Park Crescent Mews elevation



**View of link building to rear of 142 Harley Street**



**View of link building to rear of 144 Harley Street**



**View of link building to rear of 146 Harley Street**





**SITE 2**  
**Front elevation**



**Rear Elevations**



SITE 3



## 5. CONSULTATIONS

### Site 1

#### HISTORIC ENGLAND

Authorisation given for the City Council to determine the application.

#### MARYLEBONE ASSOCIATION

No objection

#### ENVIRONMENTAL HEALTH

No objection

#### HIGHWAYS PLANNING

No objection

#### CLEANSING

No objection

#### TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

#### THE VICTORIAN SOCIETY

Any response to be reported verbally.

#### ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

#### COUNCIL FOR BRITISH ARCHAEOLOGY

Object:

- Impact on historic fabric due to lowering basement floor, rear extension and lift and wall openings

#### SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

#### THE GEORGIAN GROUP

Any response to be reported verbally.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 12

Total No. of replies: 0

### Site 2

#### MARYLEBONE ASSOCIATION:

No objection.

#### HIGHWAYS PLANNING MANAGER:

Objection on the following grounds:

- Lack of parking for new residential units

**CLEANSING**

No objection

**ADJOINING OWNERS / OCCUPIERS**

No. of original consultees: 61

No. Consulted: 1 objection on the following grounds:

- Loss of light
- Construction impact (traffic, noise and road access)
- Height

**SITE & PRESS NOTICE**

Yes.

**Site 3****MARYLEBONE ASSOCIATION:**

No objection to principle however, modification should be made to ensure compliance with space standards (overcome by amendments to the proposal).

**HIGHWAYS PLANNING MANAGER:**

Objection on the following grounds:

- Lack of parking for new residential unit (No longer applicable)

**CLEANSING**

No objection

**ADJOINING OWNERS / OCCUPIERS**

No. of original consultees: 16

No. Consulted: 0

**SITE & PRESS NOTICE**

Yes.

**6. BACKGROUND INFORMATION****6.1 The Application Site****Site 1**

The application site comprises 142 - 146 Harley Street (grade II listed) and 32-34 Park Crescent Mews West which are unlisted building of merit. The site is located in the Harley Street Conservation Area, the Harley Street Special Policy Area (HSSPA) and the Central Activities Zone (but outside of the Core Central Activities Zone)

142-146 Harley Street was last in medical use (Class D1) at basement level (including basement of No. 32-34 Park Crescent Mews West) and on ground to second floors. The third and fourth floors were in use as four residential units (Class C3). However, permission was granted for the use of these floors as medical (Class D1) on 19



December 2017 as part of a separate land use swap and therefore the change of use of these floors does not form part of this application.

32-34 Park Crescent Mews West are three two-storey Mews properties located on the west side of Park Crescent Mews. The buildings were last in use as residential floorspace (Class C3) at part ground and first floor levels and the ground floor garages were leased on a commercial basis; however, no evidence was provided to demonstrate that these garages had been used in this way for a continuous period of 10 years therefore the lawful position is considered to be residential in line with the 1975 permission detailed in section 6.2 below. These buildings are located to the rear of 142-146 Harley Street and, as indicated above, the basement is functionally linked to the Harley Street buildings.

The immediate area is characterised by both residential and commercial uses.

### **Site 2**

89-92 Marylebone High Street are a group of unlisted terraced buildings of merit located on the western side of Marylebone High Street. The site is located within the Harley Street Conservation Area and the Central Activities Zone (but outside of the Core Central Activities Zone).

The existing buildings comprise of basement and ground retail (Class A1) and restaurant (Class A3) uses and first to third floors are in use as eight residential units (Class C3). It should be noted that the basement and ground floors do not form part of the application.

The immediate area is predominantly in retail use at street level with a small number of restaurants, financial and professional services and public house uses. The upper floors are residential and commercial uses.

### **Site 3**

83a Marylebone High Street is a four storey plus basement unlisted building of merit located on the western side of Marylebone High Street. The site is located within the Harley Street Conservation Area and the Central Activities Zone (but outside of the Core Central Activities Zone).

The of basement and ground is a shop (Class A1) and the first to third floors are in use as two residential units (Class C3). It should be noted that the basement and ground floor level do not form part of this application.

The site is surrounded by a range of uses; predominately retail, restaurants and residential uses.

## **6.2 Recent Relevant History**

### **Site 1**

The last permitted use of ground floor of Nos. 32-34 Park Crescent Mews is as garages providing residential parking in association with three residential units on the upper floors, pursuant to a permission dated 06 March 1975. Condition 7 of this permission stated that these garages shall not be used for any other purposes other than incidental

to the enjoyment of a dwelling house or flat. The use of these garages for residential parking is not protected.

Permission was granted on the 19 December for the use of third and fourth floors as medical use (Class D1). This permission formed part of a land use swap with Stone House, 9-11 Weymouth Street.

### Site 2

No relevant history.

### Site 3

Permission was granted on the 05 June 2001 for the use of the first, second and third floor as two residential units.

## 7. THE PROPOSAL

When taken as a land use package, the following table summarises the land use implications of the development proposal:

		Medical GIA	Residential GIA	Residential Units		
				1-bed	2-bed	3-bed
142 - 146 Harley Street and 32-34 Park Crescent Mews West*	Existing	1503.4	220.7	3	0	0
	Proposed	1808.2	0	0	0	0
	+/-	+304.8	-220.7	-3	0	0
89-92 Marylebone High Street	Existing	0	676.3	2	3	3
	Proposed	0	825	3	3	4
	+/-	0	+148.7	+1	0	+1
83A Marylebone High Street	Existing	0	152.5	2	0	0
	Proposed	0	189	1	0	1
	+/-	0	+ 36.5	-1	0	+1
Combined	Existing	1,503.4	1,049.5	7	3	3
	Proposed	1,808.2	1,014	4	3	5
	+/-	<b>+304.8</b>	<b>-35.5</b>	<b>-3</b>	<b>0</b>	<b>+2</b>

\*The area of the existing third and fourth floor of 142-146 are not included in these figures, as they have been the subject to a separate application.

The main points to take from the above table are that, across the three sites, the proposal would result in a net increase of 304.8 sqm of medical floor space within the Harley Street Special Policy Area, a net loss of 35.5 sqm of residential floorspace and one residential units elsewhere within Marylebone and Fitzrovia, and an increase in two family-sized residential units (i.e. containing three or more bedrooms).

### Site 1

Externally, the proposed scheme involves:

- partially infilling of the light wells,
- erection of new rear extensions at first floor levels to provide plant room;
- enlargement of existing lift at 146 Harley Street;
- removal of the front steps of 142 and 146 Harley Street to enable the installation of a new 'sesame lift' at both buildings; and
- the installation of new plant within a recessed plant enclosure at roof level.

The total increase in area as a result of the proposal is 84.1 sqm GIA.

Internally, alterations are proposed at all levels including:

- the installation of new services and associated risers, replacement of internal lifts within 144 and 146 Harley Street;
- retention of openings at basement and first, second and third floor levels;
- the installation of a new substation at basement and ground floor level within 32 Park Crescent West;
- Installation of new plant within the pavement vaults of number 142-146 Harley Street and the basement and ground floors of 132-134 Park Crescent Mews West; and
- excavation and lowering of concrete slab under 132-134 Park Crescent Mews West and the link building.

It is also proposed to change the use of the three 1-bedroom mews houses which total 220.7 sqm GIA to medical floorspace (Class D1) so that the entire site would become a single medical facility.

As a result of the proposed extensions and the change of use, the total uplift of medical floorspace as a result of the proposal would total 304.8 sqm.

## Site 2

The proposed development involves the erection of a single storey mansard roof extension at 89-92 Marylebone High Street to reconfigure the existing units and to create a new 3- bedroom flat and increase the size of an existing 1-bed flat to provide a 2-bed unit.

The proposed mansard roof extension across all of the buildings is to be of a traditional design with a slate mansard roof and dormer windows to the front and rear elevations of the building and the existing party walls and chimneys are to be raised.

It is proposed to create three rear terraces at fourth floor level and the existing balustrade surrounding the existing terrace at 3rd floor of 89 Marylebone High Street is to be replaced.

It is also proposed to install replacement windows to both the front and rear elevations which will be painted timber double glazed sash window to match existing and it is proposed to install conservation style roof lights at the new 4th floor level of the site.

The total increase of residential floor space as a result of the proposal is 148.7 sqm.

### **Site 3**

The proposed development at 83a Marylebone High Street involves the erection of a single storey roof extension to create a new fourth floor to enlarge the existing second and third floor flat.

The proposed roof extension is to be an additional sheer storey of brickwork to the front elevation with stone cornice above. The rear elevation is to be a double hipped traditional slate mansard roof at a 30 degree pitch with a mansard knee.

The existing rear chimney stack is proposed to be raised 1000mm above the new rear dormer window. The window proposed to the front elevation of the building will be a painted timber double glazed sash window to match existing and there will be conservation style roof lights proposed to one side of the main roof section.

The total increase of residential floor space as a result of the proposal is 36.5 sqm GIA.

During the course of the application, the proposal has been modified to extend the existing flat on the upper floors rather than create an additional unit to ensure compliance with the space standards identified in the London Plan. This responds to the Marylebone Association's recommendation.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

City Plan Policy S14 states that all residential units, floorspace and land will be protected.

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. The policy outlines how a land use swap will be appropriate provided that:

1. the sites are in the vicinity of each other;
2. the mixed use character of the immediate area is secured;
3. there is no net loss of floorspace which is protected by other policies in the plan across the sites taken as a whole;
4. the uses are appropriate and there is no loss of amenity;
5. any residential accommodation is of a higher quality, and
6. the applications are submitted at the same time and all elements are completed within a time frame agreed by the Council.

As the sites are all located within the CAZ and are within close proximity to each other, it is appropriate to assess the three sites as a land use package (i.e. treat them as if they are a single development proposal).

Policy CM2.1 of the City Plan encourages new medical use and complementary facilities within the Harley Street SPA and requires all development in this area to support and enhance the SPA's role as an international centre of medical excellence. City Plan



Policies S34 and UDP Policy SOC 1 both encourage new social and community facilities throughout Westminster.

The proposed increase of 304.8 sq.m (GIA) of medical floorspace within the Harley Street SPA in the form of a large facility is a significant benefit of the scheme and will enhance the role of the SPA as an international centre of medical excellence.

The applicant has attempted to off-set the loss of the residential units and residential floorspace at Site 1 through the provisions of a roof extension to Site 2 to create two additional flats and a roof extension at Site 3 in order to enlarge an existing residential unit and thereby create a family-sized unit. The initial proposal at Site 3 was to create a new residential unit but, because of its small size, would not have met minimum space standards and so the application was amended so that it extended an existing flat.

Despite the applicant's efforts, the package would result in the loss of 35.5 sq.m of residential floorspace and the loss of one residential unit. This is contrary to City Plan Policy S14 and City Plan Policy CM47.1 (Part 3). There are, however, mitigating factors that are considered to outweigh this policy conflict. These are in addition to the benefit of the additional medical floorspace being proposed within the Harley Street SPA.

The replacement residential accommodation proposed at Site 2 and 3 is considered to be superior in quality to the existing residential units at Site 1 due to their dual aspect at all levels and the provision of private amenity space within the two new units.

The applicant has cited the recent permission approved in 2017 at Stone House, 9 Weymouth Street, Suite B and C, Stone House, 9 Weymouth Street and 85 Marylebone High Street where a surplus of 21 sqm, 9 sqm and 43.7 sqm respectively of residential floorspace is to be provided. Whilst the surplus of residential floor space referred to above does not form part of this application package it is acknowledged that the estate is actively working to increase the amount of residential floor space in the vicinity.

The applicant has also offered to make a payment towards the City Council's Affordable Housing Fund to partly mitigate against the loss of residential floorspace. This has been calculated using the same methodology used where applicants are failing to provide on-site residential provision when proposing an office-led scheme (see City Plan Policy S1). In such situations, a payment can be secured to mitigate against the failure to provide the required proportion of that floorspace as affordable housing. In this case, the payment would be £62,000. Whilst it is accepted that there is no policy basis for such a payment, it would assist in mitigating against the loss of 35.5 sq.m of residential floorspace and one residential unit and therefore can be afforded some weight in the determination of the application.

Whilst the loss of residential floorspace and one residential unit is contrary to policy and would normally be refused, it is considered that the provision of 304.8 sqm GIA of additional medical accommodation within the Harley Street SPA, the improved quality of the replacement residential accommodation, the provision of two additional family sized units and the contribution towards the Council's affordable housing fund, means that an exception to policy is justified in this instance.

If approved, the applicant will be required to enter into a legal agreement to ensure that the residential properties within Site 2 and Site 3 are completed and ready for occupation prior to the commencement of the medical use at Site 1.

## 8.2 Townscape and Design

### **Site 1**

142-146 is a group of three grade II listed buildings in the Harley Street conservation area. They are largely unaltered externally, with the exception of a lift enclosure at the rear of no. 144. Internally, good rooms survive at ground, first and second floors. There are some existing party wall openings at basement, ground, and second floors.

The Council for British Archaeology has objected to the impact on historic fabric due to lowering the basement floor, the proposed rear extension and the proposed lift and wall openings.

### **New party wall openings**

There are existing party wall openings at ground floor and basement. Further openings are proposed at basement, second and third floor levels. Our adopted policy on listed buildings (Repairs and alterations to listed buildings SPG) specifies that:

*'Where they are of special architectural or historic interest, the original plan forms of listed buildings should be preserved, or restored where appropriate, and their integrity should not be compromised. It will not normally be acceptable to make openings in the party wall between historic buildings where this would adversely affect the special architectural or historic interest of the building'.*

The originally proposed openings at first and ground floors have been omitted from the application. The remaining party wall openings, including the jib door at second floor are considered acceptable in listed building terms.

Detailed drawings of the jib door will be secured by condition.

### **First floor plant enclosures**

The proposed first floor plant enclosures are all considered acceptable in listed building terms. The enclosures are separated from the main building both in terms of their location, adjacent to the mews, and their materials and design reading as small contemporary additions.

### **Enlarging of existing lift in no 146**

The proposed enlarged lift to replace the existing, along with the associated changes to the layout, is considered to be acceptable. The existing lift already compromise the plan form of the rooms that it passes through. Providing that any cornicing is faithfully copied from the existing, there is no objection to the bed lift.

### **Alterations to plan form in basement and attic storey**

The historic floor plan has not survived in the basement and attic storeys. Changes to the plan form on these two floors are considered to be acceptable. The retention of the rear windows at attic level is welcomed.

**Rooftop plant enclosure**

The rooftop plant enclosure will involve the loss of a certain amount of historic fabric. However, the ridges will be retained, and the roof covering will remain unaffected. Providing that a louvred cover conceals the well and the plant within (secured by condition), this is considered to be acceptable.

**Internal service risers**

New service risers are proposed internally, in the rear rooms of all three buildings. While the design of these has moved on from the original proposal (risers disguised as wardrobes are currently proposed) they are still not considered to be acceptable in historic building terms. In order to avoid cornices, they are very large boxes, which will dominate the rooms they are in, and particularly the fireplaces to which they are adjacent they are very large structures. An amending condition is proposed to remove the risers from the consent, and a further condition will require details of an alternative scheme, possibly recessed into the thickness of the party walls.

**Changes within mews**

The alteration within the mews buildings are modest, and are likely to be acceptable.

**Removal of partitions**

The removal of modern partitions throughout the building is uncontentious.

**Basement lightwell infill.**

The infilling of the basement lightwells and replacement with a single large rooflight to each of the buildings is considered to be acceptable in principle. Details of the rooflights should be secured by condition.

**Sesame Lift**

The proposed sesame lifts are acceptable.

**Excavation at basement level**

The proposed lowering of the basement slab is considered acceptable in listed building terms.

The proposed amount of excavation is not excessive. The floor to ceiling height will be acceptable; the increase will not adversely affect the character of the basement.

The proposed area for excavation is not significant historic fabric. Excavation in basements, particularly beneath vaults is not an unusual proposal, and has very frequently been consented in other projects.

**Site 2**

89 and 90-92 Marylebone High Street are four unlisted buildings in the Harley Street Conservation Area. They are identified in the conservation area audit as buildings which are unsuitable for roof extension, and as unlisted buildings of merit.

Despite the findings of the conservation area audit, it is considered that the proposed roof extension is acceptable as all of the buildings are addressed in a single development, the roof extensions are traditional in form, and they are designed as individual extensions to each building, rather than a large single lateral form.

The current proposal is for an additional roof storey to each of the buildings. In each case a mansard form is proposed - all of traditional form - flat topped with 70 degree pitch, except for no. 90, which also receives an angled roof over the rear stair.

Nos. 89 and 91 are also provided with roof terraces on top of existing rear wings. The use of glass for the balustrades at the rear of the building is not acceptable. Glass is not a suitable material for use on buildings of otherwise traditional construction and materials. An amending condition will require the use of traditional black painted iron or steel railings.

The windows are a combination of traditional lead clad dormers with sash windows and larger (metal) doors to the roof terraces, again within dormers.

The extensions are separated by party wall upstands, chimney stacks are raised, and conservation rooflights.

The proposed roof extensions are acceptable. They create a consistent roofline with one another, and with the other, already extended buildings on Marylebone High Street. The roof extension will exacerbate the height difference between no 92 and no. 93. However, because of the change in material, and the pitch of the roof storey, this will not read as overbearing.

An objection has been received on the grounds that "the height of the building will further erode the character of Marylebone High Street which should be preserved".

The proposed height of the building remains lower than those facing it across Marylebone High Street and is no higher than the norther portion of the terrace. The proposed roofs are traditional in form and materials and the objection is therefore not supported.

Subject to standard conditions, and a condition requiring approval of details of the sash windows and new doors, the proposal is acceptable in design and conservation terms.

### **Site 3**

83A Marylebone High Street is an unlisted four storey building in the Harley Street Conservation Area. It is identified in the conservation area audit as a building which may be suitable for roof extension, and as an unlisted building of merit.

The current proposal is for a roof extension at fourth floor level. The building has a cornice at roof level, above which a large simple pediment is covered in lead. The roof itself is a butterfly roof, the last remaining in this run of terrace, with a V-shaped parapet at the rear. An existing chimney stack relates to the current roof height.

The proposed new roof form is sheer to the front in brickwork and a mansard to the rear with hipped secondary slope.

The site is indeed a suitable one for a roof extension in townscape terms. The buildings to either side are one storey higher. A single storey roof extension would create a consistent roofline.



The proposed roof form is acceptable, with a minor modification to the rear. The front pediment is raised, which is acceptable. The rear parapet is also proposed to be raised, resulting in the loss of the distinctive V-shaped parapet. The chimney stack is to be raised. A ladder and gantry are to be removed, both of which detract from the appearance of the building.

With an amending condition, requiring the retention of the V-Shaped parapet to the rear (in line with the guidance in our Roofs SPG), the proposal will be acceptable in design terms.

The proposed dormers accord with the roofs SPG. The materials are acceptable - lead clad dormers, conservation roof lights, timber sash windows and natural slate roof.

### **8.3 Residential Amenity**

#### **Site 1**

The proposal will have no harmful impact on residential amenity.

#### **Site 2**

An objection has been received from an occupant of 2 Strathray House 30 Marylebone High Street which is located on the opposite side of Marylebone High Street on the grounds of loss of daylight and sunlight as a result of the proposal.

#### **Daylight and Sunlight**

A daylight and sunlight report was submitted with the application. This report assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to existing sensitive properties.

The daylight and sunlight Assessment submitted to support the application assessed windows within 27, 29, 30, 31, 87, 88, 93, 93b & 94 Marylebone High Street, 88 Marylebone High Street, 1, 2, 3, 4, 5 & 6 Garbutt Place, 1, 3, 4 & 6 to 10 Moxon Street and 66 Weymouth Street.

The Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) assessment demonstrate that the losses of daylight or sunlight for winter and annual sunlight comply with the BRE guidance and there are no material losses of either daylight or sunlight. As such, the objection on these grounds is not sustainable.

#### **Sense of Enclosure**

Policy ENV13 of the UDP states that the City Council will seek to ensure new developments do not result in a 'significant increase in the sense of enclosure'. Given the relationship and distance between Site 2 and the surrounding residential properties, it is considered that the proposal will not materially increase the sense of enclosure felt within neighbouring residential properties.

#### **Privacy**

Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity and ensure that new developments do not result in a 'significant increase in overlooking' to neighbouring residential or sensitive buildings.

The proposal would create three new terraces to the rear which overlook commercial premises at the lower level, whilst there are some residential properties further afield along Garbutt Place and along Moxon Street, given the distance to the terraces proposed it considered that there would be no material loss of privacy experienced within neighbouring residential properties.

The proposal introduces new windows to the front and rear of the building. Given the presence of windows at all levels on the lower floors, it is not considered that adjacent properties would experience an increased reduction of privacy as a result of the proposed windows.

### **Site 3**

#### **Daylight and Sunlight**

A daylight and sunlight report has been submitted with the application which assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to existing sensitive properties.

The daylight and sunlight Assessment submitted to support the application assessed windows within 60 & 64 to 66 Paddington Street and 35, 81a, 82 & 83 Marylebone High Street.

The Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) assessment demonstrate that the losses of daylight or sunlight for winter and annual sunlight comply with the BRE guidance, with no material losses of either daylight or sunlight.

#### **Sense of Enclosure**

Policy ENV13 of the UDP states that the City Council will seek to ensure new developments do not result in a 'significant increase in the sense of enclosure'. Given the relationship and distance between Site 3 and the surrounding residential properties, it is not considered that the proposal will materially increase the sense of enclosure felt within neighbouring residential properties.

#### **Privacy**

Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity and ensure that new developments do not result in a 'significant increase in overlooking' to neighbouring residential or sensitive buildings.

The proposal introduces new windows to the front and rear of the building. Given the presence of windows at all levels on the lower floors, it is not considered that adjacent properties would experience an increased reduction of privacy as a result of the proposed windows.

## 8.4 Transportation/Parking

### Site 1

#### **Trip generation & Car Parking**

No car parking is provided for the proposed use. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. As such, the highways officer has indicated that the impact of the change of use on residential bays parking levels is expected to be minimal due to the hours of restriction.

The applicant has not indicated how many patients are likely to attend the site on an average day or the length of appointments. The proposed use of D1 (medical) is likely to generate more trips spread out through the day than the existing approved use of the site. However, given that the quantity of public transport services and general accessibility of the area it is considered that the level of trips generated is unlikely to have a significant impact on the public highway.

#### **Servicing**

No off-street servicing is provided for the proposed development and no information regarding servicing of the proposed site has been submitted. The highways officer has indicated that the proposal is likely to generate approximately 7 trips a day (5-6 supply deliveries and 1-2 refuse collection). The largest regular service vehicle expected to be associated with the proposed development is the refuse collection vehicle. A condition has been imposed requiring a Service Management Plan (SMP) to be agreed prior to occupation to secure a suitable arrangement. An additional condition has also been imposed to ensure no goods are left on the highway during the servicing process.

#### **Cycle Parking**

Cycle parking provision is indicated on the submitted plan but no specific details are provided and no comments are made regarding the provision. The London Plan (2016) requires one space per five staff members. No staffing numbers have been provided. In line with the highways officer recommendation, a condition has been imposed to secure cycle parking based on staff numbers.

### Sites 2 and 3

#### **Parking**

The Highways Planning Manager has objected to the application on the grounds that no off-street parking would be provided in association with the proposed flats..

Whilst the parking stress within the vicinity of Site 2 is 91% during the day (i.e. well above the 80% on-street car park occupancy threshold set out within UDP Policy TRANS 23), the benefits of providing two residential flats are considered to outweigh the potential impact upon on-street car parking stress given the site's excellent public transport accessibility levels. This is subject to securing lifetime (25 year) car club membership for the occupants of the two additional flats at Site 2 by condition.

#### **Cycle Parking**

The Highways Planning Manager has requested a condition require the provision of three cycle spaces in association with the new flat in accordance with the London Plan.

Due to the ground floor being occupied by retail units it is not possible to provide secure bicycle parking at the ground floor of the site. Existing stairs and corridors are narrow and it would be impractical to carry bicycles up to the 4th floor as such, it is considered that it would be unreasonable to secure these spaces by condition..

## 8.5 Economic Considerations

Any economic benefits generated by the developments are welcome.

## 8.6 Access

### Site 1

Level access will be provided to the facility from Harley Street via two sesame lifts at both 142 and 146 Harley Street. Call points will be added to the railings in order to notify reception staff that the use of this facility is required.

The replacement passenger lift at 144 Harley Street will also provide level access to basement, ground & third floor. Additionally, level access is also gained to the stair landings between ground & first floor and first & second floors. The new party wall breaches allow this level access to continue through to 142 Harley Street & 146 Harley Street at basement, ground & third floor.

The new enlarged HTM trolley/stretcher lift at 146 Harley Street will provide level access to all 6 levels. The new party wall breaches allow this level access to continue through to 142 Harley Street & 144 Harley Street at all levels bar the first floor.

The designated fire escape routes would be via 142 Harley Street (mattress evacuation) and/or 146 Harley Street (fire-fighting lift) on all levels with complete party wall breaches; and via 144 Harley Street from the first floor of 144 Harley Street.

Due to the horizontal evacuation strategy, refuge call points will be provided near the stairs of 142 Harley Street & 146 Harley Street at each level.

## 8.7 Other UDP/Westminster Policy Considerations

### **Plant**

#### Site 1

Additional plant is proposed within a new rear extension at first floor within a recessed plant enclosure at roof level, within the pavement vaults of number 142-146 Harley Street and the basement and ground floors of 132-134 Park Crescent Mews West. Environmental Health has no objection to the proposal and the plant is likely to comply with the City Council's standard noise conditions

#### Site 2 & 3

These proposals do not include any additional mechanical services.

## **Refuse /Recycling**

### **Site 1**

The application has been revised to include internal waste storage within the front pavement vaults in line with recommendations from the Cleansing Officer. The proposed waste arrangements will be secured by condition.

### **Site 2**

The proposed waste arrangement are not in line with the council recycling and waste storage requirements. As such, a condition to secure details of waste storage is secured by condition in line with the advice of the Cleansing Manager.

### **Site 3**

The proposed waste arrangement are not in line with the council recycling and waste storage requirements however, given that the proposal is an extension to an existing residential unit it would be unreasonable to secure further details by condition.

## **8.8 London Plan**

This application raises no 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**

### **Site 1**

The application does not trigger any CIL requirements.

The Howard de Walden Estate has offered to make a financial contribution of £62,000 towards the City Council's affordable housing fund (index linked and payable on commencement of development) to mitigate for the loss of 35.5 sq.m of residential floorspace.

As detailed in Section 122 of The Community Infrastructure Levy Regulation (2010), a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is either necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development.

It is considered that this payment is one of the measures to mitigate against the net loss of residential floorspace.

### **Site 2**

The estimated Westminster CIL payment is £59,480 and estimated Mayoral CIL is £7,435.

**Site 3**

The application does not trigger any CIL requirements nor planning obligations.

**8.11 Environmental Impact Assessment**

The proposal is of insufficient scale as to trigger an environmental assessment.

**8.12 Other Issues****Basement and Construction Impacts****Site 1**

The application has been assessed against City Plan Policy CM28.1 which deals with basement excavation. As required by this policy, the applicant has provided a structural method statement setting out the construction methodology. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The application was accompanied by a structural report which has been assessed by Building Control who has advised that the proposed structural approach appears satisfactory. The City Council is not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

An informative is proposed to advise the applicant of the need to obtain a Technical Approval from the City Council's Highways Engineers before beginning excavation works. This will ensure that the structural integrity of the highway will be maintained.

A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the basement construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupants during the construction process to ensure that residents' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of excavation and building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible.



The extent of the proposed basement depth is compliant with CM28.1.

As the entire site is covered by buildings and impermeable surfaces, and given the nature of the proposed development, it is not considered appropriate to require the incorporation of landscaping proposals or sustainable urban drainage measures.

#### **Site 2**

A neighbouring resident has objected due to the potential impacts during construction such as noise, congestion and general disruption. In order to limit disturbance to neighbours, the standard working hours condition is recommended to ensure that building works are only undertaken during the day Monday – Friday, Saturday morning and not at all on Sundays and Bank Holidays. Given the works proposed, it is not considered that any further restrictions would be reasonable.

#### **Site 3**

A condition has been recommended to ensure construction takes place with the Council's standard working hours to ensure neighbouring residents are not unduly affected during the construction period.

### **9. BACKGROUND PAPERS**

#### **Site 1**

1. Application form
2. Response from the Marylebone Association, dated 15 December 2017
3. Response from the Council for British Archaeology, dated 07 December
4. Responses from Historic England, dated 07 December 2017
5. Response from Highways Plannings, dated 24 November 2017
6. Response from Environmental Health, dated 27 November 2017
7. Responses from Building Control, dated 01 and 13 December 2017
8. Responses from the Cleansing Manager dated 28 November and 28 December 2017

#### **Site 2**

1. Application form
2. Response from Marylebone Association, dated 22 December 2017
3. Responses from Highways Planning, dated 22 November 2017
4. Responses from the Cleansing Manager dated 28 November 2017
5. Letter from occupier of 2 Strathray House, 30 Marylebone High Street, dated 5 December 2017

#### **Site 3**

1. Application form
2. Response from Marylebone Association, dated 22 December 2017
3. Responses from Highways Planning, dated 22 November 2017
4. Responses from the Cleansing Manager dated 28 November 2017

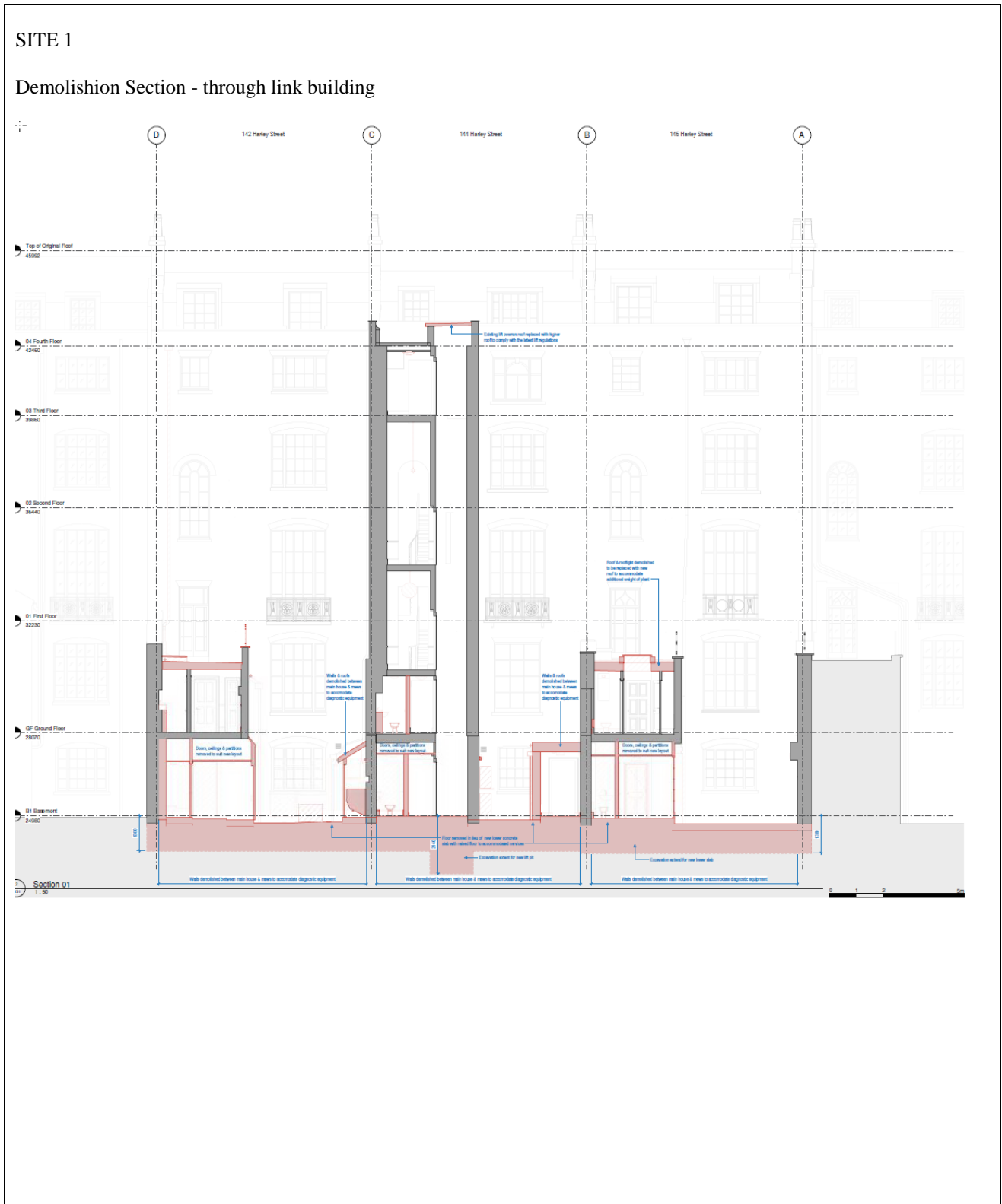
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

Item No.
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<b>1</b>
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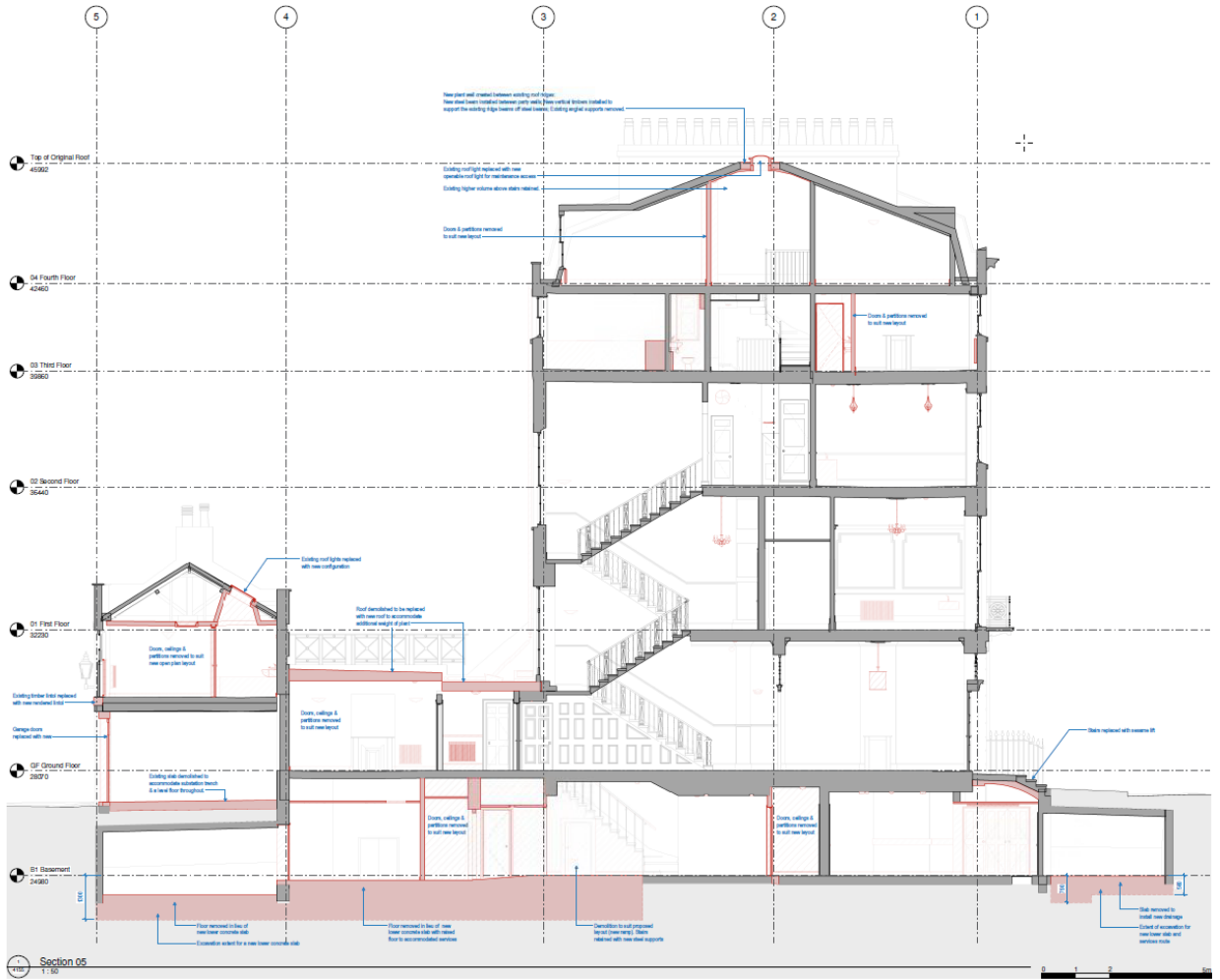
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT <a href="mailto:MHOLLINGTON2@WESTMINSTER.GOV.UK">MHOLLINGTON2@WESTMINSTER.GOV.UK</a> .
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## 10. KEY DRAWINGS





Demolition Section - through both Harley Street and the mews building



Proposed Section - through both Harley Street and the mews building







Proposed Rear Elevation



Site 2

Existing Front Elevation



Proposed Front Elevation



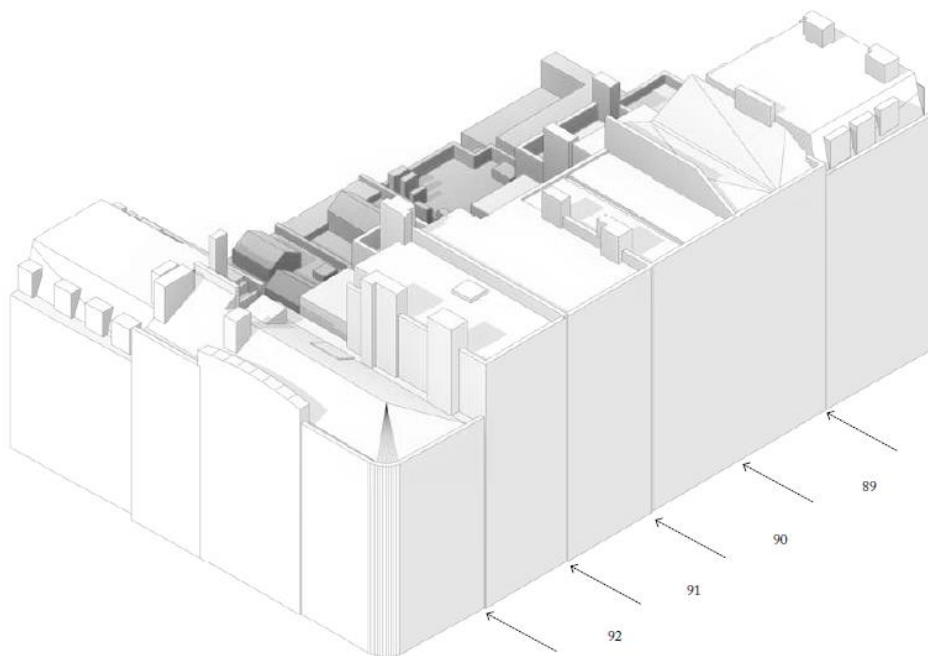
### Existing Rear Elevation



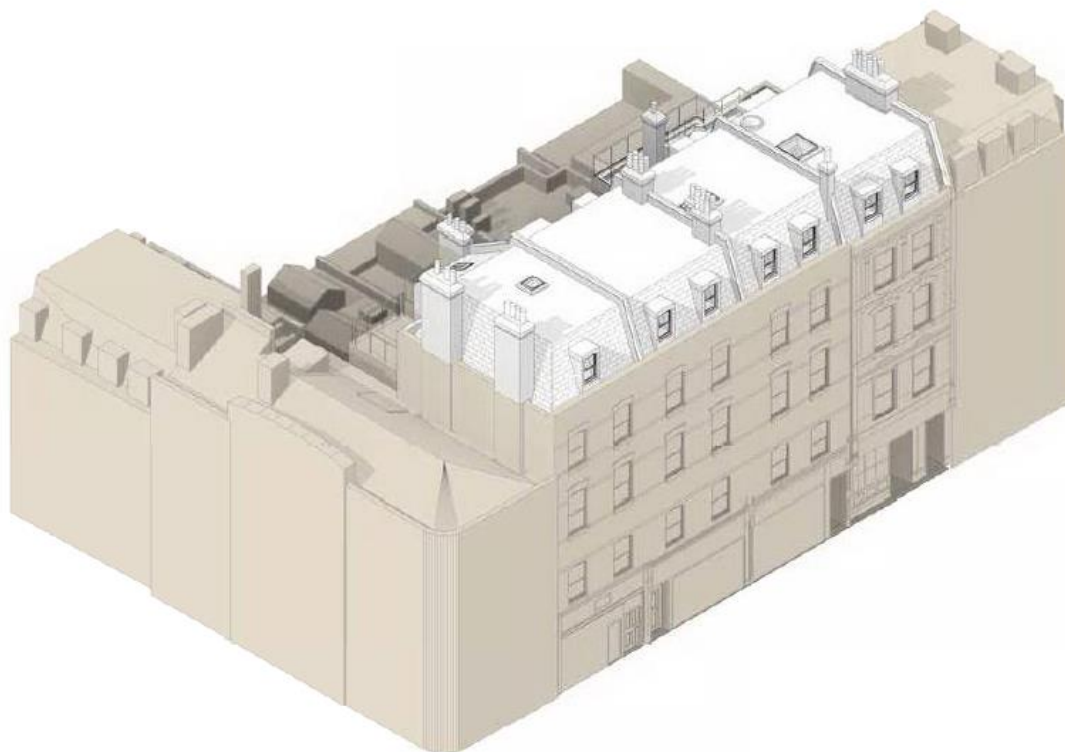
### Proposed Rear Elevation



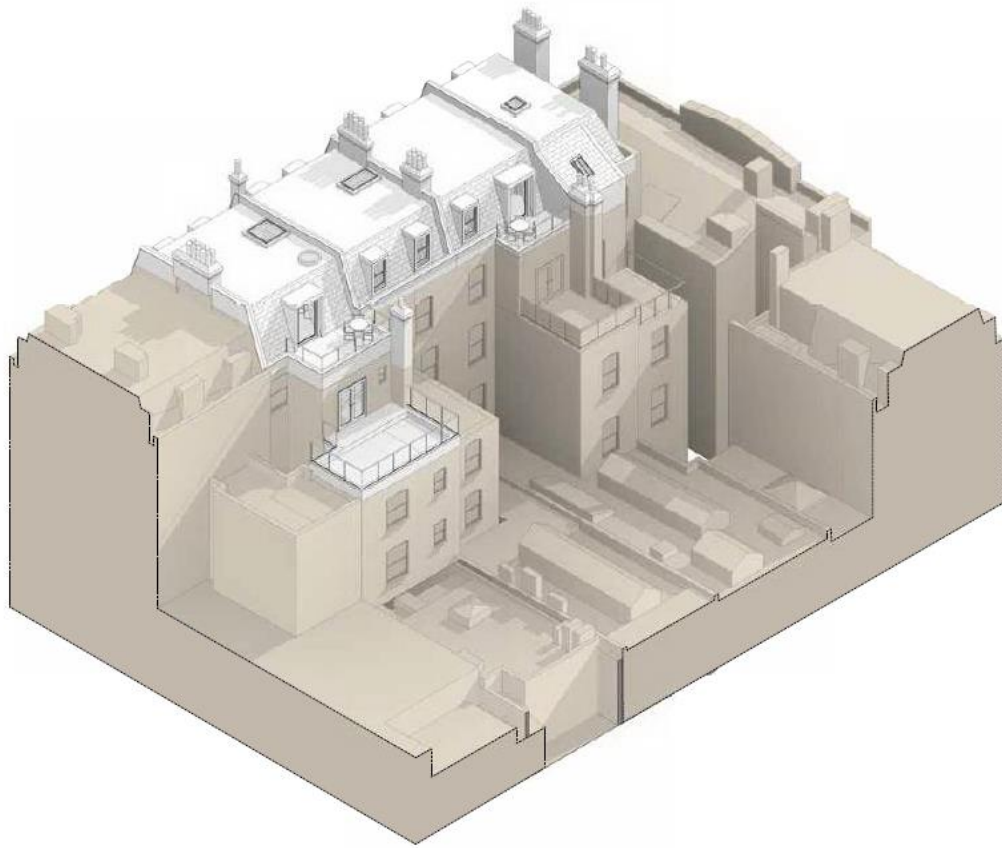
Existing Marylebone High Street Overview



Proposed Marylebone High Street Overview



Proposed Rear Overview





Site 3

Existing Elevations



# Proposed Elevations

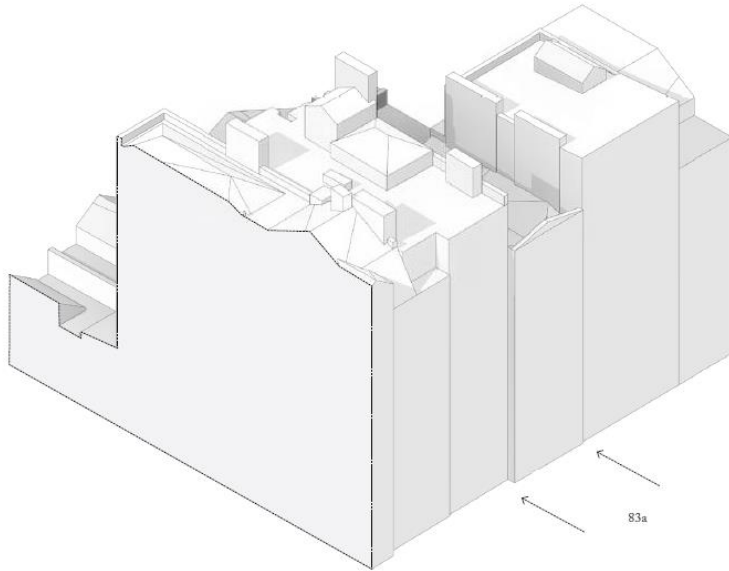


2 South Elevation  
1:50

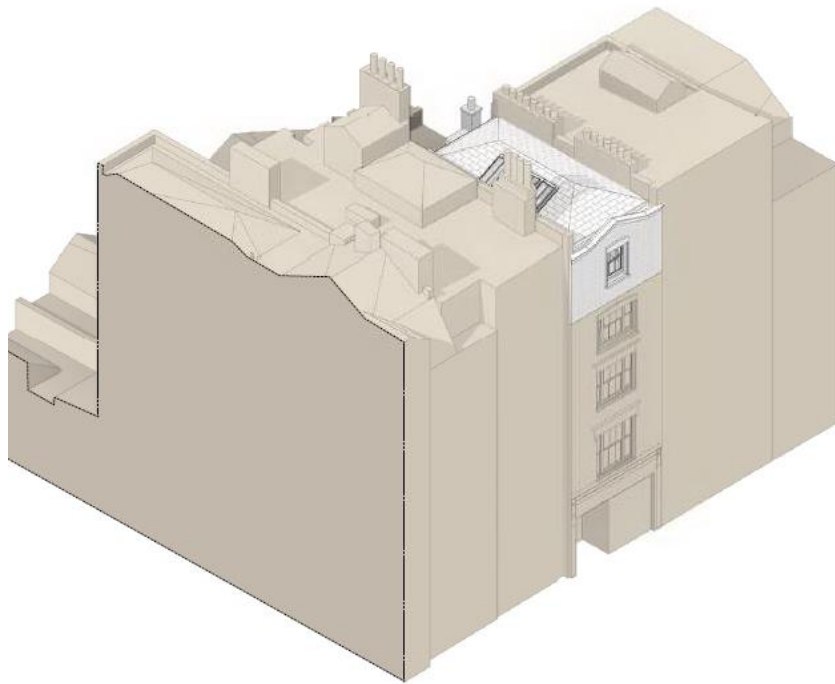


1 North Elevation  
1:50

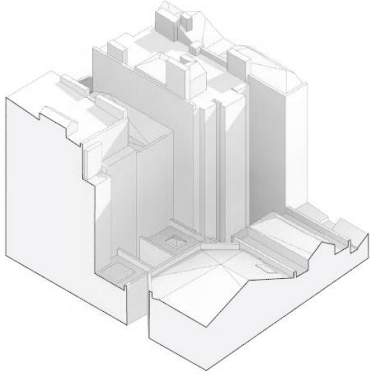
Existing Front Overview



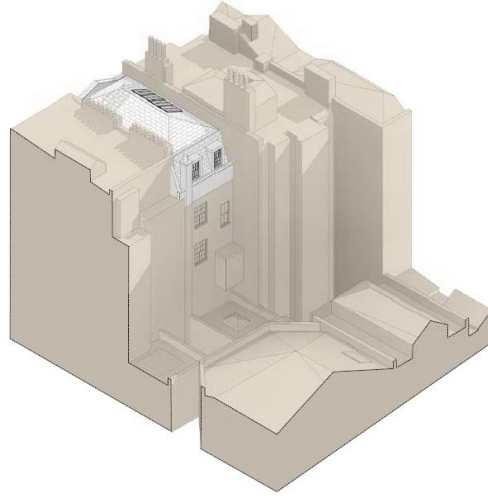
Proposed Front Overview



Proposed Rear Overview



EXISTING MASSING: REAR



PROPOSED MASSING: REAR

**DRAFT DECISION LETTER (SITE 1)**

**Address:** 142 - 146 Harley Street, London, W1G 7LE,

**Proposal:** Use of the ground and first floor of 32-34 Park Crescent Mews as medical (Class D1). Alterations including excavation at lower ground floor level, partial infilling of rear light wells, erection of new rear extensions at first floor levels to provide plant rooms and enlargement of existing lift, all in order to provide additional medical (Class D1) floorspace at 142-146 Harley Street. Removal of the front steps of 142 and 146 Harley Street and the installation of a new 'sesame lifts' to both buildings. Installation of new plant within existing vaults and at roof level and installation of a new sub-station at ground floor level of 32 Park Crescent Mews West. (Part of a land use swap with 83A Marylebone High Street and 89-92 Marylebone High Street).2. Erection of a single storey mansard roof extension and reconfiguration of existing units to create two additional residential units (Class C3), creation of three new terraces, one at rear third floor level and two to the rear of the new fourth floor (Part of a land use swap with 142-146 Harley Street and 32-34 Park Crescent Mews West).

**Reference:** 17/09778/FULL

**Plan Nos:** 1654 ST XX ZZ DR A 2131 A9, 1654 ST XX ZZ DR A 2136 A9, 1654 ST XX B1 DR A 2151 A13, 1654 ST XX GF DR A 2152 A13, 1654 ST XX 01 DR A 2153 a13, 1654 ST XX 02 DR A 2154 A13, 1654 ST XX 03 DR A 2155 A13, 1654 ST XX 04 DR A 2156 A9, 1654 ST XX RF DR A 2157 A9, 1654 ST XX ZZ DR A 2181 A9, 1654 ST XX ZZ DR A 2231 A13, 1654 ST XX ZZ DR A 2236 a13, 1654 ST XX ZZ DR A 2246 A13, 1654 ST XX B1 DR A 2251 A13, 1654 ST XX GF DR A 2252 A13, 1654 ST XX 01 DR A 2253 A13, 1654 ST XX 02 DR A 2254 A13, 1654 ST XX 03 DR A 2255 A13, 1654 ST XX 04 DR A 2256 A13, 1654 ST XX RF DR A 2257 A13, 1654 ST XX ZZ DR A 3151 A13, 1654 ST XX ZZ DR A 3152 A13, 1654 ST XX ZZ DR A 3153 A9, 1654 ST XX ZZ DR A 3154 A13, 1654 ST XX ZZ DR A 3155 A13, 1654 ST XX ZZ DR A 3251 A13, 1654 ST XX ZZ DR A 3252 A13, 1654 ST XX ZZ DR A 3253 A9, 1654 ST XX ZZ DR A 3254 a13, 1654 ST XX ZZ DR A 3255 A13, 1654 ST XX ZZ DR A 4151 a13, 1654 ST XX ZZ DR A 4152 A9, 1654 ST XX ZZ DR A 4153 A9, 1654 ST XX ZZ DR A 4154 A9, 1654 ST XX ZZ DR A 4251 A13, 1654 ST XX ZZ DR A 4155 A13, 1654 ST XX ZZ DR A 4252 A10, 1654 ST XX ZZ DR A 4253 A13, 1654 ST XX ZZ DR A 4254 A13, 1654 ST XX ZZ DR A 4255 A13,

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

**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 You must provide the waste store shown on drawing 1654-ST-XX-ZZ-DR-A-SK64 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the medical use. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 3 The medical use hereby approved shall only be used in connection with the existing medical use (class D1) at 142 - 146 Harley Street.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets SOC 1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007 and S29 and S34 of the Westminster City Plan (November 2016). (R07AB)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 5 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)

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)

- 6 Prior to the commencement of the medical use hereby approved, you must apply to us for approval of a Servicing Management Plan for the medical use. You must not occupy 32-34 Park Crescent Mews West and the ground floor infill extension or new rear extensions at first floor levels of 146 Harley Street for medical purposes until we have approved what you have sent us.

You must then service the premises in accordance with the approved Servicing Management Plan. (C26CB)

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)

- 7 No goods or waste to be left on the highway following delivery or prior to collection.

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)

- 8 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must apply to us for approval of detail (1:5 and 1:20) of the following parts of the development:

- New rooflights.

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 (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 You must install a louvered cover within the front lightwell to conceal the well and the mew plant within 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

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)

- 12 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not 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 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 L A90, 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

- 13 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.

- 14 Notwithstanding the details shown on the approved drawing, the use of the third and fourth floors of 142-146 Harley Street as medical accommodation, does not form part of this application

Reason:

To make sure that replacement residential accommodation is provided on an alternative site in line with the terms with the approved planning permission dated 19.12.2017 (RN:17/05226).

**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 With reference to condition 11, please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.

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 (SITE 1)**

**Address:** 142 - 146 Harley Street And 32-34 Park Crescent Mews West , London, W1G 7LE

**Proposal:** Internal and external alterations to the buildings including breaches to internal party walls at various floor levels, excavation at lower ground floor level, partial infilling of light wells, erection of new rear extensions at first floor levels, installation of new lift to the rear of 142 Harley Street and enlargement of existing lift at 146 Harley Street, removal of the front steps of 142 and 146 Harley Street for the installation of a new sesame lift at both buildings. Installation of new plant within existing vaults and at roof level and installation of a new sub-station at ground floor level of 32 Park Crescent Mews West.

**Reference:** 17/09779/LBC

**Plan Nos:** 1654 ST XX ZZ DR A 2131 A9, 1654 ST XX ZZ DR A 2136 A9, 1654 ST XX B1 DR A 2151 A13, 1654 ST XX GF DR A 2152 A13, 1654 ST XX 01 DR A 2153 a13, 1654 ST XX 02 DR A 2154 A13, 1654 ST XX 03 DR A 2155 A13, 1654 ST XX 04 DR A 2156 A9, 1654 ST XX RF DR A 2157 A9, 1654 ST XX ZZ DR A 2181 A9, 1654 ST XX ZZ DR A 2231 A13, 1654 ST XX ZZ DR A 2236 a13, 1654 ST XX ZZ DR A 2246 A13, 1654 ST XX B1 DR A 2251 A13, 1654 ST XX GF DR A 2252 A13, 1654 ST XX 01 DR A 2253 A13, 1654 ST XX 02 DR A 2254 A13, 1654 ST XX 03 DR A 2255 A13, 1654 ST XX 04 DR A 2256 A13, 1654 ST XX RF DR A 2257 A13, 1654 ST XX ZZ DR A 3151 A13, 1654 ST XX ZZ DR A 3152 A13, 1654 ST XX ZZ DR A 3153 A9, 1654 ST XX ZZ DR A 3154 A13, 1654 ST XX ZZ DR A 3155 A13, 1654 ST XX ZZ DR A 3251 A13, 1654 ST XX ZZ DR A 3252 A13, 1654 ST XX ZZ DR A 3253 A9, 1654 ST XX ZZ DR A 3254 a13, 1654 ST XX ZZ DR A 3255 A13, 1654 ST XX ZZ DR A 4151 a13, 1654 ST XX ZZ DR A 4152 A9, 1654 ST XX ZZ DR A 4153 A9, 1654 ST XX ZZ DR A 4154 A9, 1654 ST XX ZZ DR A 4251 A13, 1654 ST XX ZZ DR A 4155 A13, 1654 ST XX ZZ DR A 4252 A10, 1654 ST XX ZZ DR A 4253 A13, 1654 ST XX ZZ DR A 4254 A13, 1654 ST XX ZZ DR A 4255 A13,

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

**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 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:  
i - The removal of the service risers:

ii - Alternative scheme for internal service routes (possibly recessed into the thickness of the party walls),

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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 You must apply to us for approval of detail (1:5 and 1:20) of the following parts of the development:,
- i - New rooflights,
  - ii - The jib door.

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 (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must install a louvered cover within the front lightwell to conceal the well and the mew plant within 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 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)

- 6 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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 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)

**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 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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 (SITE 2)**

**Address:** 89 Marylebone High Street, London, W1U 4QW,

**Proposal:** Erection of a single storey mansard roof extension and reconfiguration of existing units to create two additional residential units (Class C3), creation of three new terraces, one at rear third floor level and two to the rear of the new fourth floor accommodation (Part of a land use swap with 142-146 Harley Street and 32-34 Park Crescent Mews West).

**Reference:** 17/09781/FULL

**Plan Nos:** 1614-HA-Z1-DR-A 03102 Rev 1, 1614-HA-Z1-DR-A 02104 Rev 1, 1614-HA-Z1-DR-A 03104 Rev 1, 1614-HA-Z1-DR-A 72100 rev 1, 1614-HA-Z1-DR-A 03203 Rev 1, 1614-HA-Z1-DR-A 02205 Rev 1, 1614-HA-Z1-DR-A 02204 Rev 4, 1614-HA-Z1-DR-A 02202 Rev 1, 1614-HA-Z1-DR-A 04203 Rev 1, 1614-HA-Z1-DR-A 04201 Rev 1, 1614-HA-Z1-DR-A 04202 Rev 1, 1614-HA-Z1-DR-A 03204 Rev 1, 1614-HA-Z1-DR-A 04202 Rev 1, 1614-HA-Z1-DR-A 02203 Rev 3, 1614-HA-Z1-DR-A 03201 Rev 1

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

**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 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 4 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation, which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms. (C07DC)

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 5 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not occupy the residential units hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the residential units. (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)

- 6 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of details of all new sash windows and doors (1:50 and 1:20). 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. (C26DB)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

8 **Pre-commencement condition**

You must not commence development until we have approved appropriate arrangements to secure the following:

- Arrangements to mitigate the impact of the development on on-street parking demand in the area

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

**Reason**

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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

- the terrace balustrades must be black painted iron or steel and traditional in design.

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.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an

application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Under condition 8, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure lifetime (25 years) car club membership for future occupiers. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

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 (SITE 3)**

**Address:** 83A Marylebone High Street, London, W1U 4QP

**Proposal:** Erection of roof extension to create new fourth floor level to enlarge existing second and third floor flat (Class C3) (Part of a land use swap with 142-146 Harley Street and 32-34 Park Crescent Mews West)

**Reference:** 17/09780/FULL

**Plan Nos:** 1614-HA-Z3-DR-A- 03101 Rev 1, 1614-HA-Z3-DR-A- 02100 Rev 1, 1614-HA-Z3-DR-A- 04101 Rev 1, 1614-HA-Z3-DR-A-72200 Rev 1, 1614-HA-Z3-DR-A-72100 Rev 2, 1614-HA-Z3-DR-A-032101 Rev 1, 1614-HA-Z3-DR-A-02204 Rev 4, 1614-HA-Z3-DR-A-04201 Rev 2

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

**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 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation, which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms. (C07DC)

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 4 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of details (1:5 and 1:20); of the following parts of the development:

- all new dormers.

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 (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

- the retention of the V-Shaped parapet to the rear (in line with the guidance in our Roofs SPG),

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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to

10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**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.

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