

CITY OF WESTMINSTER			
PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE	Date 8 March 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	70-73 Piccadilly and 1-7 Berkeley Street London, W1J 8HP,		
Proposal	<p>Variation of Conditions 1, 11 and 15 of planning permission dated 4 March 2020 (RN: 18/10021/FULL) for, 'Part demolition of, and extensions to, the existing buildings, including a 2 storey roof extension; the refurbishment of the existing and creation of new office (Class B), hotel (Class C1), retail (Class A1 - A5) and Leisure and non-residential institutions (Class D1 - D2) floorspace with ancillary functions; basement refurbishment works; the erection of a 5 storey pavilion on the corner of Piccadilly and Dover Street; Installation of plant at roof level; hard and soft landscaping works as part of an improved public realm offering at Dover Yard and pedestrian route between Dover Street and Berkeley Street, including the creation of additional retail outlets; and other ancillary works. (Site includes 1 - 7 Berkeley Street)';</p> <p>Namely: to amend approved drawings to deliver a contractable canopy to the east side of Dover Yard, addition of a canopy to the hotel entrance at Berkley Street, expansion of the green wall to Berkeley Street and Dover Yard, revised landscaping scheme for Dover Yard, introduction of a small retail kiosk at Dover Yard Passage, amendments to lift overrun and plant screen, and minor façade amendments to the Annex Building (all amendments to drawings approved under Condition 1); to support the allowance of a car retail showroom use (Sui Generis) within the commercial units (amendments to Condition 11); and, to allow the placement of furniture in Dover Yard to be subject to a Management Plan (amendments to Condition 15). Application made under S73 of the Act</p>		
Agent	DP9		
On behalf of	Crosstree Real Estate Partners LLP		
Registered Number	20/06991/FULL	Date amended/ completed	23 February 2022
Date Application Received	3 November 2020		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1 RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation to the original s106 legal agreement dated 4 March 2020 (under application RN: 18/10021/FULL), which secured the following:
 - i. A financial contribution towards employment, training and skills of £88,188 (index linked); payable on commencement of development;
 - ii. A servicing management plan;
 - iii. A walkways agreement;
 - iv. Stopping up the highway.
 - v. The costs of monitoring the S106 legal agreement
2. If the legal agreement has not been completed within 3 months from the date of the Committee's resolution then:
 - a) the Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however if not
 - b) the Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of benefits that would have been secured; if so the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2 SUMMARY

This application is submitted under S73 of the Act and seeks to vary conditions on a permission dated 4 March 2020. Works are ongoing on site implementing the approved scheme which included refacing buildings on Piccadilly and Berkeley Street and a 2- storey roof extension. The current application proposes design alterations including extending a green wall on Berkeley Street and provision of a green wall and changes to the landscaping within Dover Yard. The application includes the use of the retail unit on the corner of Piccadilly and Berkeley Street as a car showroom.

The key issues for consideration are:

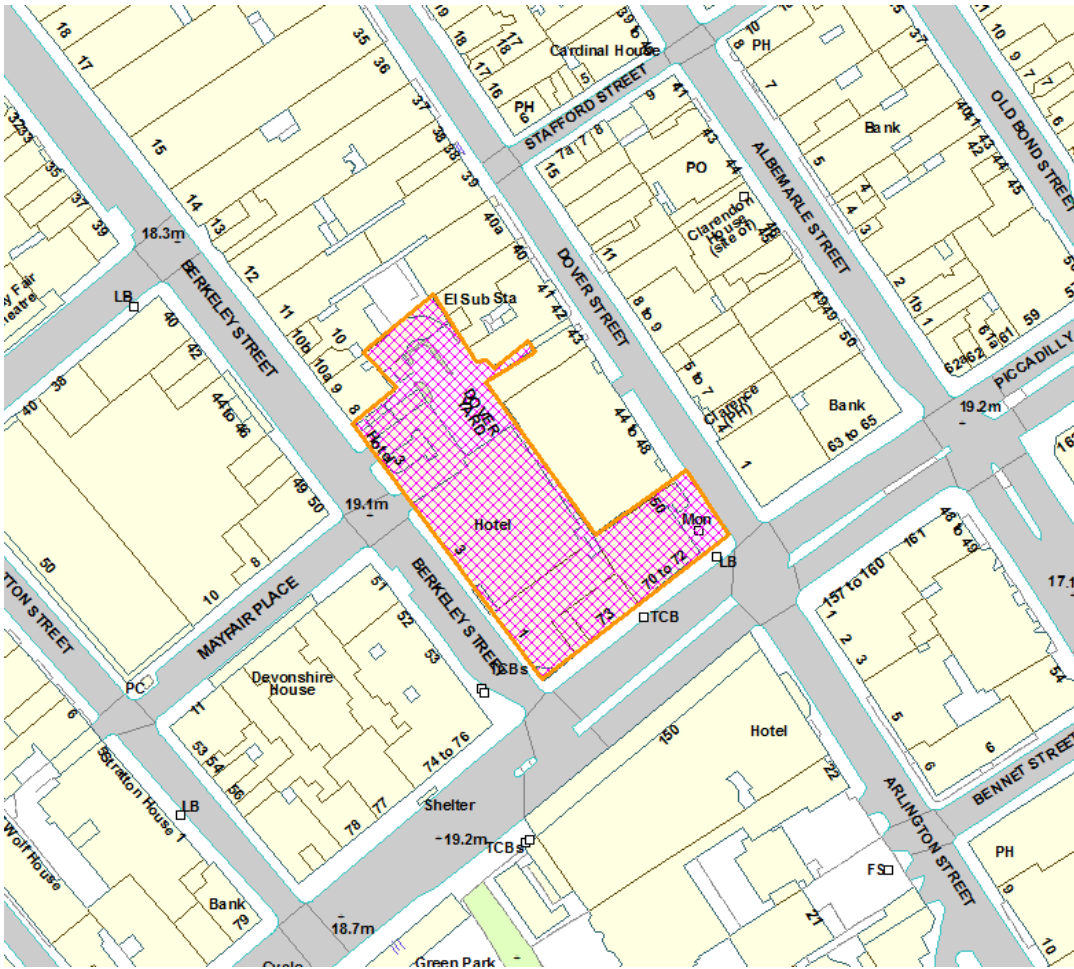
- Land use issues
- The impact of the works on the appearance of the buildings and the Mayfair Conservation Area
- Servicing implications, and the impact on the highway network.

The proposed car showroom would retain a service use at ground floor level and is acceptable in land use terms. The provision of additional greening to the building's facades and additional soft landscaping and greening within Dover Yard are welcomed. Other detailed design changes would

not diminish the quality of the approved scheme are acceptable. The changes within Dover Yard will prevent the yard from being used as an off- street servicing facility. Whilst the loss of off street servicing is contrary to City Plan policy given the number of servicing vehicles that would be displaced onto the street it is considered that permission shouldn't be withheld on this basis.

The application is accordingly recommended for approval.

3 LOCATION PLAN



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4 PHOTOGRAPHS



Verified view of proposed development from Piccadilly looking east, as consented.



5 CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No response received

MAYFAIR RESIDENTS GROUP

No response received

HIGHWAYS PLANNING MANAGER

Objection on the following grounds:

- Loss of off- street servicing within Dover Yard increases pressure on on-street servicing contrary to City plan policies 25,29 and 43;
- the proposed retail kiosk and security room reduces the off-street ground floor holding area that would support on-street servicing, including refuse collection;
- reduction in width of walkway from Berkeley Street into Dover Yard;
- if it is accepted Dover Yard is no longer to provide a day to day servicing function, the dropped vehicle access kerb should be removed from the scheme.
- The application doesn't demonstrate that the car showroom use could be serviced without adverse impact on highway users (including pedestrians and traffic flow);
- Car transporter vehicles on the highway, servicing the proposed car showroom would result in localised congestion;
- The SMP is not a practical document for ongoing day to day use;
- Changes to on-street restrictions will be subject to the formal Traffic Management Order process.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 130

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6 BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the northern side of Piccadilly directly opposite the Ritz Hotel close to Green Park. The site comprises 70-73 Piccadilly and 1-7 Berkeley Street both 1970's buildings which front onto Piccadilly to the south, Berkeley Street to the west and Dover Street to the east.

No 70-73 Piccadilly and 1-7 Berkeley Street comprises basement ground and seven upper floors with a recessed plant room above. Permission was granted in 2020 for a significant refurbishment scheme which involved the refacing the buildings and a 2 storey- extension. This permission has been implemented and construction works are on-going.

The site was previously occupied by the Holiday Inn hotel and offices with retail units on part of the ground floor. Hotel, office and retail uses are retained under the approved scheme.

The site includes Dover Yard at the rear which was used as a service yard for the Holiday Inn hotel including car parking, refuse areas and electricity sub stations. Dover Passage is a public right of way into Dover Yard linking Dover Street and Berkeley Street. The passageway is frequently used as a route from Green Park station to the surrounding streets.

None of the buildings are listed but all are located within the Mayfair Conservation Area, the Mayfair Special Policy Area and the Central Activities Zone.

6.2 Recent Relevant History

i) On 4 March 2020 permission was granted for the following development. 'Part demolition of, and extensions to, the existing buildings, including a 2 storey roof extension; the refurbishment of the existing and creation of new office (Class B1), hotel (Class C1), retail (Class A1 - A5) and Leisure and non-residential institutions (Class D1 - D2) floorspace with ancillary functions; basement refurbishment works; the erection of a 5 storey pavilion on the corner of Piccadilly and Dover Street; Installation of plant at roof level; hard and soft landscaping works as part of an improved public realm offering at Dover Yard and pedestrian route between Dover Street and Berkeley Street, including the creation of additional retail outlets; and other ancillary works. (RN: 18/10021/FULL).

ii) The above permission has been the subject of the following non-material amendments:

- On 28 April 2020 minor layout alterations and changes to detailed façade design RN 20/02050/NMA
- On 25 August 2020 changes to the façade spandrel panel detailing to the consented pavilion structure situated at the corner of Piccadilly and Dover Street
- On 30 September 2021 a change to the description of development

iii) On 20 May 2020 details of code of Code of Construction Practice pursuant to condition 5 of planning permission dated 4 March 2020 were approved. (RN 20/01693/ADFULL)

iv) On 22 December 2020 details of facing materials pursuant to condition 2 of planning permission dated 4 March 2020 were approved (RN 18/10021/FULL).

7 THE PROPOSAL

Permission is sought for minor-material amendments to permission granted on 4 March 2020 (RN18/10021/FULL) as subsequently amended on 28 April 2020 (RN 20/02050/NMA), 25 August 2020 (RN 20/04397/NMA) and 30 September 2021 (RN 21/06175/NMA) via Section 96A applications. The details of these applications are set out above in Section 6.2 (relevant history) of this report above.

The proposed minor material amendments involve the variation of conditions 1, 11, and 15 of planning permission dated 4 March 2020 (RN 18/10021/FULL). The application is submitted pursuant to the Section 73 of the Town and Country Planning Act.

There are 4 elements to the application:

- Green walls: Expansion of the green wall on the Berkeley Street elevation extending up

the vertical recesses within the façade up to the parapet line at the top of level 5. Introducing a green wall to the Dover Yard elevation.

- Dover Yard Canopy and Landscaping: The provision of a glazed canopy on the southern side of Dover Yard which will create an all- weather outdoor seating area for the hotel restaurant fronting onto the yard. Additional planters are proposed either side of the walkway through the yard. The proposed landscaping arrangement would not enable servicing vehicles to be accommodated within the yard. All servicing would take place on street.
- Car showroom: The application seeks to use the retail unit (ground and basement levels) on the corner of Piccadilly and Berkeley Street as a car showroom
- Other design changes: The scheme also includes the following design changes;
The addition of a canopy to the hotel entrance on Berkeley Street;
The introduction of a small retail kiosk at the Berkeley Street frontage of the Dover Yard Passage;
Amendments to the lift overrun and plant screens; and
Amendments to annex building façade.

8 DETAILED CONSIDERATIONS

8.1 Land Use

The approved development is a mix of commercial uses, primarily hotel (12021 m²) and offices (7789 m²) with flexibility in how the retail units on Piccadilly (1861 m²) and the annex building within Dover yard (543 m²) would be used.

The current S73 application does not seek to change the principle uses on the site which will remain a 5* hotel and offices. The scheme does seek permission for use on a basement and ground floor unit (unit 1) on the corner of Piccadilly and Berkeley Street as a car showroom.

Car showroom

The applicant advises that the intended operator is Lotus who would use the premises as a showroom to relaunch the company as an electric-only car manufacturer. The unit will be for the display of their electric vehicles and it is not a conventional showroom with no test driving or driving off the forecourt. It will house approximately 2-4 electric vehicles (including a super car). Vehicles will be retained for long periods potentially up to a year with switchovers of cars being very rare.

The unit would be open to visiting members of the public with no booking required. The ground floor (and potentially the basement) would contain the cars on display, a range of merchandise for sale, a large screen and touch screen consoles to stand at.

The car 'selection' via the touch screens is where the consumer can view augmented images of their selected car/colour/finish combination on screen. Physical samples of the car material finishes (paint, leather, metals, timbers) will be located in-store. Any purchases would not normally be processed at the site, rather customers would generally be invited to return home and purchase cars online.

The site is in the Central Activities Zone and is within the West End Retail and Leisure Special Policy Area (WERLSPA). This aspect of the application needs to be assessed against City Plan policy 14 (Town centre, high streets and the CAZ). The policy aims to enhance existing town centres and high streets and requires uses that provide an active frontage and serve visiting members of the public to be provided at ground floor level throughout the town centre hierarchy. The aim of the policy is to ensure that the WERLSPA provides a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy.

The proposal accords with the land use policy, providing highly active frontages, serving visiting members of the public, reflecting the role of the prominent WERLSPA location, and contributing to the visitor economy through attracting visitors to the West End.

The impact of the car showroom use on the highway are discussed in section 8.4 (Transportation/Parking) of this report.

Retail Kiosk

The scheme also includes the provision of a small retail kiosk on Berkeley Street at the entrance to Dover Yard. This would also be compliant with City Plan policy 14 and is acceptable in land use terms.

8.2 Townscape and Design

Introductory Text

Legislation

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Green Walls and landscaping to Dover Yard

The most significant change in design terms is the expansion of the green wall element on Berkeley Street and the provision of a green wall in Dover Yard and additional landscaping. The additional greening is welcomed. It would be an attractive feature on Berkeley Street and significantly improve the character of Dover Yard. The provision of green walls accords with London Plan Policy G5 and City Plan policies 7(E) and 34 which state that developments should contribute to greening of the City.

Substantial additional planting is proposed within Dover Yard which would compliment the green

walls. A glazed canopy is proposed adjacent to the hotel's restaurant on the southern side of the yard. The public right of way through Dover Yard linking Berkeley Street and Dover Street will be retained either side of the resurfaced walkway the soft landscaping will improve the aesthetics of the yard. This significant pedestrian route previously went through a back of house area with poor townscape value. By removing service vehicles from Dover Yard and increasing the greening together with the proposed new annex building and hard landscaping the area will be dramatically enhanced. The design improvements in Dover Yard are welcomed. As already stated the impact of these changes on servicing arrangements are discussed in section 8.4 (Transportation/Parking) of this report below.

Other works

In other respects the proposed amendments amount to relatively minor detailed design changes that would not dilute or diminish the quality of the approved development.

The introduction of a retail kiosk to the Berkeley Street frontage of Dover Yard is acceptable. An additional canopy is proposed on Berkeley Street which will aid in defining the hotel entrance without any harm to the appearance of the building.

It is necessary to increase the size of a lift overrun on Dover Street to accommodate technical operational requirements. The overrun is to be clad in Portland Stone to match the adjacent cladding panel directly underneath and is set back from the face of the building. This will not be unduly prominent as it only be visible in relatively limited street level views. Given the location and the proposed cladding material the extension is considered acceptable. Additional plant screens are below the height of approved roof level plant screens and would have no material impact in design terms.

Minor changes are proposed to the annex building within Dover Yard. The amendments are:

- a change to the spandrel panel on the façade from GRC to a vertical ribbed metal panel;
- extension of balustrade and 1st floor terrace
- new infill roof to provide cover to cycle entrance

These changes are all considered to be acceptable.

The proposal is considered acceptable in design and townscape terms in accordance with policies 38, 39 and 40 of Westminster's City Plan (2019-2040); and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Daylight/Sunlight Sense of enclosure

The City Council places high priority on protecting residential amenity, with City Plan Policy 7(A) stating that development will be neighbourly by, 'protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking'.

As already stated the only increase in bulk and mass proposed is a small extension to a lift core

on the Dover Street frontage of the site. Given that the addition is minimal and is set back from the frontage it would have no material impact on the amenity of the occupants of any of the surrounding properties.

Overlooking

The application proposes no changes to the fenestration arrangement of the buildings. The small extension to the 1st floor terrace of the annex building raises no new privacy issues.

8.4 Transportation/Parking

Servicing

City Plan Policy 29 requires off-street servicing and freight consolidation

Dover Yard has in the past operated as a service yard for the Holiday Inn Hotel and Arts Club at 40 Dover Street. There was a vehicular loop at the entrance to Dover Yard from Berkeley Street, and within Dover Yard there was a ramped vehicular access to basement car parking, bin storage, parking for the hotel, and an area for deliveries/ servicing. It is also a public right of way via Dover passage linking Dover Street and Berkeley Street. Consequently, previously Dover Yard has been busy with both pedestrian and vehicular activity.

The approved scheme included a ground floor extension which would infill the existing vehicular exit from Dover Yard onto Berkeley Street. The approval included relocating the hotel entrance from within Dover Yard onto Berkeley Street and repaving and landscaping the yard. The changes would allow for the location of tables and chairs at the southern and northern ends immediately in-front of the annex building and hotel.

The approved scheme leaves a single vehicular and pedestrian shared surface access into Dover Yard from Berkeley Street. This would be 4.7m wide. The ground floor extension to the hotel infilling the existing vehicular exit and closing off the loop meant that any vehicles entering Dover Yard would be need to reverse within the Yard to be able to leave in a forward gear.

The applicants servicing strategy seeks to restrict servicing to between two periods of the day:

- i) 00:00 hours to 07:00 hours (overnight) and
- ii) 09:00 hours to 13:00 hours
- iii) No deliveries would be permitted between 07:00 and 09:00 hours in order to avoid peak pedestrian flows through Dover Yard.

The landscaping proposals part of this scheme would prevent servicing from taking place with Dover Yard. Vehicular access would be for emergency vehicles only.

The Highways Planning Manager has objected to the loss of off street servicing commenting that it would place an increased demand on the public highway and public realm and that the proposal does not represent an improved situation compared to the existing consented scheme.

The applicant has provided the table below which shows the servicing position for the site pre-the 2020 permission

Location	Hotel	Arts Club	Office	Retail	Total
Dover Yard	8	22	0	0	30
Berkeley Street	1	0	6	1	8
Piccadilly	0	0	0	5	5
Dover Street	1	0	0	2	3
Total	10	22	6	8	46

The table shows that there were 30 deliveries accommodated within Dover Yard and 8 deliveries on Berkeley Street by all users (inclusive of the hotel, arts club, office and retail units).

If Dover Yard was unavailable for use (as per the proposals) there would be a total of 38 servicing visits accommodated on Berkeley Street over the course of a typical day. The hotel attracted 8 servicing visits within Dover Yard, of which 5 were deliveries by light goods vehicle and 3 were refuse vehicle visits. The approved permission confirmed as part of the SMP that all refuse collections would take place on-street from Berkeley Street. Servicing of the office and retail units would be unaffected as they were not previously serviced from Dover Yard.

The approved SMP stipulates that in the daytime, all deliveries are to be carried out on Berkeley Street, whilst reasonable endeavours will be made for any overnight deliveries (between 00:00 and 07:00) to be accommodated within Dover Yard.

Servicing before 07.00 (overnight)

	Hotel	Arts Club	Office	Retail	Total
Total	1	7	0	4	12

The table above indicates that there was a single hotel-related service vehicle visit prior to 7am. This would be the only vehicle displaced to Berkeley Street as a result of the current proposals. A further 7 Arts Club deliveries were observed prior to 7am however, the Arts Club is not party to the S106 agreement and hence has no formal requirement to (nor any right to) service from Dover Yard. The approved SMP confirms that deliveries to the retail units would continue to occur as existing from Piccadilly.

The proposals are not anticipated to materially alter the overall level of delivery and servicing activity, the frequencies of which would remain as previously observed within the survey. This has been established as part of the existing planning permission.

The objection from the Highways Planning Manager to the loss of Dover Yard as an off-street servicing facility is understood. Preventing the loss of off-street servicing is an established, well-founded policy. However, in this instance the data provided by the applicant indicates that post permission there were 8 daily deliveries on Berkeley Street. This would increase to 37 daily visits as part of the approved scheme which will increase by a single further delivery to 38 under the current application without use of Dover Yard. Based on this data despite the breach in policy with regards to the loss of an existing off street servicing facility it is considered that permission could not reasonably be withheld on this basis.

The landscaping proposals and removal of servicing vehicles from Dover Yard would result in the Yard being used solely by pedestrians rather than a shared surface with vehicles. This improvement to the pedestrian environment is welcomed.

Refuse Holding Area

The application as initially submitted included a security office behind a retail kiosk leading from Berkeley Street into Dover Yard. The Highways Planning Manager objected that this would result in the loss of an off- street holding area for servicing including refuse. Further to this objection the application has been amended reducing the size of the security office and increasing the holding area.

Car Showroom

The Highways Planning Manager has objected that the application doesn't demonstrate that the car showroom use could be serviced without adverse impact on highway users. A technical note provide by the applicant stated that vehicle movements being limited to an anticipation maximum of bimonthly changeover of display vehicles which would enter and exit from a shopfront bay on Berkeley Street. Given the infrequency, the applicant has not proposed a dropped kerb and the intention is that temporary ramps are used when changeovers occur.

The applicant has subsequently advised that vehicle changeovers could be as infrequent as annual occurrences. It is recommended that the servicing management plan which will again be secured as part of the legal agreement is updated to detail servicing of the car showroom. This can specify enter and exit times and preclude large car transporters if this is deemed necessary.

8.5 Economic Considerations

The economic benefits generated by this application are welcomed

8.6 Access

No changes are proposed to the approved access arrangements.

8.7 Other UDP/Westminster Policy Considerations

Biodiversity

Policy 34 of the City Plan states that developments should achieve biodiversity net gain, wherever feasible and appropriate. The scheme incorporates a full living wall within Dover Yard and an increased green wall on the Berkeley Street front façade. This offers an excellent opportunity to enhance the biodiversity value on-site and further improve the proposal's sustainability credentials.

Sustainability

This S73 application raises no new sustainability issues.

8.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase

Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2021 unless stated otherwise.

8.12 Planning Obligations

- The original permission (dated 4 March 2020) was subject to a S106 legal agreement which secured the following:
- A financial contribution towards employment, training and skills of £88,188 (index linked); payable on commencement of development;
- A servicing management plan;
- A walkways agreement;
- Stopping up the highway;
- The costs of monitoring the S106 legal agreement;

The financial contribution towards employment, training and skills was paid prior to the commencement of works implementing the planning permission. A deed of variation is required to ensure that all the other planning obligations remain binding on the amended development.

8.13 Environmental Impact Assessment

The development is of insufficient scale to require assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website) IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

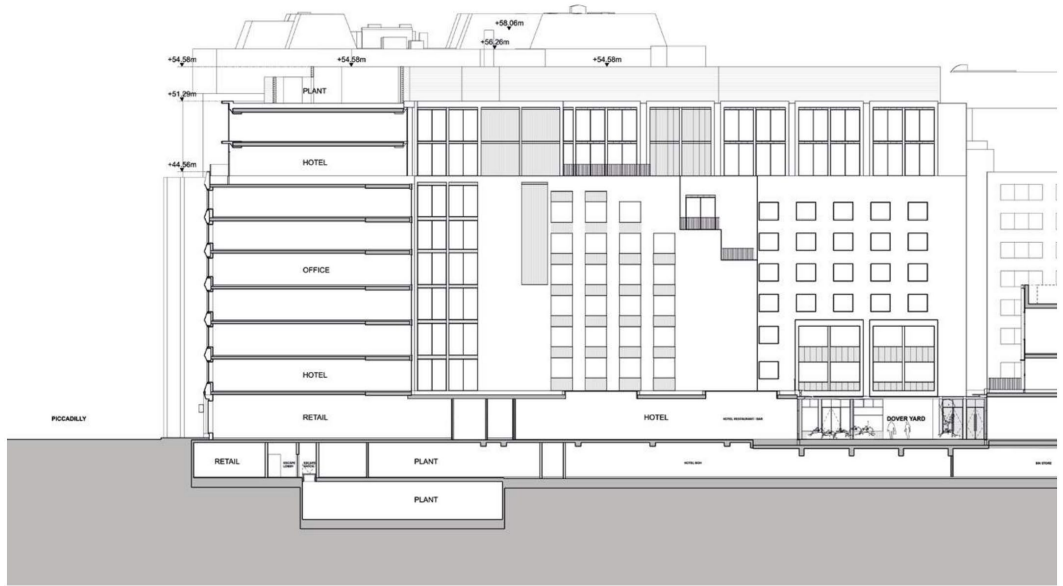
KEY DRAWINGS



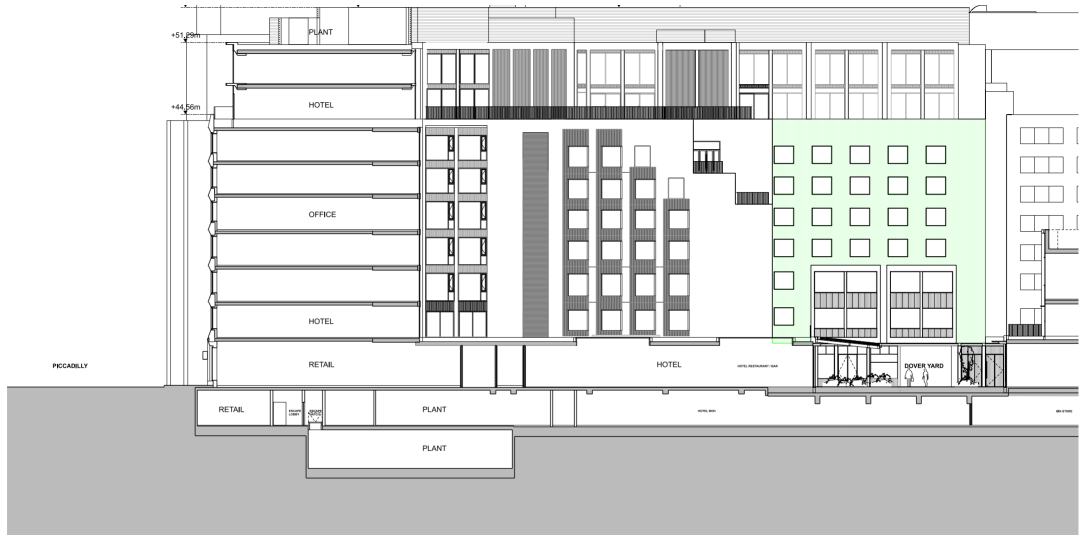
● Current approved green wall scope



● Proposed green wall scope



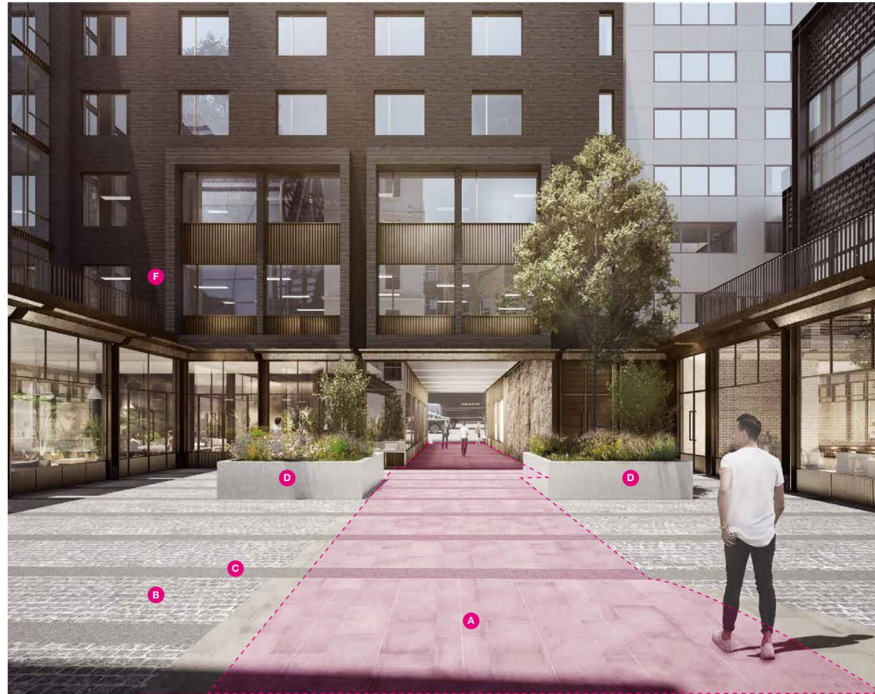
● Current approved green wall scope



● Proposed green wall scope

Dover Yard Elevation
As consented

Indicative view of the consented landscape design for Dover Yard.



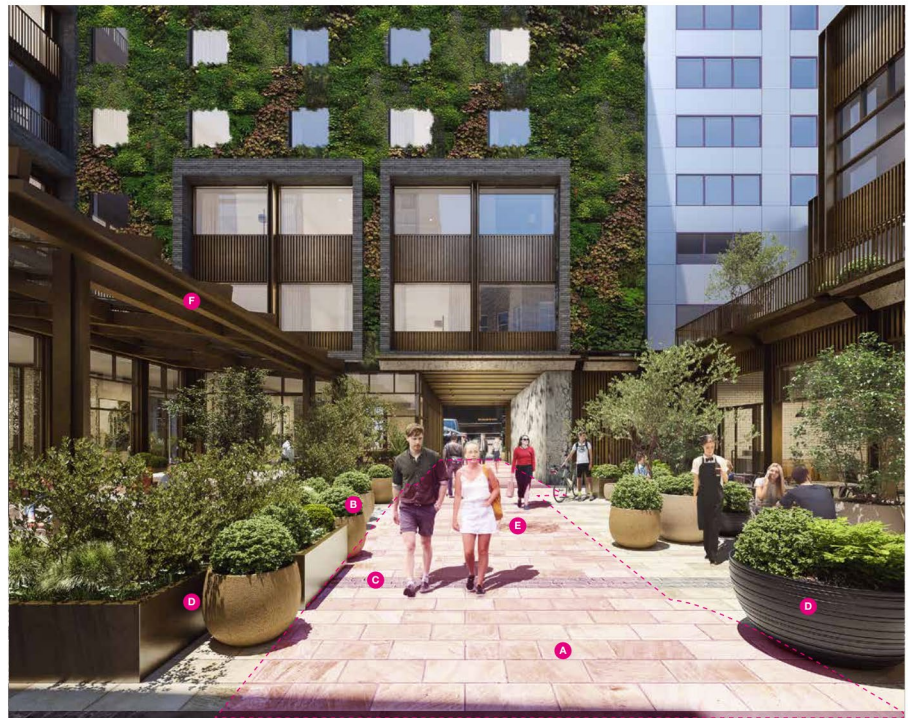
- A** Large Stone planks
- B** Stone Setts
- C** Cobble Bands
- D** Raised Planters / Plant Pots
- E** Decorative Feature

As approved

 Pedestrian Route

Dover Yard Elevation
Proposed

An design update is proposed to the landscape of Dover Yard to more clearly define zones for movement and dwell spaces, as well as an enhanced approach to soft landscaping.



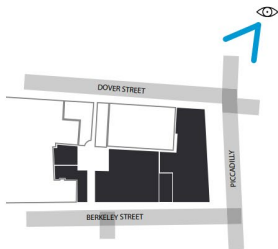
Proposed Amendments

- A** Large Stone planks
- B** Stone Setts
- C** Cobble Bands
- D** Raised Planters / Plant Pots
- E** Decorative Feature
- F** Glazed Canopy

Current Proposed

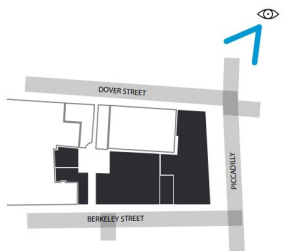
 Pedestrian Route

View from Piccadilly
Plant Screen As consented



As Consented

View from Piccadilly
Proposed

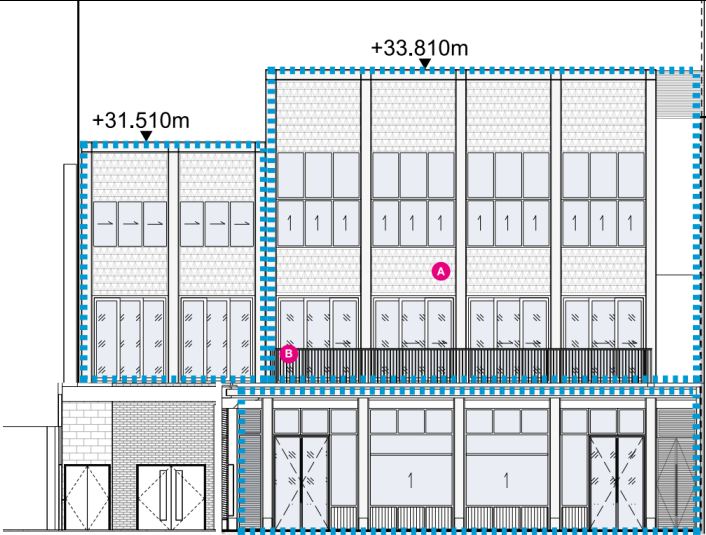


Additional Plant Screen Proposal + Core D Overrun



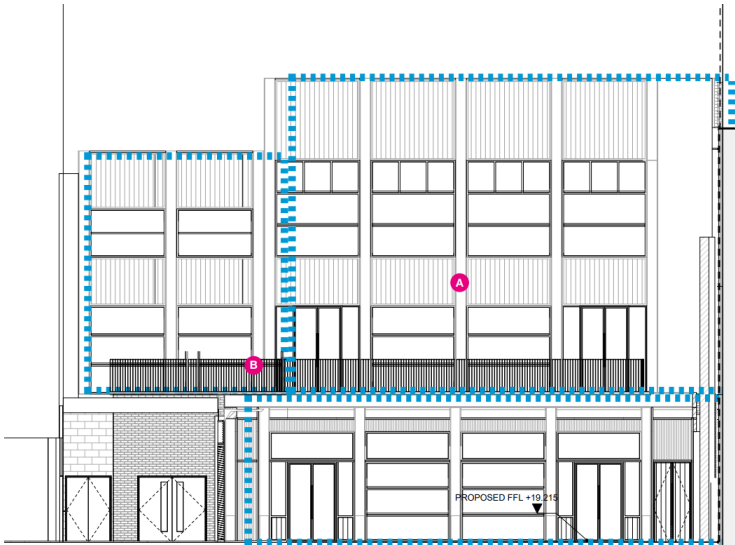
Proposed Amendments

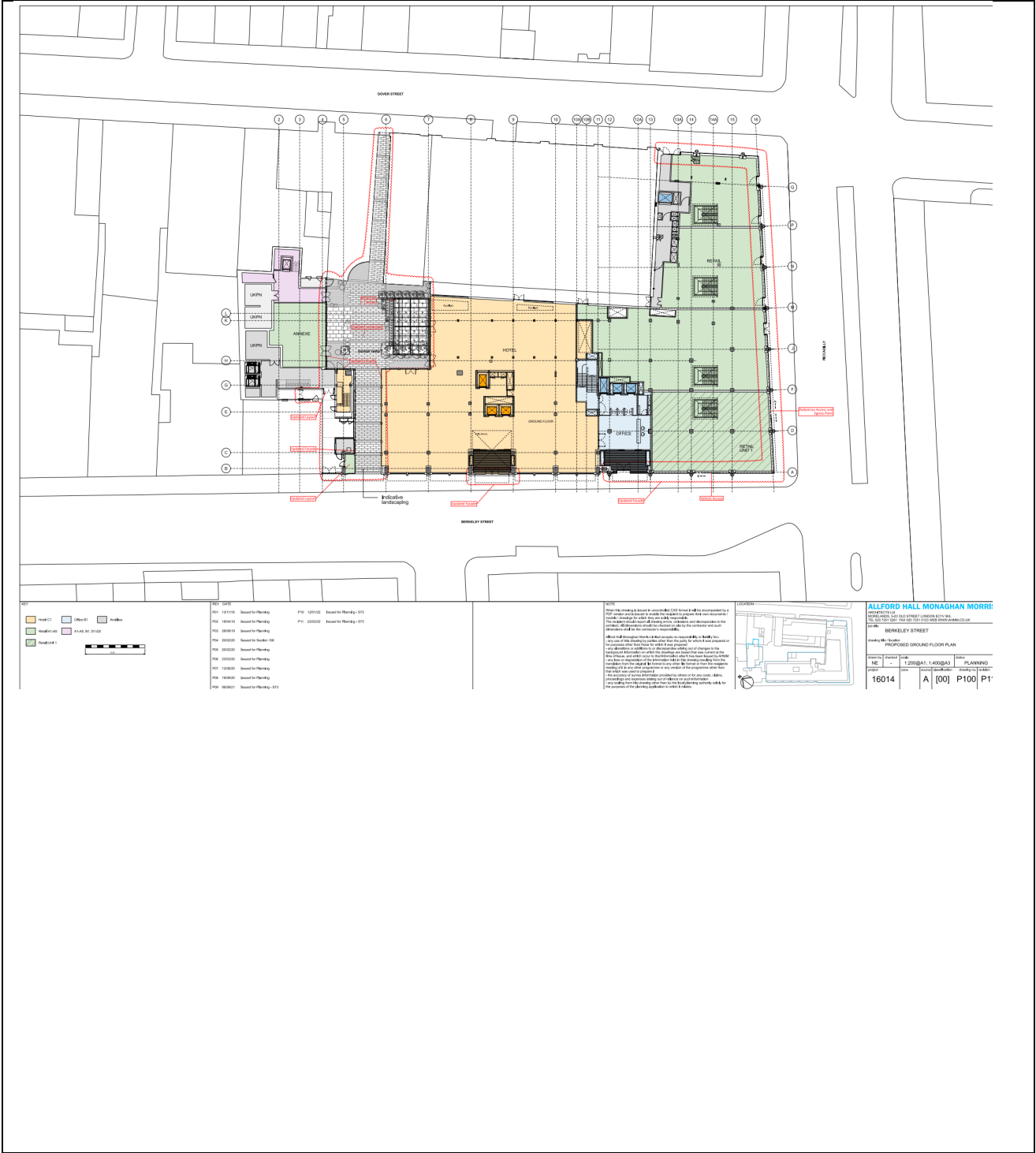
- A** Spandrel panel change from GRC to vertical ribbed metal panel
- B** Extension of balustrade and usable space to L01 terrace
- C** New infill roof to provide cover to cycle entrance



Proposed Amendments

- A** Spandrel panel change from GRC to vertical ribbed metal panel
- B** Extension of balustrade and usable space to L01 terrace
- C** New infill roof to provide cover to cycle entrance





DRAFT DECISION LETTER

Address: 70 - 72 Piccadilly, London, W1J 8HP

Proposal: Variation of Conditions 1, 11 and 15 of planning permission dated 4 March 2020 (RN: 18/10021/FULL) for, 'Part demolition of, and extensions to, the existing buildings, including a 2 storey roof extension; the refurbishment of the existing and creation of new office (Class B), hotel (Class C1), retail (Class A1 - A5) and Leisure and non-residential institutions (Class D1 - D2) floorspace with ancillary functions; basement refurbishment works; the erection of a 5 storey pavilion on the corner of Piccadilly and Dover Street; Installation of plant at roof level; hard and soft landscaping works as part of an improved public realm offering at Dover Yard and pedestrian route between Dover Street and Berkeley Street, including the creation of additional retail outlets; and other ancillary works. (Site includes 1 - 7 Berkeley Street)'; Namely: to amend approved drawings to deliver a contractable canopy to the east side of Dover Yard, addition of a canopy to the hotel entrance at Berkeley Street, expansion of the green wall to Berkeley Street and Dover Yard, revised landscaping scheme for Dover Yard, introduction of a small retail kiosk at Dover Yard Passage, amendments to lift overrun and plant screen, and minor façade amendments to the Annex Building (all amendments to drawings approved under Condition 1); to support the allowance of an experiential car retail showroom use (sui generis) within the commercial units (amendments to Condition 11); and, to allow the placement of furniture in Dover Yard to be subject to a Management Plan (amendments to Condition 15).

Reference: 20/06991/FULL

Plan Nos: Plan Nos: Application ref 18/10021/FULL dated 4 March 2020, 16014_a(00)_P001 P01,16014_a(00)_P002 P01,16014_a(00)_P098, P01,16014_a(00)_P099 P02,16014_a(00)_P100 P03,16014_a(00)_P102, P02,16014_a(00)_P103 P02,16014_a(00)_P104 P02,16014_a(00)_P105, P02,16014_a(00)_P106 P02,16014_a(00)_P107 P02,16014_a(00)_P108, P02,16014_a(00)_P109 P02, 16014_a(00)_P110 P02,16014_a(00)_P150 P03,16014_a(00)_P151, P01,16014_a(00)_P201 P02,16014_a(00)_P202 P02,16014_a(00)_P203, P02,16014_a(00)_P205 P02,16014_a(00)_P301 P02,16014_a(00)_P303, P02,16014_a(00)_P305 P02,16014_a(00)_P307 P02., As amended by:, Application RN 20/02050/NMA dated 28 April 2020, 16014_A_00)P099, P100, P101, P102, P103, P104, P105, P106, P107, P108,, P109, P201,P 202, P203, P205, P301, P303, P305, P307., As amended by:, Application RN 20/04397/NMA dated 25 August 2020, 16014 A (00)_P201 P05, 16014 A (00)_P202 P05., Application 20/07512/ADFULL dated 22/12/2020, Bronze Anodized aluminium Analok - 545, 547; Ultra clear double glazed unit low, iron; ; Ultra clear acoustic glazing low iron; ; Single glazed shopfront ; Grove, Whitbed, Portland Stone; Glas balustrade low iron ; Stainless steel handrail, Polyester Powder Coated (PPC) RAL 9005; Charnwood dovetail pre cast extruded, wirecut brick (red; black/dark grey); Charnwood dovetail standard bricks ; Annex, spandrel panel Jesmonite AC730; Emperador Gold Marble,Dark Brown; Steel, curtain wall Jansen PPC metallic steel ; Plant screen - Seamless Joints Acoustic, Screen galvanised steel panel with Polyester Powder Coating. Light grey colour;,, Jordans Whitbed portland stone; Jordans Basebed

portland stone; Patinated bronze, sheets Bronze with hairline texture Furumi Rns HL S3.

Application ref 20/06991/FULL , 16014_a(00)_P001 P01,16014_a(00)_P002
 P01,16014_a(00)_P098, P01,16014_a(00)_P099 P04,16014_a(00)_P100
 P11,16014_a(00)_P101 P04, 16014_a(00)_P102 P03,16014_a(00)_P103
 P03,16014_a(00)_P104 P03,16014_a(00)_P105 P03,16014_a(00)_P106
 P03,16014_a(00)_P107 P03,16014_a(00),

Case Officer: Mike Walton

Direct Tel. No. 020 7641
07866039922

Recommended Conditions and Reasons

- 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 samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. For facing materials approved under partial discharge application ref 20/07512/ADFULL and 21/01699/ADFULL, you may choose to carry out the work in accordance with those facing materials already approved, or submit revised details. If submitting revised details, you must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials.

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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

Because these would harm the appearance of the building and would not meet Policies

38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

- 4 You must apply to us for approval of detailed drawings (Scales 1:20 and 1:5) of the following parts of the development: 1. New extensions - typical facade details at all levels, 2. New Shopfronts, 3. New Windows, 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 detailed drawings. (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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 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: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and, 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 people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 6 (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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 7 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:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 8 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 6 and 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 9 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 start work on the relevant part of the development 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 hotel (Class C1) and office (Class E). (C14EC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 10 The accommodation at basement and ground floors fronting onto Piccadilly and Berkeley Street and Dover Street shaded green on drawings numbered 16014_a(00)_P099 P03, and 16014_a(00)_P100 P09 hereby approved shall be used for retail/commercial use (Class E(a), E(b), E(c), sui generis drinking establishment or car showroom Sui Generis purposes only as defined by the Town and Country Planning (Use Classes) Order 1987 provided that at least 930 sqm (GIA) of combined Class A1 E(a) or sui generis car retail showroom floorspace is provided at any one time. , , The car showroom use shall be limited to unit 1 as shown on drawings P100 P11 and P099 P04. ,

Reason:

To prevent a use which would not be acceptable because of the character and function of the Central Activities Zone and the West End Special Policy Area (WERSPA). This is to meet policy S14 of Westminster's City Plan 2019 - 2040 (April 2021).

- 11 You must apply to us for a management plan to show how the ancillary facilities for the hotel will be used, including the number of covers and opening hours of a restaurant. You must not occupy the extension to the hotel hereby approved until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the extended hotel is in use. (C05JB)

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 12 Prior to the extended hotel use or annex building in Dover Yard being used for restaurant purposes you must apply to us for approval of details of the ventilation

system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the restaurant use allowed by this permission or ancillary restaurant to the hotel use until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 13 You must apply to us for a management plan to show how the annex building in Dover Yard will be used. You must not occupy this building until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the building is in use.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 14 A Management Plan for Dover Yard must be submitted setting out how planters, furniture and moveable features will be arranged in Dover Yard. You must not occupy the development until we have approved the Management Plan. Thereafter, you must operate Dover Yard in accordance with the Management Plan unless otherwise agreed in writing by the Local Planning Authority

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 15 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme amendment to the infill on the corner of Berkeley Street and Piccadilly and Berkeley Street and Dover Yard. 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:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 16 Any structure over the highway must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge and over carriageway, 5.3 metres vertical clearance must be maintained by any structure. This includes building overhangs, public art, signage awnings and canopies.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 17 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 18 Prior to occupation of the extensions hereby approved as part of the development cycle parking (minimum of 72 spaces for the office Class E,, 14 for the retail Class E uses and 10 for the hotel (Class C1) and short stay in Dover Yard area) shall be provided prior to occupation and thereafter be maintained for the life of the development.

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 2016 (R22FA)

- 19 You must apply to us for a management plan to show how the terrace located on the pavilion on drawing number 16014_a(00)_P105 P02 will be used and managed to ensure clutter does not accumulate in this space.

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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 20 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application., , Roof mounted solar electric PV modules, , You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 21 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green walls to include construction method, layout, species and maintenance regime., , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

Informatives:

- 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, neighbourhood plan (where relevant), 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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:, i) A financial contribution towards employment, training and skills of £88,188 (index linked);payable on commencement of development;, iii) A servicing management plan;, vi) The costs of monitoring the S106 legal agreement, v) Stopping up the highway.
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 4 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.
- 5 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)

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.