

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 June 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 seven marquees on the north side of Berkeley Square Gardens for a temporary period for antiques and art fairs between 31 August 2016 and 15 October 2016 and for unspecified dates in years 2017 to 2020.		
Agent	Miss Mieka Sywak		
On behalf of	Miss Mieka Sywak		
Registered Number	16/01776/FULL	Date amended/ completed	4 April 2016
Date Application Received	29 February 2016		
Historic Building Grade	Unlisted		
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

The application was deferred by the Planning Applications Committee on the 17th May 2016 (see minutes and report attached below) in order for the applicant to provide further detailed information as to when the marquees will be vacant with a view to reducing the time which the marquees will be in situ.

Permission was granted by Committee on 17th May 2016 for 19 marquees on the north side of Berkeley Square to host the Glamour Awards and the London Real Estate Forum between 1 June 2017 and 19 June 2017 and for unspecified dates in future years.

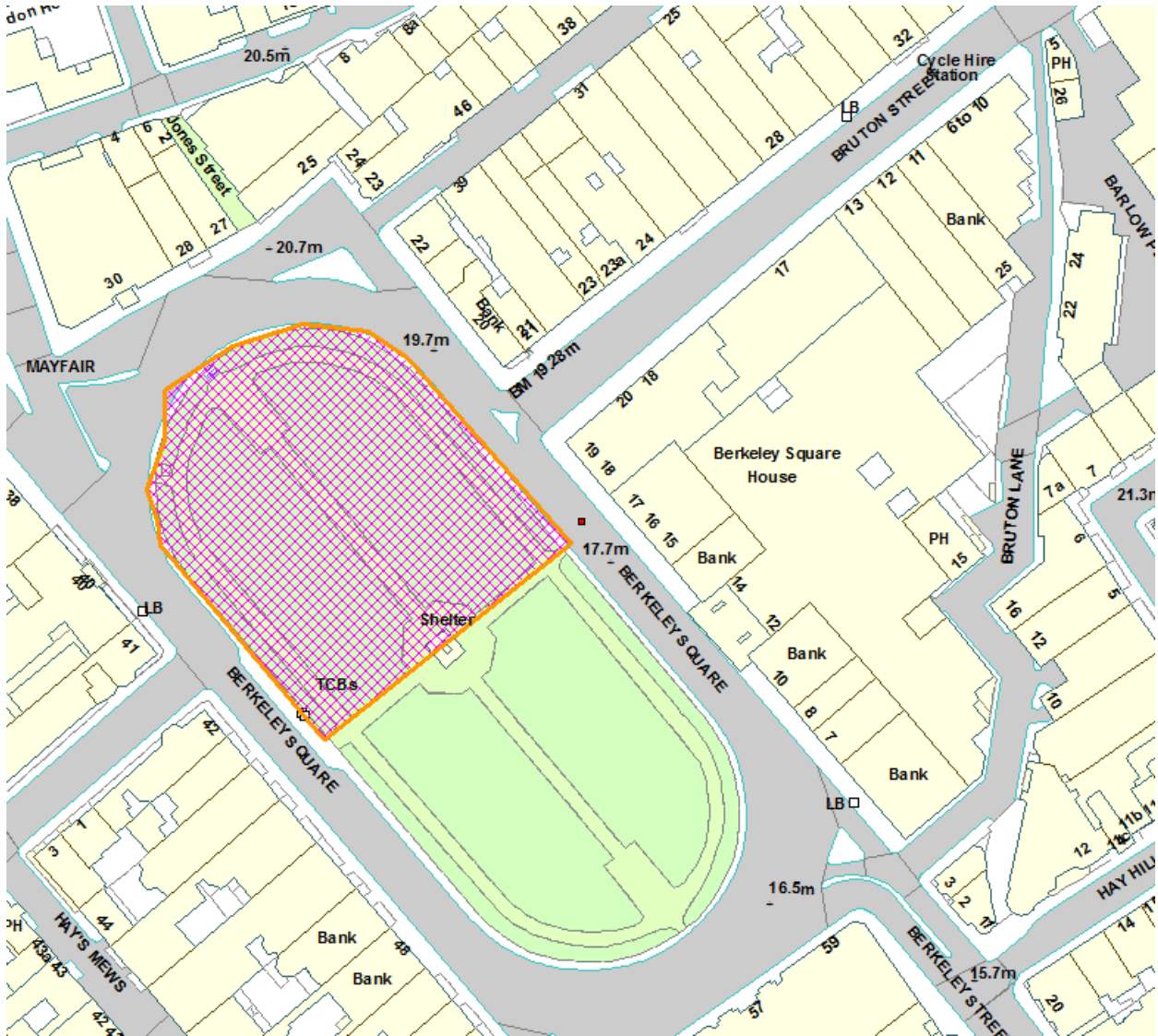
The applicant has subsequently provided detailed document explaining what happens on each of the 45 days that they would have possession of the northern side of the square. This is summarised as follows (the full breakdown forms a background paper) :

- Days 1 to 10 - utilised for the erection of the marquees, the installation of fencing, re-location of planters, installation of services (waste, water, electricity and internet) and the installation of toilets and catering facilities;
- 11 to 12 - scheduled for the 'exhibitor move-in', when all the exhibitors bring their displays on site to designated stands;
- 13 - LAPADA Fair Collectors Preview event;
- 14 to 19 – LAPADA is open to members of the public and the marquees also host a charity reception in aid of Action For Rehabilitation From Neurological Injury (ARNI);
- 19 to 21 - the stands for the LAPADA event will be dismantled and all the relevant signage will be removed;
- 21 to 23 – the marquees are empty; previously these interim days were used to host a further charity event but following a number of noise complaints in relation to this event in 2015 this has now been omitted. The applicant has advised that when the dates for the 2017 events are reviewed they will seek to omit this vacant period, but as the dates for 2016 have already been advertised and contracts finalised it will not be possible to change it for this year;
- 24 to 30 - the marquees are reconfigured to the design of the PAD event, including the repositioning of the catering facilities, toilets and fire exits, installation of new signage and the construction of the internal stands for exhibitors;
- 30 to 33 - exhibitors set up their individual stands and all the displays are moved on site;
- 34 to 36 – the marquees are used for the hosting of a charity event in aid of CLIC Sargent, VIP tours, a collectors preview, judging of the PAD exhibits and press events;
- 36 to 40 the PAD event is open to the general public from 11:00 until 20:00 until the fifth day when it is open from 11:00 until 18:00; and
- 41 to 45 - removal of the exhibitions, stands, marquees and all associated equipment and returning the north side of the square to its previous condition before the area is handed back to Westminster Council.

The applicant has stated that in future years they would seek to reduce the time that the square is occupied for the events, through additional sharing of resources between the two events. They advise that this could reduce their occupancy by 4-7 days however the logistics for 2016 are already set (dates have been published, including exhibitor and contractor contracts). Consequently in 2016 it would be impractical to close the dates between the two fairs.

22 letters of support have been submitted since the application was last presented to the Planning Committee. These letters seek to emphasise the benefits of the fair for local businesses with regard the opportunity for local art and antiques galleries to present their wares to an international audience. They also detail the additional economic benefits of the 50,000+ visitors for other local businesses such as hotels, restaurants and retail businesses. It is acknowledged that the fairs will provide an economic benefit for many local businesses.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

ADDITIONAL LETTERS OF SUPPORT RECEIVED AFTER THE PREVIOUS PLANNING COMMITTEE:

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S

No objection.

(The previous committee report wrongly identified the Residents Society of Mayfair and St. James's as having objected but this was from the Mayfair Residents Group)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

22 letters of support on some or all of the following grounds:

The events provide support to local businesses, not just arts and antiques dealers but also hotels, restaurants and other retail businesses.

The events promote London as an international centre for the arts and antiques trade.

6. BACKGROUND PAPERS

1. Application form and letter from LAPADA and PAD dated 26 May 2016
2. Email from the Residents Society of Mayfair and St. James's dated 17 May 2016
3. Letter from occupier of 28 Pimlico Road, London dated 20 May 2016
4. Letter from occupier of 61 Cadogan Square, dated 24 February 2016 (received 20 May 2016)
5. Letter from H Blairman & Nsons, PO Box 6374, dated 20 May 2016
6. Letter from Panter & Hall, 11-12 Pall Mall, London, dated 20 May 2016
7. Letter from Anthea A.G. Antiques LTD, 58 Davies Street, London dated 20 May 2016
8. Letter from Galerie Kreo - London, 14A Hay Hill, dated 19 December 2016 (received 20 May 2016)
9. Letter from Hamiltons Gallery, 13 Carlos Place, London dated 12 February 2016 (received 20 May 2016)
10. Letter from Mazzoleni Art, 27 Albemarle Street, London, dated 20 May 2016
11. Letter from Wakelin & Linfield, PO Box 48, dated 20 November 2016 (received 20 May 2016)
12. Letter from CLIC Sargent, , Philanthropy And Partnerships, dated 20 May 2016
13. Letter from Rose Uniacke, 76-84 Pimlico Road, London, dated 6 January 2016 (received 20 May 2016)
14. Letter from Philip Mould & Company, 18-19 Pall Mall, dated 25th November 2015 (received 20 May 2016)
15. Letter from Mackinnon Fine Furniture, 5 Ryder Street, St. James's, London, dated 20 May 2016
16. Letter from Butchoff Antiques, 154 Kensington Church Street, dated 20 May 2016
17. Letter from John Joseph Antique Jewellery, Stands 345-6 Grays, 58 Davies Street, dated 20 May 2016
18. Letter from Rebecca Hossack Art Gallery, 2A Conway Street, London dated 21 May 2016
19. Letter from occupier of, Willow Gallery, 40-41 Duke Street, London dated 30 November 2016 (received 23 May 2016)
20. Letter from Wimpole Antiques, 2 Upper Wimpole Street, London dated 23 May 2016
21. Letter from Michael Hoppen Gallery, 3 Jubilee Place, London, dated 23 May 2016

22. Letter from Lucas Rarities Ltd., 47 Maddox Street, London dated 26 May 2016
23. Letter from Huntingdon Antiques, Stow-on-the-Wold, Gloucs dated 26 May 2016
24. Letter from Kleanthous Antiques, 144 Portobello Road, London dated 26 May 2016

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

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

DRAFT DECISION LETTER

Address: Berkeley Square, London, W1J 6DB,

Proposal: Erection of seven marquees on the north side of Berkeley Square Gardens for a temporary period for antiques and art fairs between 31 August 2016 and 15 October 2016 and for unspecified dates in years 2017 to 2020.

Reference: 16/01776/FULL

Plan Nos: Site Designation Plan, Drawings: LAPADA 2016 Rev 07, PAD London 2016, PAD Marquee Elevations, LAPADA Marquee Elevations.

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 between 31 August 2016 and 15 October 2016 when the structures and associated works shall be removed and the land restored to its former 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)

- 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 2017, 2018, 2019 and 2020. Permission must be granted in writing before the marquees can be erected in these years.

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)

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 when seeking to discharge Condition 6 of this permission in relation to the dates for the events in future years the City Council will expect to see a reduction in the length of the tenancy period of the square in line with the stipulations in the letter dated 26th May 2016.

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.