

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Berkeley Square, London, W1J 6DB		
Proposal	Erection of 19 marquees on the north side of Berkeley Square for a temporary period for the Glamour Awards and the London Real Estate Forum between 1 June 2017 and 19 June 2017 and for unspecified dates in years 2018 to 2021.		
Agent	Mr Richard Dodgson		
On behalf of			
Registered Number	16/00870/FULL	Date amended/ completed	18 February 2016
Date Application Received	2 February 2016		
Historic Building Grade	II		
Conservation Area	Mayfair		

1. RECOMMENDATION

For Committee's consideration:

Does the Committee consider that there are exceptional circumstances in this case to permit the proposed use on a temporary basis?

2. SUMMARY

Berkeley Square is a Grade II listed square on the English Heritage Register of Parks and Gardens. It is also protected by the London Squares Preservation Act 1931. The Square is located within the Mayfair Conservation Area and the Core Central Activities Zone as defined by Westminster's City Plan: Strategic Policies.

Permission is sought for the erection of 19 marquees on the northern side of the Square for a temporary period between the 1 June 2017 and 19 June 2017 and for similar but unspecified periods annually between 2018 and 2021. The marquees are to be used in association with two events, the Glamour Awards and the London Real Estate Forum.

A separate application has been made to erect 7 marquees on the same part of the Square for a different temporary period (31st August until 15 October) by the LAPADA Art and Antiques

Fair. This application is considered elsewhere on this agenda.

Permission was first granted for marquees for the Glamour Awards and London Real Estate Forum in 2013. Initially this was on a one-off basis, however permission was subsequently granted in 2014, 2015 and 2016.

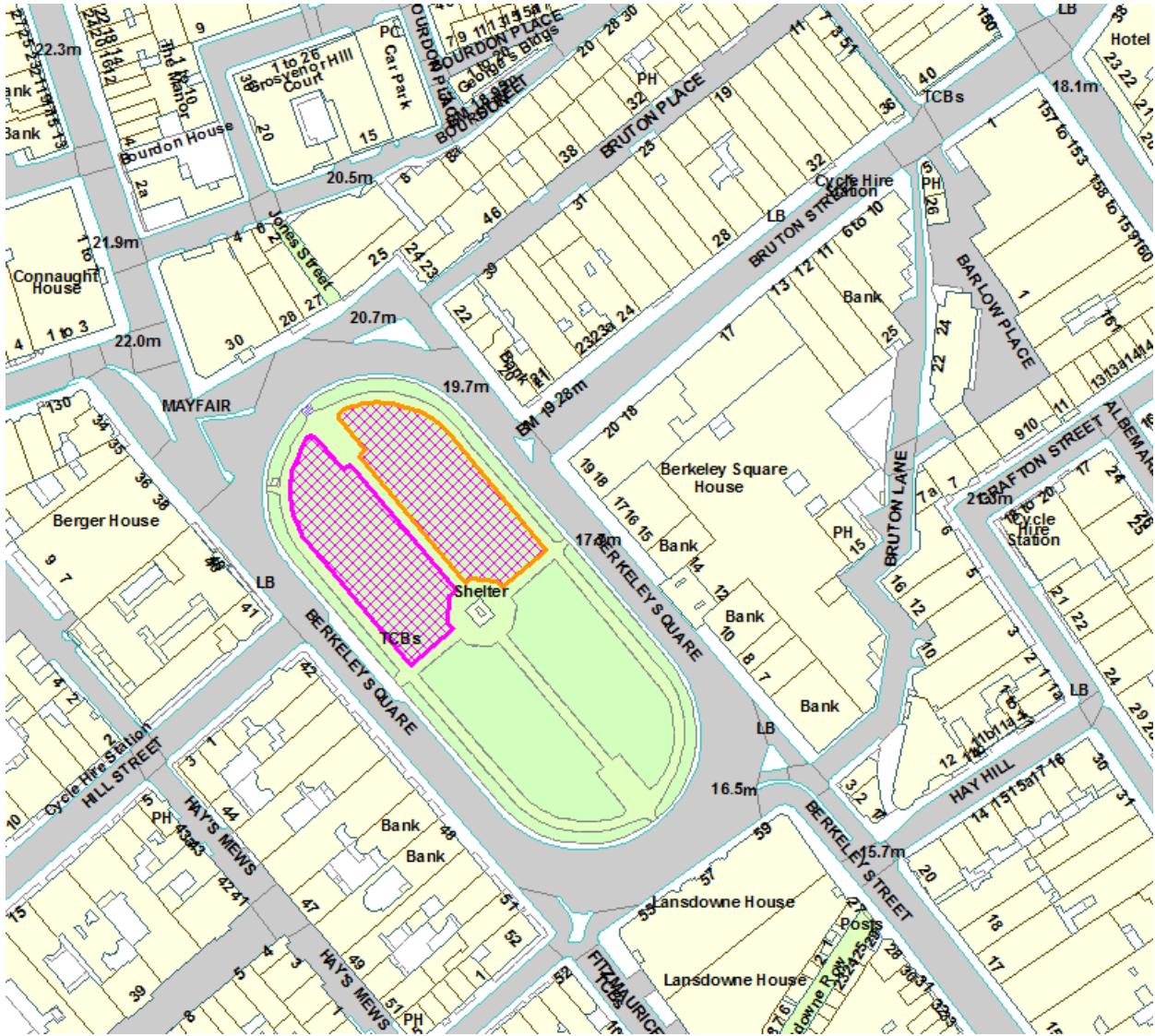
The key issues for consideration are:

- * The impact of the proposed marquees on the special interest of the square.
- * The temporary exclusion of members of the public from part of the square.
- * Whether the proposal complies with the terms of the London Squares Preservation Act 1931.

The City Solicitor has advised that the proposal is unlikely to comply with the terms of the London Squares Preservation Act 1931. However, consideration must also be given to the fact that the proposed events, are established specialist events, traditionally held in Berkeley Square which involve many local businesses.

Given this, Sub-Committees views are sought as to the acceptability of a five year planning permission for the events.

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

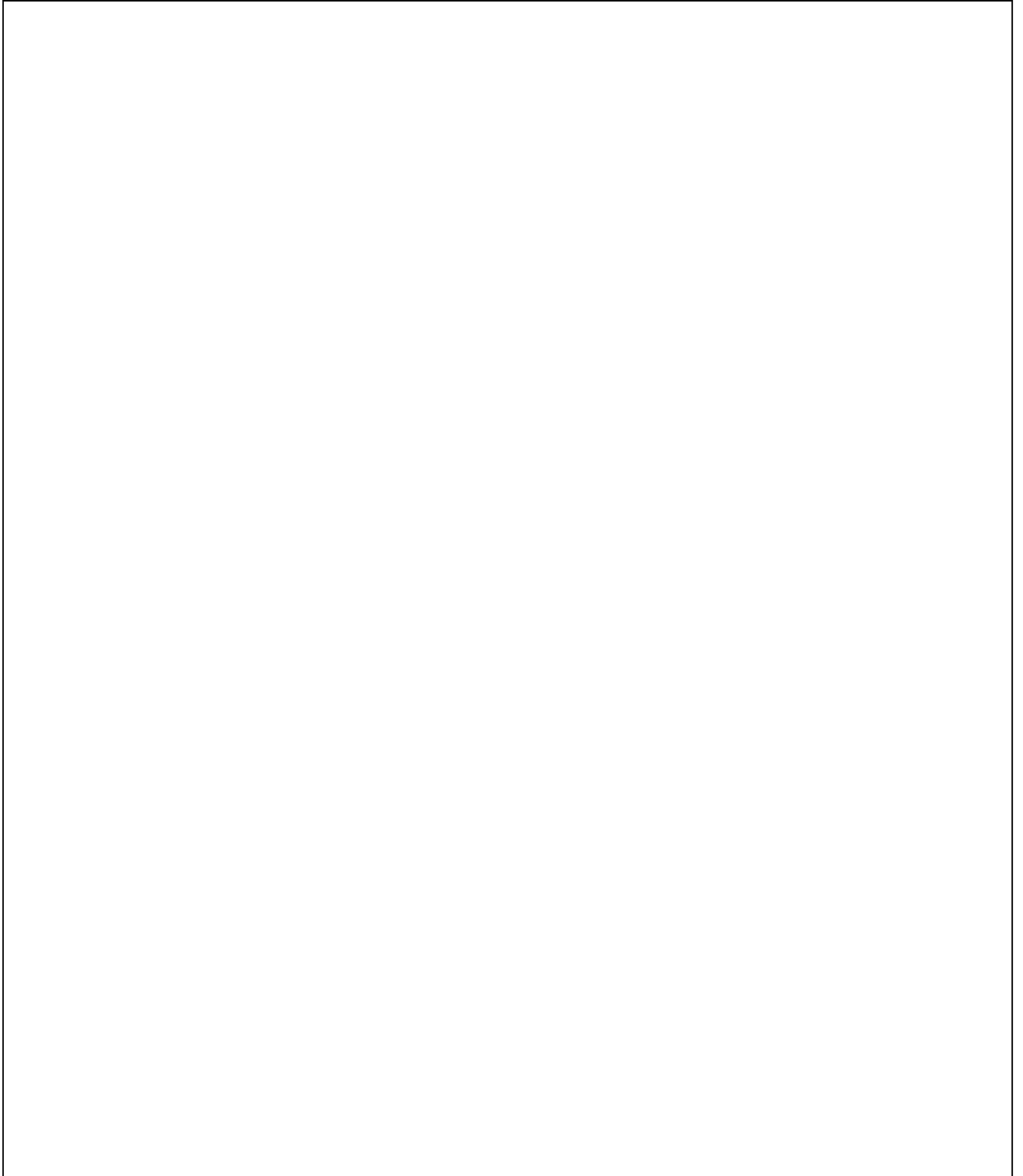
4. PHOTOGRAPHS





Item No.

3



5. CONSULTATIONS

HISTORIC ENGLAND

Authorisation to determine as seen fit.

COUNCILLOR ROBERTS

Objection – the proposal results in the loss of public access to the square in order to host a commercial event for which is was never intended.

COUNCILLOR CHURCH

Any response to be reported verbally.

COUNCILLOR GLANZ

Any response to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S

No objection.

CLEANSING MANAGER

No objection.

LEGAL SERVICES

Considers the proposed events are unlikely to comply with the terms of the London Squares Preservation Act 1931.

HIGHWAYS PLANNING MANAGER

No objection.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

SPECIAL EVENTS

Any response to be reported verbally.

THE GARDENS TRUST

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 303

Total No. of replies: 2

No. of objections: 1

No. in support: 0

Comments received regarding the compliance of the proposal with the London Squares Preservation Act 1931 and the impact of the events on the proposed public realm improvement works.

Objection received from the Mayfair Forum stating the proposal is contrary to the London Squares Preservation Act 1931 and reduces public access to the square for the benefit of a commercial event.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Berkeley Square is a Grade II listed Square on the English Heritage Register of Parks and Gardens and is also a protected Square under the London Squares Preservation Act 1931. It is a large public square located in the centre of Mayfair within the Mayfair Conservation Area and the Core Central Activities Zone. The square is characterised by mature trees, grassed areas and benches.

6.2 Recent Relevant History

Conditional planning permission was initially granted on the 2nd April 2013 for the 'erection of 19 marquees on the north side of Berkeley Square for a temporary period for the Glamour Awards and London Real Estate Forum between 31 May 2013 and 16 June 2013.'

Planning permission was then refused for 19 Marquees for the Glamour Awards and London Real Estate Forum on 18 February 2014. Further to the submission of additional information permission was granted on the 11th March 2014 for the 19 marquees for a temporary period between 30 May 2014 and 16 June 2014 and for unspecified dates in 2015 and 2016.'

Planning permission has also been granted on a number of previous occasions for the use of the square to host other events including Arts and Antiques fairs for which there is a pending application on the Committee agenda.

7. THE PROPOSAL

The proposal is again for the erection of 19 marquee structures for a temporary period from the 1 June 2017 and 19 June 2017 to accommodate the London Real Estate Forum and the Glamour Women of the Year Awards. The Glamour Awards have been taking place in Berkeley Square for the past 12 years with the London Real Estate Forum having been established three years ago. Permission is also sought for the events to take place annually between 2018 and 2021 with currently unspecified dates.

Although there are permitted development rights to use open space for up to 28 days a year, planning permission is required for these events because the total number of events planned will exceed the permitted 28 days. Permission has been previously granted for other events in the square (namely the LAPADA Art and Antiques Fair and a contemporary art fair) which was granted for specific dates in 2013 and also for 2014 and 2015 with unspecified dates (subject to a condition attached to the permission requiring approval of the specific dates in 2014 and 2015). As already stated a separate application

has been submitted for arts and antiques fairs hosted in marquees on the square which is considered elsewhere on this Committee agenda.

The Glamour Awards are proposed to take place on Tuesday 6th June 2017 between the hours of 18.30 and 01.00 the next day. The London Real Estate Forum will take place between Tuesday 13th June 2016 and Thursday 15th June 2016 with opening hours of 18:00 to 22:00 on the Tuesday for an opening party and 09:00 till 18:00 on the Wednesday and Thursday for the main event. Detailed hours and associated activities are all controlled by Special Events and via the licences which will be necessary to host the events.

Erection of the marquees will commence on the 1st June 2017 and they will be removed by the 19th June 2017

8. DETAILED CONSIDERATIONS

8.1 Land Use

London Real Estate Forum:

This is an event of national and international significance that provides the opportunity for the development community to showcase opportunities to invest and locate in London with a focus on major corporate occupiers, investors in commercial and residential sectors, retailers, hoteliers and restaurants.

Last year's event was attended by over 1600 visitors with many of the leading developers and investors in the property industry exhibiting at the event. The event has previously attracted important speakers including the Mayor of London and the leader of Westminster City Council and other organisations responsible for hundreds of billions of pounds of real estate investments globally. The London Real Estate Forum provides a unique focus for them to meet, share ideas and investigate development opportunity in the heart of the capital.

Berkeley Square is considered to be an ideal location for the event to be hosted as the applicant contends there is no alternative venue which provides similar access to public transport, close proximity to the main offices of many of the exhibitors and attendees and the ability to provide the required exhibition and conference space of the required scale. The location also plays a crucial role in attracting the most senior national and international investors to visit and participate and many of these exhibitors are highlighting significant development and investment opportunities within the City of Westminster.

The Glamour Awards:

This is an established event in Berkeley Square and many of the sponsors and guests have flagship stores and offices in the immediate vicinity on Bond Street and Oxford Street.

The applicant states it is important for the community of Oxford Street and Bond Street retail and fashion businesses that the event is held locally, as the content reflects well on the local community and this location is ideal for sponsors and attendees. Also the publishers of Glamour magazine (Conde Nast) have their main offices five minutes walk from the square.

The applicant contends that the awards are attended by high profile guests who recognise the importance of women in public life and this gives the awards national and international significance.

Linking of the two events:

Sharing the infrastructure makes both of the events commercially viable, without the benefit of being able to share the costs of the set-up and the hire of equipment and infrastructure the applicant contends that it is unlikely either of these events would be commercially viable.

There have been no recorded complaints regarding previous events in the Square and no objections have been received from neighbouring occupiers in respect of the current proposal. As the events will be run in a similar manner to previous years, it is considered that there is unlikely to be any detrimental impact on residential amenity. It is also considered the proposal would not result in any adverse environmental or traffic impacts.

The London Squares Preservation Act

The Square is protected by the London Squares Preservation Act 1931. The primary purpose of the Act is that protected Squares be preserved permanently as open space. The Act requires that a protected square should only be used for authorised purposes namely for the purpose of an ornamental garden, pleasure ground or ground for rest, play and recreation.

In this instance the events provide very limited public access. For the Glamour Awards access is limited to four tickets available as part of a competition and a 'red carpet area' outside the marquees where members of the public can watch celebrities arrive at the Awards. For the London Real Estate Forum, there are approximately 1000 exhibitors and 600 attendees who purchase tickets to attend.

It is necessary on each occasion to look at the overall character and scale of what is proposed to be in a protected square. As a general principle, if the predominant use of what is proposed is commercial, rather than recreational, it is likely to contravene the Act. However the use of part of a square for a short period by an event, whether open to the public or private, is considered to fall within the terms of the Act provided it is of a short duration.

In this particular case the two proposed events would involve the erection 19 marquees on the north side of Berkeley Square for a temporary period between 1st June 2017 and 19th June 2017 and unspecified dates in the years 2018 to 2021.

The Director of Law has advised that the events are likely to be in breach of the Act, firstly because they do not fall within the 'authorised purposes' set out in Section 3(1) of the Act (see above) and secondly because they fail to preserve the character of Berkeley Square as an open space given that approximately 50% will be occupied by the structures for a period of 46 days.

The Director of Law further advises that the City Council has a duty to enforce the provisions of the Act. However, the City Council has a discretion as to whether or not to prosecute having regard to all relevant circumstances.

It is noted that Councillor Roberts and the Mayfair Forum have objected to the application due to the commercial nature of the events and the restricted public access. As detailed above the proposal is likely to be in contravention of the London Squares Preservation Act for these reasons. Grosvenor have also commented on the application and noted that the proposal is contrary to the requirements of the Act.

The Mayfair Forum have further detailed policies from their proposed Neighbourhood Plan, the proposed policy OB12 states they will 'improve amenity in public squares by reducing commercial events, facilitating cultural and community activities and increasing public access and usability'. Whilst the content of this proposed policy is noted, currently the Neighbourhood Plan has not been adopted and carries no material weight.

8.2 Townscape and Design

Policy S35 of the City Plan states that the City Council will protect 'all open spaces, and their quality, heritage and ecological value, tranquillity and amenity'. Policies ENV14 and ENV15 of the UDP also seek to protect Metropolitan Open Land and public open spaces maintaining them for the benefit of the public, both residents and workers.

Policy DES12 of the UDP seeks to 'preserve or enhance the appearance and integrity of open spaces and their settings'. Paragraph 10.157 states that 'the City Council will resist any development of land forming part of the Royal Parks or public and private squares, and any developments that adversely affect their integrity or appearance'. Paragraph 10.157 also states that 'planning permission is only likely to be granted for development in parks, gardens and squares if the development is essential and ancillary to maintaining the land as public open space.'

The proposed marquees are large and are considered to have a significant, harmful impact on the appearance of the registered Garden, and fail to preserve or enhance the character and appearance of the Mayfair Conservation Area.

In line with guidance in the NPPF, the harm the proposal results in to the designated heritage asset (the Square) needs to be weighed against the public benefits of the proposal. On this occasion there is considered to be very limited public benefit arising from the commercial events proposed and the harmful impact of the structures would normally be considered unacceptable.

The marquees also feature a number of advertisements, for which advertisement consent is sought. These are relatively discrete and if planning permission is to be granted for the structures, then it is considered that advertisement consent should also be granted.

8.3 Residential Amenity

In amenity terms the main issue is the impact of the proposed event in terms of additional people attracted to the Square and whether this will cause significant additional noise and disturbance.

There are very few residential properties located on the square with the majority of buildings being used as office accommodation on the upper floors. There are also no complaints registered with the Council in relation to the operation of the events in previous years and no objections from neighbouring residents in relation to this application. As the events will be managed and run in a similar way to previous years it is not considered the proposal would have a detrimental impact upon residential amenity in the vicinity.

It is not considered necessary to include conditions in relation to the opening hours of the events or the hours of deliveries as these issues have been effectively managed by the operators and Special Events in previous years.

8.4 Transportation/Parking

The London Real Estate Forum has taken place in 2013 whilst the Glamour Awards have been taking place for the past 12 years in the Square. It is not considered the proposal would have any detrimental impacts upon the highway in the immediate vicinity with regards to vehicular movements.

8.5 Economic Considerations

The economic benefits generated by the events are noted.

8.6 Access

A temporary disabled access ramp is provided to enable disabled access to the event, with full internal disabled access and a designated disabled toilet.

8.7 Other UDP/Westminster Policy Considerations

Plant

Temporary plant items would be required to support the event. Normally it would be considered necessary for an acoustic report to be submitted to show that the plant would be compliant with City Council policies in relation to the noise levels experienced at the nearest noise sensitive properties. In this instance it is considered that due to the distance from the nearest noise sensitive property, the temporary nature of the event and that there are no recorded noise complaints relating to previous events, an acoustic report would not be necessary. Should permission be granted it is recommended that it is subject to the normal noise conditions.

Grosvenor have commented on the application as they are proposing to carry out public realm improvements in association with Westminster City Council in the square in 2017 which they consider could be adversely affected by the proposal. They have requested the applicant is made liable for any increase in costs for the public realm works potentially arising from the disruption caused by the events. This is not considered reasonable, the marquees will only be situ for 19 days in total and it is considered that any improvement works to the square can be co-ordinated with special events to ensure minimal disruption. An informative is proposed to advise the applicant of these proposed works to ensure the events due not impact on planned improvements.

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

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

8.11 Environmental Impact Assessment

Not relevant to an application of this scale.

9. BACKGROUND PAPERS

1. Application form
2. Email from Councillor Roberts dated 8 April 2016.
3. Response from Historic England dated 4 May 2016
4. Response from the Highways Planning Manager dated 15 March 2016
5. Response from the Cleansing Manager dated 16 March 2016
6. Response from the Head of Legal and Democratic Services dated 27 April 2016
7. Response from Residents Society Of Mayfair & St. James's, dated 31 March 2016
8. Letter from Grosvenor Estates, 70 Grosvenor Street, London, dated 7 April 2016
9. Letter from the Mayfair Forum, dated 11 April 2016

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW GILES ON 020 7641 5942 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS

BERKELEY SQ EVENTS

LEGEND:

- FE WALL WIRES
- FIRE EXIT
- 2m GLAZED DOOR
- 4m GLASS PANEL
- BAFFLE SCREEN
- PORTAL BEAM
- DECK
- STEPS BY OR JOINER
- RAMP
- TRACKING
- BESPOKE GLITTER LINK
- DECKING

CLIENT'S APPROVAL:

DATE:	DESIGNER:	DATE OF MODIFICATION:

TIME BASED EVENTS

PROJECT: **BERKELEY SQUARE**

EVENT DATE: **JUNE 2016**

SCALE: **1:250 @ A3**

CODE DRAWING REFERENCE: **TBE**

DRAFT DECISION LETTER

Address: Berkeley Square, London, W1J 6DB,

Proposal: Erection of 19 marquees on the north side of Berkeley Square for a temporary period for the Glamour Awards and the London Real Estate Forum between 1 June 2017 and 19 June 2017 and for unspecified dates in years 2018 to 2021.

Reference: 16/00870/FULL

Plan Nos: Drawings: 168_P_30_06 RevP1, TBE-15-01E, TBE-15-02D, TBE, 02/488.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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 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.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 The use of the marquee structures hereby granted permission shall be for a limited period in 2017 restricted to 1 June 2017 and 19 June 2017. At the end of this period the structures and associated works shall have been removed and the land restored to its former condition.

Reason:

The use and structures are intended to be temporary and their retention beyond the approved period is considered contrary to DES12 of our Unitary Development Plan that we adopted in

January 2007 and S35 of our City Plan that we adopted in November 2013. Use for more than a limited period would be harmful to the objectives of the Plan.

- 4 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.

- 5 (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: Strategic Policies adopted November 2013, 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.

- 6 You must apply to us for approval of the dates for which you seek to erect the permitted marquees in 2018, 2019, 2020 and 2021 and the marquees shall not be erected in these years unless approval has been given under this planning condition.

Reason:

The use is not as set out in DES12 of our Unitary Development Plan that we adopted in January 2007. Use for more than a limited period would be harmful to the objectives of the Plan. (R03AB)

- 7 The marquees hereby approved shall only be used to host the London Real Estate Forum and the Glamour Awards. They shall not be used to host any other events in addition to these two events.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

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: Strategic Policies adopted November 2013, 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 You are advised that public realm improvement works are proposed to take place in Berkeley Square in 2017 and you should contact Hilary Skinner at Westminster City Council on 020 7641 2531 to ensure the proposed events do not impact upon these scheduled works.

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.