

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 August 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	83A Piccadilly, London, W1J 8JA		
Proposal	Use of the ground floor and basement level for a car showroom use (<i>sui generis</i>) and alterations to shopfront to Clarges Street elevation to form vehicular entrance.		
Agent	DP9		
On behalf of	British Land Company PLC		
Registered Number	19/03717/FULL	Date amended/ completed	15 May 2019
Date Application Received	15 May 2019		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

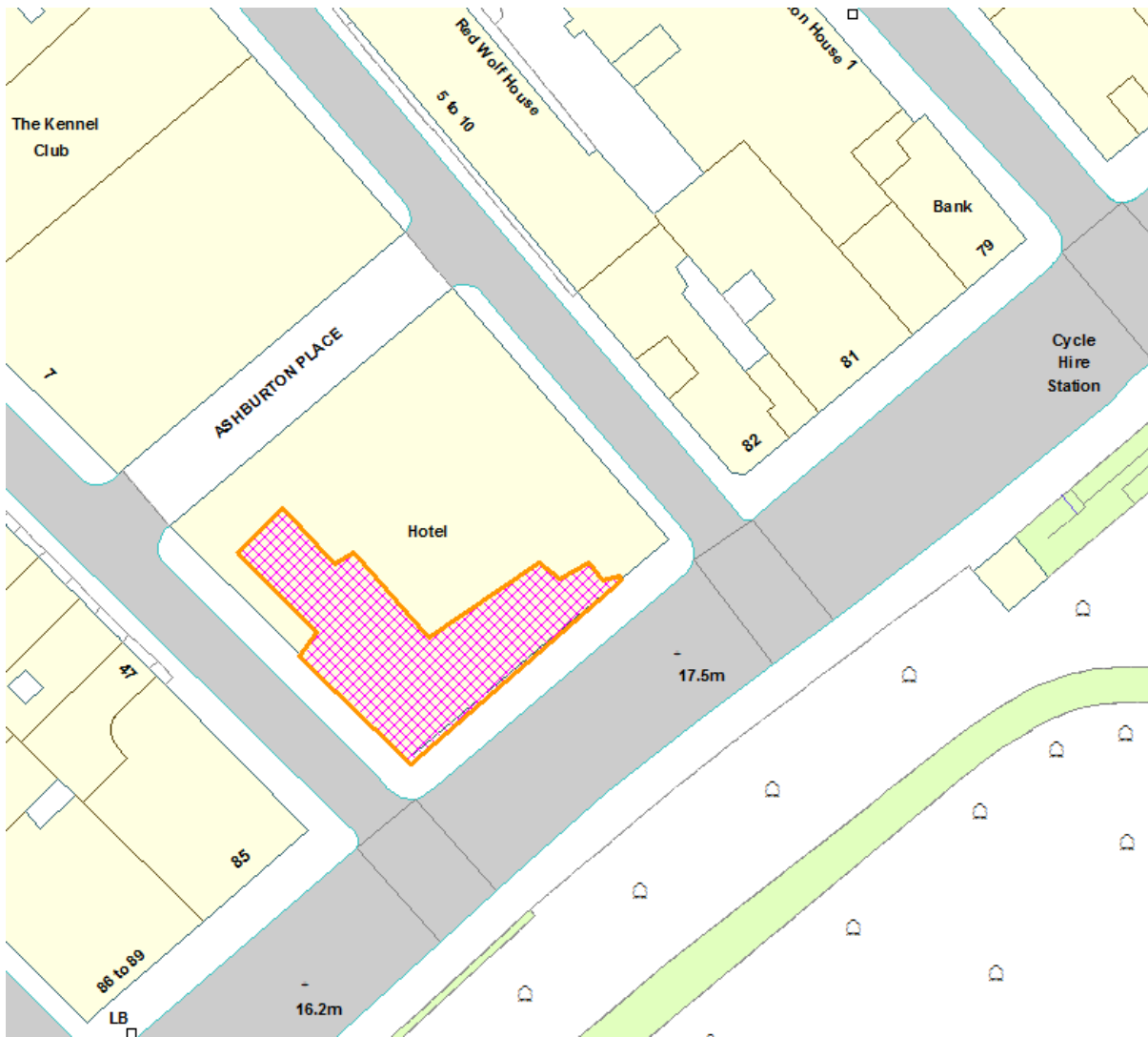
Refuse permission – highway safety.

2. SUMMARY

This application involves the use of a ground and basement floor unit on the corner of Piccadilly and Clarges Street as a car showroom. Alterations to the existing shopfront are also proposed including the replacement of existing doors with sliding/folding doors onto Clarges Street. A new vehicular entrance is proposed on the Clarges Street frontage to enable display vehicles to enter/exit the proposed car showroom.

The car showroom use is considered to provide a service to visiting members of the public, providing an active frontage and is considered acceptable in land use terms. The key issue in this case is the impact of the use in highway safety terms. The proposed crossover is considered to result in an increase in the conflict point for pedestrians and other highway users with motor vehicles and would lead to a reduction in highway safety. In addition, the servicing of the car showroom use is considered to have a significantly adverse impact on the surrounding highway network to other highway users and traffic flows. The application is subsequently recommended for refusal on highway safety grounds.

3. LOCATION PLAN



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

4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Objects on the grounds that the introduction of vehicular access in this location would result in an increase in the conflict point for pedestrians and other highway users with motor vehicles and would lead to a reduction in highway safety; and on the grounds that the servicing of the car showroom use would have a significantly adverse impact on the surrounding highway network to other highway users and traffic flows.

WASTE PROJECT OFFICER

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 77; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application involves a vacant ground and basement floor unit on the corner of Piccadilly and Clarges Street within the Mayfair conservation area. The unit forms part of a wider site which has been recently redeveloped following a permission granted in 2013. There are 33 flats within the upper floors of the building from first floor level and above.

The character of this part of Piccadilly is a mix of commercial, entertainment and residential uses. As well as those flats above the application site, there are also a number of other residential properties within the immediate vicinity, including 16 flats at 47 Clarges Street directly opposite the site.

6.2 Recent Relevant History

Planning permission granted in November 2013 for Demolition of existing building at 82-84 Piccadilly, 29 Bolton Street, 1-5 Clarges Street and 6-12 Clarges Street, and redevelopment to provide development over four blocks as follows: Block A:

Construction of a building comprising three basement levels, ground and nine upper floors and roof level plant room, containing plant, car parking, retail and/or art gallery and/or car showroom use (Class A1/A2/D1/sui generis) and residential (Class C3) uses.

Block B: Construction of new office building (Class B1) comprising of two basement levels, ground and six upper floors plus roof level plant and retail and/or art gallery and/or restaurant (Class A1/A2/A3/D1) at part ground and part basement levels. Block

C: Construction of new building of basement, ground, plus four upper floors for use as a

club to include offices, member's lounge, bar and dining facilities, library, museum, gallery, records storage and temporary overnight sleeping accommodation for staff (sui generis use). Block D: Construction of new building comprising basement, ground and five upper floors for residential use (Class C3). New vehicular and pedestrian access route between Clarges Street and Bolton Street.

7. THE PROPOSAL

The application is for the use of the basement and ground floors as a car showroom. Alterations to the existing shopfront are also proposed including the replacement of existing doors with sliding/folding doors onto Clarges Street to allow a new vehicular access point that would enable display vehicles to enter/exit the proposed car showroom.

The applicant has confirmed that the showroom will be the premier London showroom for the Porsche brand, but will be for display of vehicles only, and will not be used for test drives. No vehicle maintenance activities will take place on site and it is understood that the showroom will display both new and some pre-owned cars.

Hours of operation are:

- 08:30 to 18:00 on Mondays to Fridays.
- 09:00 to 17:00 on Saturdays
- 11:00 to 17:00 on Sundays.

Servicing hours are from 08:00 to 18:00 (Mondays to Saturdays) and 11:00-16:00 on Sundays.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Car showroom use

The principle of the proposed car showroom use was approved under the 2013 permission which permits occupation of the unit for flexible retail and/or art gallery and/or car showroom use. However, Condition 46 of that permission enables the car showroom use to be operated for the static display of vehicles only, and prohibits driving demonstrations and customer test drives, and restricts any changing of display vehicles to no more than once in any calendar month. This application seeks a less restricted car showroom use to operate from this unit. The highway impacts arising from this use are set out in further detail below.

Loss of retail

Condition 30 of the 2013 permission requires a minimum of 403sqm (GIA) of Class A1 retail floorspace to be provided within the two units facing Piccadilly, with a minimum of 187sqm (GIA) at ground floor level. The other retail unit within this development, on the corner of Piccadilly and Bolton Street, will partially fulfil this requirement, as it is currently being fitted out as a delicatessen (Class A1) and will provide 195 sqm of retail floorspace at ground floor level. However, in the event that the car showroom use is approved on this site, there would be an overall net shortfall of 208 sqm of retail floorspace as

originally required by Condition 30. The loss of retail accommodation therefore needs consideration.

The City Council places a high priority on retaining A1 uses and Policy SS5 of the Unitary Development Plan (2007) aims to protect retail uses within the CAZ, particularly at ground floor level. The policy does allow for some flexibility for the introduction of a non-A1 use where it would not be detrimental to the character or function of the area. Policy S21 of the City Plan states that A1 uses will be protected throughout Westminster. Exceptions to the policies can be made if the City Council consider the unit is not viable. In this case, despite the completion of the development in December 2017 and extensive marketing by Nash Bond Ltd and CBRE Limited for a period of over eighteen months from December 2016 to August 2018, the applicant claims that limited A1 occupier interest has been shown in the site and appropriate A1 tenant(s) have not been found to occupy the floorspace. The unit has therefore remained vacant for over 19 months. Whilst this marketing evidence has not been independently tested by the City Council, it is recognised that the car showroom use would provide a service to visiting members of the public and does have an active shopfront. Car showrooms are also characteristic of Piccadilly and is not considered to harm the character and function of the area or to the vitality and viability of this part of the Core CAZ. In these circumstances, the proposed use is not considered detrimental to the character and function of the locality.

8.2 Townscape and Design

The alterations are considered to be in keeping with the existing building and are considered acceptable in this location within the Mayfair Conservation Area.

8.3 Residential Amenity

It is not considered that the change of use would have any significant impact on the amenity of surrounding residential occupiers, the closest of which are at 47 Clarges Street opposite the site. The activity associated with a car showroom of this type is likely to be relatively low-key given that the applicant states that cars would not be driven off the premises by customers for test drives. In amenity terms, the hours of deliveries could be controlled by condition to reduce any impact on residents.

8.4 Transportation/Parking

The proposal also involves creating a new vehicle access to the ground floor unit on Clarges Street across the existing footway. The submission documents indicate that the proposed car showroom would generate some 25 movements each week (revised down from 50).

The applicant indicates that no test drives would occur from the site, but vehicles would be driven across the footway for:

- car delivery to the showroom;
- car movement from the showroom;
- car collection by a customer; and
- general servicing deliveries.

The process now involves transfer of vehicles from the existing Porsche showroom in Mount Street (although the applicant had previously indicated that the Piccadilly site would replace this showroom). This process would involve additional trips on the network, increasing both pollution and localised congestion.

The Highways Planning Manager has objected to the application and does not consider that a vehicular access in this location is acceptable in terms of road safety. The vehicle access is considered to create a conflict point with pedestrians. Additionally, the proposed vehicle access provides no visibility splays for pedestrians for a vehicle exiting the site. The lack of visibility splays significantly increases the risk to highway users (including pedestrians). This is of a particular concern if drivers are inexperienced with a high-performance vehicle and, whilst the applicant has proposed the use of banksman for all car movements, they would need to control other highway users (which is not within their powers). This is considered a design flaw that also relies on intensive long-term management.

The applicant argues that the showroom would operate the same as the Porsche showroom on Mount Street. However, the permission granted for the showroom here is heavily restricted. The consent in place enables the showroom only to be used to display vehicles for sales and not for customer collections. A separate basement area exists (accessed from Carpenter Street) where customer cars for collection are meant to be stored and a condition prohibits test drives and the supply of vehicles to customers.

While the applicant indicates that any vehicle change-over would occur within the building, based on the submitted drawings, it is not considered that this has been demonstrated and the Highways Planning Manager believes that it is highly doubtful that the majority of vehicles could be reached without removing other vehicles onto the highway. Further, with other vehicles present, it is unlikely that a single vehicle could be turned within the site – therefore vehicles would either need to enter or exit the site in a reverse movement.

The proposed new vehicular access is not considered to secure an improved environment for pedestrians, with particular regard to their safety, ease, convenience and directness of movement and is considered contrary to S41 and TRANS3.

Servicing

S42 and TRANS20 require off-street servicing. The applicant has stated that it is not intended to deliver any cars to the site by car transporter and that all vehicles will be driven to the site. While the applicant indicates a link with the existing Porsche car showroom at Mount Street, if the Mount Street site were to close it is not clear how the application site would operate, and it is likely that cars would then be delivered to the site by car transporter resulting in localised congestion. Significant concern is raised to display vehicles been dropped off on the highway and how this process will be managed and how vehicles will enter the units. It is not considered that the applicant has demonstrated that the car showroom use could be serviced without adverse impact on highway users (including pedestrians and traffic flow).

Further, given the original development has a combined managed loading bay, accessed via the basement, it is unclear why other general deliveries now need to be

on-street. This aspect is not considered to either maintain or improve the servicing situation, when compared to the existing approved servicing arrangements.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

Level access is provided into the unit from both Piccadilly and Clarges Street frontages.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

The examiner's report on the Mayfair Neighbourhood Plan was published on 11 June 2019 with recommendations. The City Council intends to accept all these recommendations and proceed to a local referendum. The publication of the examiner's report means that the Mayfair Neighbourhood Plan is now a material consideration for making planning decisions in the area. However, it will not have full development plan weight until the referendum process has been properly completed.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

Not relevant.

8.14 Other Issues

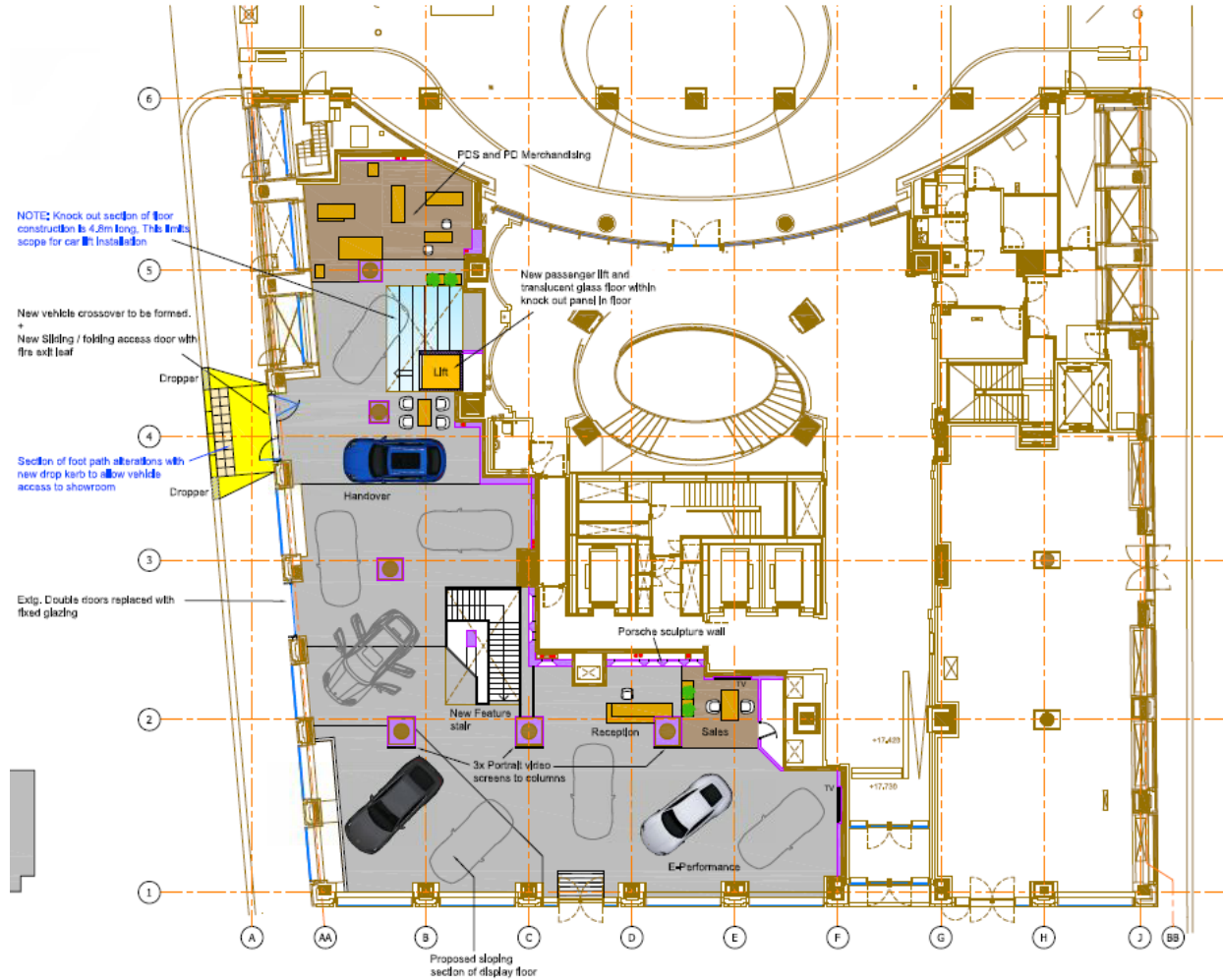
None relevant.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

9. KEY DRAWINGS

Proposed Ground floor plan



Proposed Elevations



DRAFT DECISION LETTER

Address: 83A Piccadilly, London, W1J 8JA,

Proposal: Use of the ground floor and basement level for a car showroom use (sui generis) and alterations to shopfront to Clarges Street elevation to form vehicular entrance.

Plan Nos: P270 01 Rev J, 04 Rev C; 09047 SQP_BA_00_GA_GF_1052 C03, 09047 SQP_BA_00_GA_B1_0004 C05

Case Officer: Josephine Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

Reason:

- 1 The means of vehicular access to the showroom and on-street servicing would be unsafe and would have a detrimental impact on the operation of the highway. The proposal is contrary to S41 and S42 of Westminster's City Plan (November 2016) and TRANS 2, TRANS 3 and TRANS 20 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.