

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 9 July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>90-91 Berwick Street, London, W1F 0QB,</b>		
<b>Proposal</b>	Details pursuant to Condition 23 of planning permission dated 4 October 2016 (RN: 15/06792/FULL), namely the submission of a Servicing Management Strategy.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Berwick Street Securities Limited		
<b>Registered Number</b>	18/08284/ADFULL	<b>Date amended/ completed</b>	27 September 2018
<b>Date Application Received</b>	27 September 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

Approve details.

## 2. SUMMARY

90-91 Berwick Street comprises a podium block with a residential tower element (Kemp House). Planning permission was granted on the 20 February 2015 for the following development:

'Partial demolition and rebuilding of existing podium levels with additional part single and part two storey extensions; front extension of part of the west elevation to Hopkins Street; replacement facades and new shopfronts; all in association with continued use of parts of the basement and ground floor on Berwick Street for shops (Class A1), financial and professional services (Class A2) and food and drink (Class A3) and new retail unit at northern end of Hopkins Street, use of remainder of podium (as extended) for hotel (Class C1) and residential (Class C3) purposes (maximum of 16 units) together with associated roof terraces (including for use by existing Kemp House residents); green roofs, landscaping, car and cycle parking, servicing, plant and ancillary works.'

This permission has been subsequently amended a number of times including on the 4 October 2016 when consent was granted to vary conditions on the approval to allow for minor material changes to the approved scheme. Permission is now sought to discharge Condition 23 of the planning permission from October 2016. This condition required that prior to the occupation of the

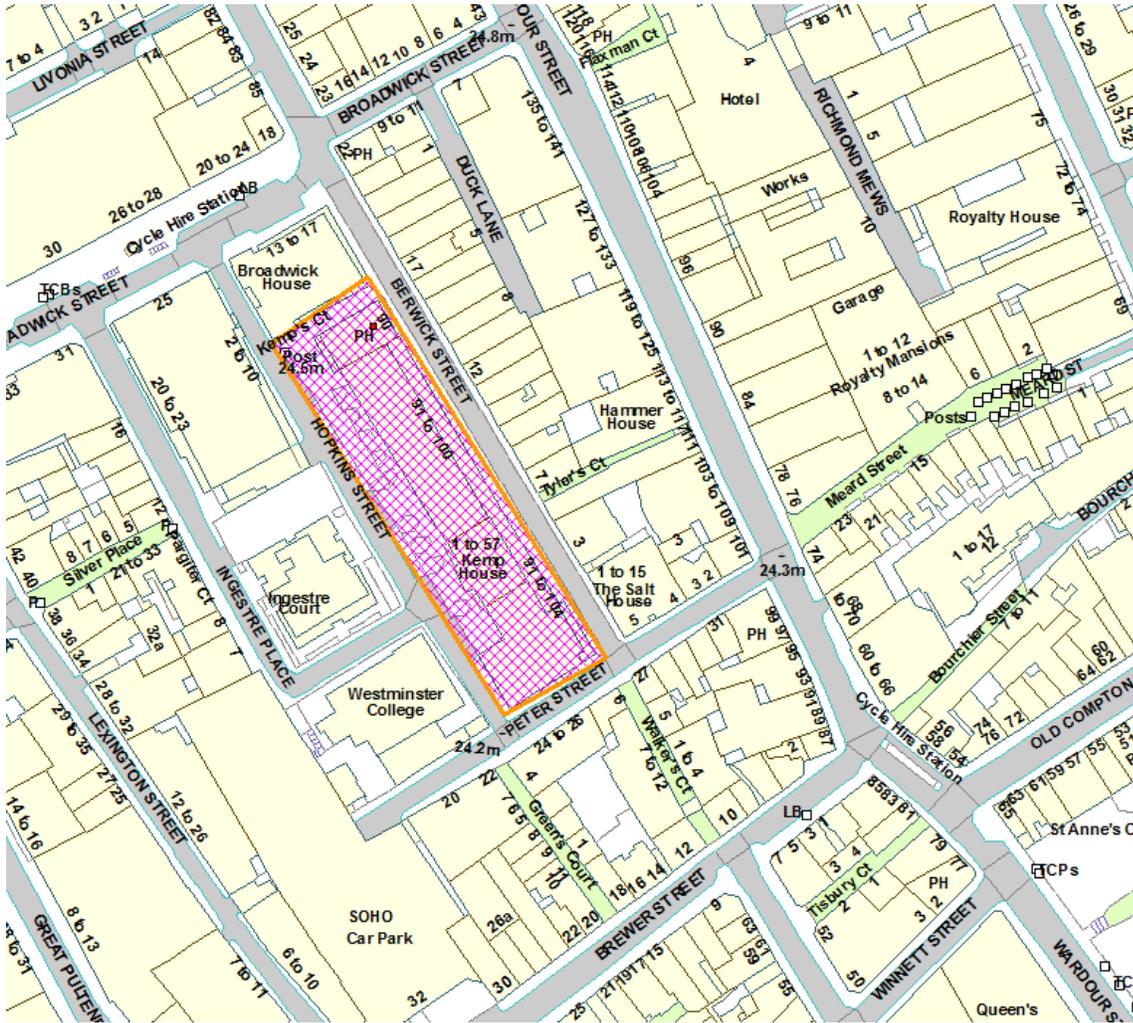
development a detailed servicing management strategy will be submitted for the City Council's approval.

The key issues for consideration are:

- The acceptability of the submitted plan to minimise noise and disturbance to nearby residents.
- The acceptability of the submitted plan to minimise disruption to the local highways network.

A number of objections have been received, but it is considered the submitted servicing management strategy is acceptable and it is recommended that the condition be discharged.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS

View north along Hopkins Street:



View south along Hopkins Street:



## 5. CONSULTATIONS

### SOHO SOCIETY

Objection – supports the comments of the Kemp House Residents Association and would prefer larger numbers of smaller delivery vehicles as opposed to larger vehicles.

### HIGHWAYS PLANNING

No objection.

### KEMP HOUSE RESIDENTS ASSOCIATION

Objection on the following grounds:

- Information provided is not up-to-date and doesn't fully consider the local circumstances of the application site.
- Servicing Plan may result in pavements and streets being blocked to the detriment of pedestrians and traffic movements.
- Concern over the level of monitoring both by site management and the City Council.
- Potential for noise disruption to residential occupiers resulting from early deliveries (before 07:00).
- Potential future issues with new night time venues in the area resulting in additional traffic movements.
- Potential changes to road layouts in the future may affect the long-term suitability of the Servicing Plan.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 73

Total No. of replies: 2

No. of objections: 1

Objections on the following grounds:

Previous Co-Op supermarket servicing arrangements resulted in obstruction to the local roads.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

90-91 Berwick Street is an unlisted building situated in the Core Central Activities Zone and the Soho Conservation Area. The site comprises a podium block with a residential tower element above (Kemp House). Construction works are on-going to implement a 2015 planning consent for the creation of new retail, restaurant, residential and hotel functions in the podium section of the building.

### 6.2 Recent Relevant History

Planning permission was granted on 20 February 2015 for the partial demolition and rebuilding of existing podium levels with additional part single and part two storey extensions; front extension of part of the west elevation to Hopkins Street; replacement facades and new shopfronts; all in association with continued use of parts of the basement and ground floor on Berwick Street for shops (Class A1), financial and professional services (Class A2) and food and drink (Class A3) and new retail unit at northern end of Hopkins Street, use of remainder of podium (as extended) for hotel (Class C1) and residential (Class C3) purposes (maximum of 16 units) together with associated roof terraces (including for use by existing Kemp House residents); green roofs, landscaping, car and cycle parking, servicing, plant and ancillary works.

Planning permission was granted on 4 October 2016 for the variation of Conditions 1 and 30 of planning permission dated 20 February 2015 (RN: 13/12007) for the partial demolition and rebuilding of existing podium levels with additional part single and part two storey extensions; front extension of part of the west elevation to Hopkins Street; replacement facades and new shopfronts; all in association with continued use of parts of the basement and ground floor on Berwick Street for shops (Class A1), financial and professional services (Class A2) and food and drink (Class A3) and new retail unit at northern end of Hopkins Street, use of remainder of podium (as extended) for hotel (Class C1) and residential (Class C3) purposes (maximum of 16 units) together with associated roof terraces (including for use by existing Kemp House residents); green roofs, landscaping, car and cycle parking, servicing, plant and ancillary works. Namely, to amend the approved drawings so as to allow the provision of an additional 17 hotel bedrooms (providing a hotel of 110 hotel bedrooms) and to expand the food and drink offer to hotel guests on a 24 hour basis rather than just serving breakfasts.

## **7. THE PROPOSAL**

The current application seeks to discharge Condition 23 on the permission dated 20 February 2015. The condition stipulates the following:

*'Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy.'*

A Servicing Management Strategy has been submitted for consideration.

## **8. DETAILED CONSIDERATIONS**

The approved development included the provision of a servicing bay at the rear of the Endurance public house to the north of the development site accessed off Hopkins Street and another on-street servicing bay on Hopkins Street. The development also included an internal servicing corridor which allows direct access to the retail units from the servicing bay and it was considered this would encourage the occupiers to utilise this bay as opposed to other on-street loading / unloading bays in the vicinity. There were several existing small on-street servicing bays which were removed as part of the proposal and it was noted that large vehicles associated with the Co-op supermarket were unable to use these spaces and instead serviced from Peter Street to the south of

the site. A transport assessment was submitted as part of the original application which considered that future servicing requirements of the proposed development would be broadly similar to the existing building.

The original planning committee report asked members to consider; 'the potential improvements to Hopkins Street by providing an enlivened frontage would outweigh the reduction in the provision of street level parking and servicing spaces'. This was considered to be the case by members and the application was granted subject to the submission of the SMP detailing how the provided servicing areas would be utilised. The reason for the imposition of the condition was in order to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties.

### **8.1 Transportation and Amenity**

The objection from the Kemp House Resident's Association (KHRA) states that they consider out of date information has been used in the submitted Servicing Management Plan. This seems to be a reference to the inclusion of data from the original planning consent which is used to assess the previous servicing requirements to the building occupiers to inform the potential servicing requirements of future occupiers. As the development has now been granted it is not necessary to re-consider the number of deliveries which may be associated with the development but just the management of the approved servicing arrangements.

The KHRA have commented on a number of statements made in the Servicing Management Plan and consider these should be included as planning conditions on any consent. However, this is unnecessary, as the original condition states; 'all servicing shall be undertaken in accordance with the approved strategy'. It is not necessary to condition certain aspects as the original condition itself requires servicing arrangements to accord with the approved document.

Swept path analysis has been provided to demonstrate that both servicing bays can accommodate delivery vehicles up to 8.3m and this has been confirmed by the Highways Planning Manager. The provision of the servicing bay in Hopkins Street was considered in relation to the original planning permission with regard its acceptability in highways and amenity terms. The KHRA have again objected to the principle of a servicing bay in this location due to pedestrian obstruction and possible damage to the building but this bay has been approved and the principle of its provision has already been deemed acceptable.

The KHRA have requested that the hours of servicing be restricted to between 07:00 and 22:00 in order to prevent noise nuisance to neighbouring residential occupiers. The applicant has agreed to this and an amended Servicing Management Plan has been provided to state these hours of servicing.

KHRA is concerned about the use of the servicing bays by other businesses in the vicinity which will lead to additional on-street servicing. The use of the bays will be monitored by on-site building management and City of Westminster parking enforcement to ensure the bays are only utilised by appropriate users. If the bays are in use, then there are another two designated loading bays on Broadwick Street to the north of the development site. Additionally, the previous servicing arrangements did not include

capacity for the 8.3m delivery vehicles that serviced the Co-op with servicing happening from the street on Peter Street. The new arrangements providing larger servicing bays are considered an improvement on that situation.

## 8.2 Other UDP/Westminster Policy Considerations

Comments have also been made by the KHRA in relation to vehicles parking illegally and making inappropriate driving manoeuvres. This is not relevant to the Servicing Management Plan for the new development and would be an issue for the police and parking enforcement against individual drivers.

The applicant has confirmed that an Estates Manager will be appointed who will be employed on-site and will be responsible for the following:

- Controlling and scheduling loading bay vehicle access by users for the off-street facilities;
- Being responsible for day to day management of the bay including cleanliness;
- Keeping a record of servicing bay movements and compliance with the loading strategy; and
- Liaison with neighbours including the Kemp House Residents Association.

The KHRA have also commented on potential future traffic restrictions in the area such as making Hopkins Street one way. There is no current scheme to provide this and therefore it does not need to be considered as part of the submitted SMP. Additional comments have been received raising concerns that other developments in the area including the Soho Estates scheme around Walker's Court to the south of the Co-Op supermarket will result in additional highways pressure. Whilst it is noted there is a large amount of development in the vicinity, this application solely relates to the servicing arrangements of the approved uses in the re-developed building. The location of the servicing bays have been agreed and it is the management of these bays which is now being considered. The additional developments taking place within the area will not have a material impact upon the detail included within the Servicing Management Plan.

The Soho Society have objected to the application supporting the comments made by the KHRA but also commenting on whether larger vehicles should be restricted and only smaller delivery vehicles allowed which are electric. Whilst the City Council has several policies seeking environmental improvements as part of redevelopment works and seeks to promote the increase in use of electric vehicles there is no policy basis to formally require a development to be solely serviced by electric vehicles and the objection on these grounds is not therefore considered sustainable. The Soho Society also commented on the suitability of delivery vehicles leaving the site turning south on Marshall Street to meet Beak Street due to the narrowness of the road. This issue was raised with the applicant and the SMP amended so vehicles now turn south on Lexington Street to join Beak Street as most other delivery vehicles would do and is considered a much more appropriate route.

## 8.3 Westminster City Plan

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

(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: HELEN MACKENZIE BY EMAIL AT [hmackenzie@westminster.gov.uk](mailto:hmackenzie@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 90-91 Berwick Street, London, W1F 0QB,

**Proposal:** Details pursuant to Condition 23 of planning permission dated 4 October 2016 (RN: 15/06792/FULL), namely the submission of a Servicing Management Strategy.

**Reference:** 18/08284/ADFULL

**Plan Nos:** Servicing Management Strategy (June 2019)

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

**Recommended Condition(s) and Reason(s)****Informative(s)**

- 1 This permission fully meets condition(s) 23 of the planning permission dated 15/06792/FULL. (I11AA)

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.