

CITY OF WESTMINSTER			
PLANNING MAJOR APPLICATIONS SUB-COMMITTEE	Date 24 SEPTEMBER 2019	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	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 – A3) and non-residential institutions and leisure (Class D1 - D2) floorspace with ancillary functions; basement refurbishment works; the erection of an extension on the corner of Piccadilly and Dover Street comprising ground plus 6 upper floors; 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 and other ancillary works.		
Agent	DP9		
On behalf of	Crosstree Real Estate Partners LLP		
Registered Number	18/10021/FULL	Date amended/ completed	8 May 2019
Date Application Received	23 November 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission subject to a S106 legal agreement to secure:
 - i) A financial contribution towards employment, training and skills of £ 88,188 (index linked) payable on commencement of development.
 - ii) A servicing management plan
 - ii) A walkways agreement
 - iv) The costs of monitoring the S106 legal agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:

- a. The Director of Place Shaping and 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 Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
- b. The Director of Place Shaping and 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 the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

Permission is sought for alterations and extensions to 1970's buildings on Berkeley Street and Piccadilly to provide primarily an improved and enlarged hotel (Class C1) and an increase in office (Class B1) floorspace. The scheme involves public realm improvements to Dover Yard at the rear of the site in the form of hard and soft landscaping.

The key issues for consideration are:

- The impact in land use terms;
- The acceptability of the scheme in townscape and design terms
- The impact on the highway

The increase in hotel and office accommodation and retention of retail (Class A1) is acceptable in land use terms on this site within the Core Central Activities Zone.

The existing buildings are of no great architectural merit. Permission was granted for their demolition and redevelopment in 2016. The current scheme involves the retention of the buildings removing an unattractive plant room on the Piccadilly frontage and replacing with a roof extension which would be a more coherent addition which compliments the retained building The Berkeley Street elevation will also be improved with replacement glazing and a painted façade.

The Highways Planning Manager raises concerns that works to Dover Yard will adversely impact on pedestrian movements through the Yard and potentially on vehicular activity on Berkeley Street. The concerns are noted but can be ameliorated with a servicing management plan which will be secured as part of a S106 agreement. The proposed landscaping works to Dover Yard are welcomed in townscape and design terms and would be a benefit.

The application accords with adopted UDP and City Plan Policies and accordingly is recommended for approval.

LOCATION PLAN



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4. PHOTOGRAPHS



Views on Piccadilly



View on Berkeley Street of Holiday Inn



Dover Yard façade of the Holiday Inn



Views on Dover Yard

5 CONSULTATIONS

ORIGINAL SCHEME (2 x storey pavilion on the corner of Piccadilly/ Dover Street)

MAYFAIR RESIDENTS GROUP

No response received

RESIDENTS SOCIETY of MAYFAIR & St. JAMES'S

No response received

ENVIRONMENTAL HEALTH

Additional plant noise information, and noise assessment for the proposed D1 and D2 uses (within Dover Yard) requested. Recommend any permission is subject to a supplementary acoustic report to ensure that operation of plant is policy compliant.

Air quality assessment is required.

HIGHWAYS PLANNING MANAGER

Objection; alterations to Dover Yard would result in improvements for pedestrians, servicing should remain off street within Dover Yard to comply with policy.

PROJECT OFFICER (WASTE)

Objection, further details of refuse provision and waste strategy are required

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 363

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

REVISED APPLICATION (ground + 4 upper floors extension on the corner of Piccadilly/Dover Street, with a recessed staircase core at 6th floor level)

MAYFAIR RESIDENTS GROUP

No response received

RESIDENTS SOCIETY of MAYFAIR & St. JAMES'S

No response received

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 363

Total No. of replies: 0

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. The buildings are in use as retail (Class A1) hotel (Class C1) and offices (Class B1). The ground floor is predominantly in retail use, the Holiday Inn occupy the Berkeley Street buildings and floors 5-7 of the entire site (including the Piccadilly frontage), the 1st- 4th floors of No 70-73 Piccadilly are in use as offices.

No 1 Berkeley Street and 70-73 Piccadilly are stone coloured buildings, No's 2-7 Berkeley Street is a red brick faced building.

The site includes Dover Yard at the rear which is 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 Core Central Activities Zone.

6.2 Recent Relevant History

On 27 April 2016 permission was granted for a redevelopment scheme for a new building comprising 3 basement levels, ground plus 6 – 10 storeys (RN 15/01827/FULL). This was a residential led scheme comprising 52 dwellings, hotel accommodation, and retail at part basement, ground and first floors.

On 26 April 2019 Certificate of Lawful Development was granted to confirm the lawful implementation of the planning permission dated 27 April 2016 referred to above (RN 19/02917/CLEUD).

7 THE PROPOSAL

Permission is sought for a scheme which involves the retention and alterations to the principle buildings on Piccadilly and Berkeley Street, and redevelopment of the annex building within Dover Yard in connection with the provision of an enlarged hotel (Class C1), and offices (Class B1). The proposal will retain retail (Class A1) shop units on Piccadilly, returning onto Berkeley Street and Dover Street. Flexibility is sought regarding the use of the rebuilt building within Dover Yard as either retail (Class A1), restaurant (Class A3), offices (Class B1), Non- residential institution (Class D1) or Assembly and Leisure (Class D2)

The Holiday Inn currently occupy a large part of the site. The applicant is in discussions with a new Hotel operator and advise that the intention is to provide a 5 * hotel with high quality accommodation and facilities. The hotel will occupy the 1st to 8th floors of 1-7 Berkeley Street and the 1st, 7th and 8th floors of 70-73 Piccadilly. Both the hotel and office entrances will be

located on Berkeley Street. The 2nd to 6th floors of 70-73 Piccadilly will be used as offices. Back of house facilities, storage, cycling facilities are located at basement level.

The main works are as follows:

- i) At 70-73 Piccadilly, removal of a set-back 7th floor and prominent plant room and rebuilding with a 7th and 8th floor roof extension with a significantly recessed plant room on both the Piccadilly and Berkeley Street facades above.
- ii) Ground floor extension on Berkeley Street, infilling an existing vehicular and pedestrian entrance into Dover Yard
- iii) Demolition and rebuilding rear façade of 1-7 Berkeley Street, to 6th floor level.
- iv) Demolition and rebuilding ground to 2nd floor annex building in Dover Yard.
- v) Erection of an extension at ground and 4 upper floors on the corner of Piccadilly and Dover Street
- vi) Repaving, provision of hard and soft landscaping to Dover Yard (maintaining the public right of way through Dover Yard between Berkeley Street and Dover Street).

The scheme initially proposed a glazed 2 x storey pavilion at the junction on the corner Piccadilly and Dover Street. Further to discussions with Officers the form of this addition has been amended. As revised the extension comprises ground plus 4 upper floors with a recessed staircase core rising to 6th floor level. Other minor detailed design changes have been made as revisions to the application.

8 DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed floorspace figures are set in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (B1)	5319	7789	+2470
Retail (A1-A3)	2540	1861	-679
Annex (A1-A3,B1,D1 and D2)	0	543	+543
Hotel (C1)	11119	12021	+902
Total	18,978	21,699	+2721

Offices (Class B1)

The site lies within the Core CAZ where City Policy S6 identifies as being an appropriate location for a range of commercial and cultural uses.

The proposed development will result in the provision of increased and improved new office accommodation. The new office reception/ entrance will on Berkeley Street. The proposed office accommodation will be located at 2nd to 6th floor levels of 70-72 Piccadilly and potentially in the

rebuilt annex building within Dover Yard. The proposed development will provide up to xxxx m2 of office (Class B1) floorspace.

Commercial developments are directed to the Core CAZ, Paddington, Victoria and Tottenham Court Road Opportunity Areas, Named Streets and the North Westminster Economic Development Area. New office floorspace is encouraged within the Core CAZ to enhance Westminster's strategic role in London's office sector, and support London's global competitiveness.

City Plan policy S20 states:

'The council will work to exceed the target of additional B1 office floorspace capacity for at least 58,000 new jobs (774,000 sq. m B1 office floorspace) between 2016/17 and 2036/37, an average of 2,900 new jobs per annum. The provision of increased commercial offices accords with the City Council's strategic objectives and policies. An office led scheme is considered to be appropriate to the site and this part of the West End. The scheme will contribute to the Core CAZ being a competitive business location. The increase in employment and jobs as part of the scheme is in accordance with City Plan and London Plan policies would be a benefit. The improved quality and increase in quantum of office floorspace is supported in land use terms.

Mixed Use

Policy S1 is applicable for development within the Core CAZ, the Named Street, and Opportunity Areas, which includes net additional B1 office floorspace. Residential is required where the increase in office floorspace is more than 30 % of the existing building (for all uses). In this case the increase in offices of 2470 m2. If the option to use the annex building within Dover Yard is also taken up as offices the increase would be 3013 m2. This is an increase of 15.9 % in relation to the existing building. There is therefore no policy requirement to provide residential.

Hotel (Class C1)

A large part of the site is in use as a hotel occupied by the Holiday Inn for a number of years. The scheme will increase the quantum of hotel area compared to the existing. The applicant seeks flexibility in providing between 170-210 hotel rooms.

London Plan Policy 4.5 notes that the Mayor will support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision. The policy also goes on to note that the Mayor will seek to achieve 40,000 net additional hotel bedrooms by 2036.

City Plan Policy S23 states that new hotels will be directed to the Paddington, Victoria and Tottenham Court Road Opportunity Areas, the Core Central Activities Zone, name streets, the Knightsbridge Strategic Cultural Area and the North Westminster Economic Development Area. Hotels should also be directed to those streets which do not have a predominantly residential character. Existing hotels will be protected where they do not have significant adverse effects on residential amenity. Finally, proposals to improve the quality and range of hotels will be encouraged.

The increase in hotel floorspace is welcomed in land use terms in accordance with London Plan and City Plan policy S23 and UDP Policy TACE 1 and 2.

Retail (Class A1)

The site is within the Core CAZ and the West End Special Policy Area (WERSPA). City Plan policy S7 seeks to support the West End Special Retail Policy Area through recognising the unique status and offer of the West End through improving retail space and accommodating for appropriate retail growth. As such permission will only be granted where the proposal would not be detrimental to the character and function of the area of the vitality and viability of a shopping frontage or locality. Policies SS4 and SS5 of the UDP seek to protect and maintain the established extent of retail (A1) uses in the CAZ.

City Plan policy S21 states that new retail floorspace will be directed to the designated shopping centre and that existing retail (Class A1) will be protected throughout Westminster except where the Council considers that the unit is not viable.

At present there are shop units on Piccadilly and Dover Street and the southern end of Berkeley Street close to the junction with Piccadilly. The applicant advises that at least all the existing retail (Class A1) will be re provided in the scheme. The applicant has requested some flexibility to allow part of the shop units to be occupied a restaurant (Class A3) floorspace. The loss of two small kiosk type retail units on Berkeley Street that form the entrance into Dover Yard is considered acceptable, however all the units which facing onto Piccadilly with return frontages onto Berkeley Street and Dover Street should be uses for retail Class A1 purposes to ensure that the strong retail character of Piccadilly is maintained. It is recommended that this is dealt with by way of condition. On this basis the retail provision is considered acceptable in accordance with adopted policy.

Other Uses

The applicant has sought flexibility in the way in which the rebuilt annex building within Dover Yard is to be used. The application seeks to use this building as either retail (Class A1) restaurant (Class A3), office (Class B1), Non-residential institutions (Class D1) or for Assembly and leisure purposes (Class D2). The rebuilt property will comprise ground two upper floors facing in a southerly direction within Dover Yard. The first floor has a small terrace area. The total floorspace is 543m². This includes a proportionate element of the shared plant across the whole site. The actual unit floorspace including public and back of house/ staff areas is 330 m². If the property is used as either a café' or restaurant the application indicates that tables and chairs could be located immediately in front of the building as part of environmental improvements within Dover Yard.

As set out in the preceding paragraphs use of the building for either retail (Class A1) or Office (Class B1) purposes is considered acceptable in accordance with adopted land use policies. Consideration of the other uses proposed is as follows:

Restaurant (Class C3)

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses including restaurants. The TACE policies are on a sliding scale whereby developments where TACE 8 is applicable would be generally permissible and where TACE 10 (gross floorspace exceeds 500 m²) is applicable only in exceptional circumstances. City Plan policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any concentrations of entertainment uses and the cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. The proposal

states that new large- scale entertainment uses of over 500 m2 floorspace will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of various parts of the City while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

It is considered that the building could successfully operate as a restaurant without detriment to either residential amenity or to the character and function of the area. Use as a restaurant could potentially enliven Dover yard in accordance with the aim to improve the public realm and permeability of the area. Use of the premises as a restaurant is not considered out of context for the size of the site. The proposed hours would be restricted to the normal core hours for licensed premises, with evening opening rather than night time use.

Subject to appropriate conditions that require the restaurant to operate in accordance with approved Operational Management Plans (OMP) the overall restaurant provision is considered to be acceptable.

Although the submission includes indicative air handling units and a kitchen extract in a dedicated plant enclosure on the roof of the building, it is recommended that permission is subject to a condition which requires the approval of the full ventilation system to be submitted and approved prior to use as a restaurant commencing. Subject to this and the other conditions detailed above use as a restaurant is considered acceptable.

Non-residential institutions (Class D1) and Assembly and leisure (Class D2)

Class D1 encompasses medical or health services, a crèche, day nursery or day centre, education, display of works of art (otherwise than for sale or hire), a museum, public library or public reading room, public hall or exhibition hall, or in connection with, public worship or religious instruction.

Class D2 includes a cinema, concert hall, bingo hall or casino, a dance hall, a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Some of the uses listed above would not be appropriate to the site because of both the size of the building and the site constraints. Many of the uses within the Class D1 and D2 use classes (listed above) may be appropriate for this part of the site. However, details of the uses and how they would operate have not been provided as part of the application. This information is necessary to properly assess their acceptability. It is therefore recommended that a condition is imposed which requires full operational details to be submitted and approved prior to any of the Class D1 or D2 uses commencing. Thereafter the uses would need to operate in accordance with the approved operational management plan.

8.2 Townscape and Design

The existing post war buildings are within the Mayfair Conservation Area but do not make a positive contribution to the character and appearance of the conservation area. Planning permission has been granted for its demolition and redevelopment in 2016. No 70-73 Piccadilly is within the setting of heritage assets including the Ritz Hotel to the south (listed grade 2 Star), Devonshire House to the west (listed grade 2) and Green Park, a Grade 1 Registered historic park, and part of the Royal Parks Conservation Area.

The current proposals retain the existing buildings and add roof level extensions, replacing the unattractive plant room. These are within the building envelop of the scheme which received planning permission in 2016. In views along Piccadilly from the east and west, and from Green Park to the south west, the roof extensions are visible, but they appear lower than Devonshire House. The height and bulk of the proposed extensions will sit comfortably in this context and will not harm the setting of adjacent heritage assets including Devonshire House or The Ritz Hotel, or Green Park.

The design of the new floors is different from the existing facade below, but in terms of its rhythm and materials it respects and responds to the character of the existing facades, creating an appropriate termination to the building. A large roof level plant room is proposed, but is set back from the facades so that it has no visual impact from street level, although it is visible from Green Park, where it appears as a low horizontal grey band. This is considered acceptable.

On Berkeley Street the existing facades are retained and the northern brick façade (no.1-7) is to be painted a dark grey and the windows replaced. The roof extension here is faced in brickwork creating slender framed bays, separated by narrow vertical recesses. A new double height entrance to the hotel is created at ground floor level with a projecting metal canopy. These are all considered to be well designed and will improve the appearance of the existing building.

In Dover Yard the design and materials of the rear facades will match the street façade of no.1-7. Glazed shopfronts will line the western part of the pedestrian route from Berkeley Street to Dover Street. At the north end of the yard the annexe building is replaced with a new three storey building with a metal clad façade with large windows, with shopfronts at ground floor level. This will better enclose and define the yard, which is itself greatly enhanced with planting and seating areas. This is a benefit in urban design terms.

On Dover Street an extension is proposed on the small area of open space. This is not important or historic space and the proposal will restore the historic building line which is welcomed. The extension is designed in a modern manner, similar to the roof extensions, to compliment but not match the existing building. The height and bulk, ranging from five to seven storeys, relates well to the adjacent buildings. This is considered to be a successful and acceptable solution to an somewhat awkward site.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public

open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance.

Daylight and Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, Gordan Ingram Associates has carried out the necessary tests using the methodology set out in the BRE guidelines on 10 Berkeley Street, 1 Dover Street, 4 Dover Street, 5-7 Dover Street, 8-9 Dover Street, 41-42 Dover Street, and The Wolseley. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution (no sky line) available to windows in these properties. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90 degrees of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight.

The Daylight and Sunlight study shows that there are no breaches to the BRE guidelines at 1 Dover Street, 4 Dover Street, 5-7 Dover Street, 41-42 Dover Street, and The Wolseley. There are breaches in BRE guidelines to 10 Berkeley Street and 41-42 Dover Street discussed further in turn below.

10 Berkeley Street: this is a building of 19 flats situated to the north west of the site.

Daylight

The study has assessed 59 windows which serve 40 rooms facing the site. The study indicates that 12 windows within 11 rooms would experience changes in VSC levels above 20%. In absolute terms the loss of light to 10 of the 12 windows is less than 3%. The situation is therefore one in which existing low VSC levels create a disproportionate overall percentage reduction. The two windows which will experience a greater change in daylight serve a room that is also lit by a third window that would not experience a change of greater than 20%.

Of the 11 rooms in which there is a breach in BRE guidelines, 4 rooms would experience less than a 20% change to the No sky line. Of the remaining 7 rooms the loss of the NSL contour is less than 2.6m² in all instances with the majority of rooms seeing less than 1m² change.

Sunlight

There are 18 windows at 10 Berkeley Street, facing within 90° due south of the development site and a sunlight assessment has been carried out under BRE methodology. The study shows that 15 of the 18 windows (83%) meet the BRE Guidelines for sunlight.

The three windows that experience a change beyond guidance serve two rooms. One room will experience a 6% absolute change in APSH. The room will be left with no remaining sun, however the existing levels are low. The remaining room will experience an absolute loss of 9%. The room will retain an annual value of 20% in comparison to the BRE recommended 25%. As such, although there will be a reduction in sunlight in excess of the BRE guidelines the retained levels are not considered unusual for a dense urban environment

41-42 Dover Street: is located to the north east of the site. The lower floors are in retail and office use, the 5th floor is in residential use.

The study identifies two windows that serve two rooms which have been assessed in terms of both daylight and sunlight. One room complies with the BRE criteria for daylight (VSC and NSL) and will not experience a noticeable reduction in daylight. The second window/room fully complies with VSC criteria. The NSL loss for the room that doesn't comply to the criteria shows a 1.1m² loss of light. There are two windows that have windows facing within 90° due south of the development site and therefore are relevant for APSH assessment. Both rooms demonstrate full compliance to the BRE guidelines

The bulk and mass of the proposed extensions is significantly less than redevelopment scheme approved in 2016, which has been implemented. The current scheme would reduce the daylight and sunlight impact to surrounding properties. No objections have been received. The extensions now proposed are considered acceptable in amenity terms and would not adversely and materially harm living conditions for residents.

Overlooking/ loss of privacy

It is proposed to use a 1st floor rear flat roof area of the hotel building and 1st floor front area of the annex building as terraces. Both these roof areas overlook Dover Yard. Their use as terraces would allow views towards the rear of commercial properties. The provision of terraces would not result in any material overlooking or loss of privacy to any nearby residential. It is however proposed to restrict the hours of their use to between 7am and 10pm to ensure that there would be no late night noise nuisance and subsequent loss of amenity to the nearest residents situated to the north of the site.

8.4 Transportation/Parking

City Plan policy S42 and UDP policy TRANS 20 require off street servicing. Dover Yard operates as a service yard for the Holiday Inn Hotel and Arts Club at 40 Dover Street. It is also a public right of way via Dover passage linking Dover Street and Berkeley Street. Consequently, Dover Yard is at present busy with both pedestrian and vehicular activity.

Within Dover Yard there is a ramped vehicular access to basement car parking, bin storage, parking for the hotel, and area for deliveries/ servicing. At its widest point the Dover Yard measures 24m x 19m. There is vehicular loop at the entrance to Dover Yard from Berkeley Street which has a clearance of 3.8m and is used as a taxi drop off for the hotel. The hotel reception is located within the entrance to Dover Yard. The existing arrangement enables all taxi movements and drop offs to be made in forward gear.

The application includes a transport survey which highlights the following points:

- There are currently c.9,200 daily pedestrian movements across Dover Yard;
- There are c.3,400 daily pedestrian movements along Berkeley Street pavement;
- Refuse collections are made 3 to 4 times per day and vehicles reverse into Dover Yard causing a conflict with pedestrians and blocking the taxi drop of loop during loading
- Dover Yard currently accommodates approximately 30 deliveries per day, of which 75% of them are associated with Dover Street Arts Club
- Approximately 8 deliveries per day are made directly from Berkeley St
- There are approximately 40-50 other daily car movements in Dover Yard which are attributed to parking in the underground car park, surface parking in Dover Yard and taxis.

Proposed alterations

The basement car park and its vehicular ramped access within Dover Yard is to be removed. The existing hotel reception will be relocated from the entrance to Dover Yard onto Berkeley Street. A ground floor extension will infill the existing vehicular exit from Dover Yard onto Berkeley Street. The existing three storey red brick annex building will be rebuilt with a modern with a metal clad façade with large windows, with shopfronts at ground floor level. The Yard will be repaved and landscaped. 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.

Servicing Strategy

Initially the scheme proposed that all deliveries and refuse collection would take place on street from a new dedicated loading bay on Berkeley Street, allowing Dover Yard to be fully pedestrianised. Displacing all existing off- street servicing onto Berkeley Street would however be contrary to adopted policies referred to above.

A revised alternative servicing strategy has been submitted which would result in all taxi drop offs being made on Berkeley Street and refuse vehicles to collect refuse from a dedicated loading bay on Berkeley Street. A single vehicular and pedestrian shared surface access would remain from Berkeley Street. This would be 4.7m wide. This arrangement enables vehicles no greater than 7.5T to use Dover Yard. The proposed ground floor extension to the hotel infilling the existing vehicular exit and closing off the loop would mean that any vehicles entering Dover Yard would need to reverse within the Yard to be able to leave in a forward gear.

The submitted Servicing Management Plan (SMP) stipulates that all vehicular activity would be overseen by a banksperson. The banksperson would be on hand during delivery times to oversee all vehicle movements within Dover Yard. The banksperson will ensure that all delivery vehicles access and egress in a forward gear. Vehicles wouldn't be permitted to reverse onto the highway. A swept path analysis drawing has been submitted showing the vehicular movements within Dover Yard.

The transport survey indicates that there are currently 38 daily deliveries within Dover Yard. The proposed development is expected to generate 40 servicing vehicles an increase of 12 over the present situation. The transport statement indicates that approximately 27 servicing movements would occur within the off- street servicing area with larger vehicles (including refuse vehicles)

servicing the site from Berkeley Street. 47 taxi movements would be displaced from the existing servicing facility to the highway.

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

- i) 00:00 hours to 07:00 hours 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 Highways Planning Manager has objected to the application, on the basis that currently there is a pedestrian route through Dover Yard which is separated from vehicles servicing activity whereas the proposal now combines these two increasing the potential conflict between pedestrians and vehicles. The change which will require vehicles to perform a three- point turn within the site which could potentially also result in conflict with pedestrians.

In response to these concerns the applicant argues that Dover Yard currently operates as a shared space. In practice pedestrians very rarely use the pedestrian only route instead the vehicular loop arrangement is used. Furthermore, the loop arrangement suffers from extremely poor forward visibility due to the building structure on the inside corners of the loop. In addition to this the banksperson overseeing and managing deliveries will result in the highest possible standards and pedestrian safety being maintained at all times.

The concerns of the Highways Planning Manager are understood. However currently there is currently no strategy for managing deliveries and refuse vehicles within Dover Yard. Overall it is not considered that the change would in practice materially worsen the pedestrian environment when the space would operate as a shared surface. Furthermore, the proposed restrictions on the hours of servicing will ensure that the space is used solely by pedestrians during the peak hours of 07:00 to 09:00 and from 13:00 to 00:00 midnight. In the circumstances it is considered that permission couldn't reasonably be withheld on the basis that the scheme would have an adverse impact on the pedestrian environment or the highway. It is recommended that a Servicing Management Plan is secured as part of a S106 legal agreement

The space would be enclosed by improved elevations and public realm which is welcomed. The provision of active frontages would also be a benefit. It is recommended that the Public Right of Way is also secured as part of the S106 agreement.

8.5 Economic Considerations

Any economic benefits generated by the proposal are welcomed.

8.6 Access

London Plan Policy 7.2 and draft London Plan Policy D3 require that all new development achieves the highest standard of accessible and inclusive design. These policies seek to ensure that all new development can be used easily and with dignity by all. Level access is provided across floorplates, linked by lifts to all levels within the buildings. The application meets London Plan Policy 7.2 and draft London Plan D3.

8.7 Other UDP/Westminster Policy Considerations

Sustainability

The London Plan states that developments should minimise carbon dioxide emissions and that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

London Plan Policy 5.1 and 5.2 expects an overall reduction in carbon dioxide emissions by 60% by 2025, and it is expected that under guidance from the GLA, London boroughs will take measures to meet this target. Policy 5.2 requires development to follow an energy hierarchy and seek to reduce carbon dioxide emissions, with a current target for non-domestic Development to minimise emissions by 35% against Part L of the Building Regulations 2013.

City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The applicant has submitted an energy statement by Hurley Palmer Flatt, which demonstrates how the proposed development will comply with relevant carbon reduction and planning policy. The development aims incorporate extensive energy efficient measures into the design to reduce energy demand. These are summarised as follows

- Roof mounted solar electric PV modules
- Thermally efficient building fabric
- Energy efficient, heating, lighting and water systems including a gas fired combined heat and power (CHP) plant located in a central plant room.

The proposed development is predicted a 64.1% carbon dioxide emissions reduction over the existing building which exceeds the 35% target. The proposed development is considered to provide a sustainable and energy efficient building in accordance with the Development Plan.

Noise/plant

Plant is located at 9th floor main roof level in a dedicated plant enclosure and on the 3rd floor roof of the annex building in Dover Yard. Environmental Health officers advise that as some of the plant remains unspecified a supplementary noise report is submitted to demonstrate compliance with the noise standards as set out in Policies ENV6 and ENV7 of the UDP. Appropriate conditions are attached to the draft decision notice.

Refuse /Recycling

Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments. A refuse and recycling storage area is provided at basement level. An additional bin store/ bin holding area is provided at ground floor level adjacent to Berkeley Street with bins transferred via lifts to this holding area. During collection bins will be moved from the holding area prior to collection. A servicing strategy confirms that no bins will be held on the footway. The waste officer has objected to the change in refuse collection arrangements which are currently on site. Whilst the policy objection is understood the change in refuse collection

arrangements will facilitate the significant Environmental Improvements within Dover Yard. This aspect of the scheme is considered acceptable. It is however recommended that permission is subject to a Waste Management Strategy which seeks to maximise recycling and sustainability, where practicable.

Employment and skills

The City Council published an interim guidance note in May 2019 on the interpretation of policy S19. Policy S19 contains scope for financial contributions collected through Section 106 agreements to be used to secure the aims of the policy. Financial contributions will be used to support the Westminster Employment Service by:

-Helping residents access a wide range of opportunities in a range of employment sectors. For example, retail, hospitality, facilities management connecting to the end use of a development.

-Supports developers to deliver their agreed targets through a service with a proven track record. In the past 2 years the Westminster Employment Service has delivered over 1500 jobs for Westminster residents.

-The note sets out how contributions will be calculated according to the type of development proposed. In this case, the commercial floorspace attracts a contribution of £ 88,188

The applicant has agreed to these contributions.

8.8 Westminster City Plan

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

8.9 Neighbourhood Plans

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

The proposed development is not in conflict with the plan.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition and construction phases of the development. The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

The Council's own Community Infrastructure Levy was introduced on 1 May 2016. The Westminster CIL payable will be confirmed as part of Committee presentation.

In addition, for reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- iii) A financial contribution towards employment, training and skills of £ 88,188 (index linked) payable on commencement of development.
- ii) A servicing management plan
- iv) A walkways agreement
- v) The costs of monitoring the S106 legal agreement.

8.13 Environmental Impact Assessment

The application is of insufficient scale to require an Environmental Impact Assessment.

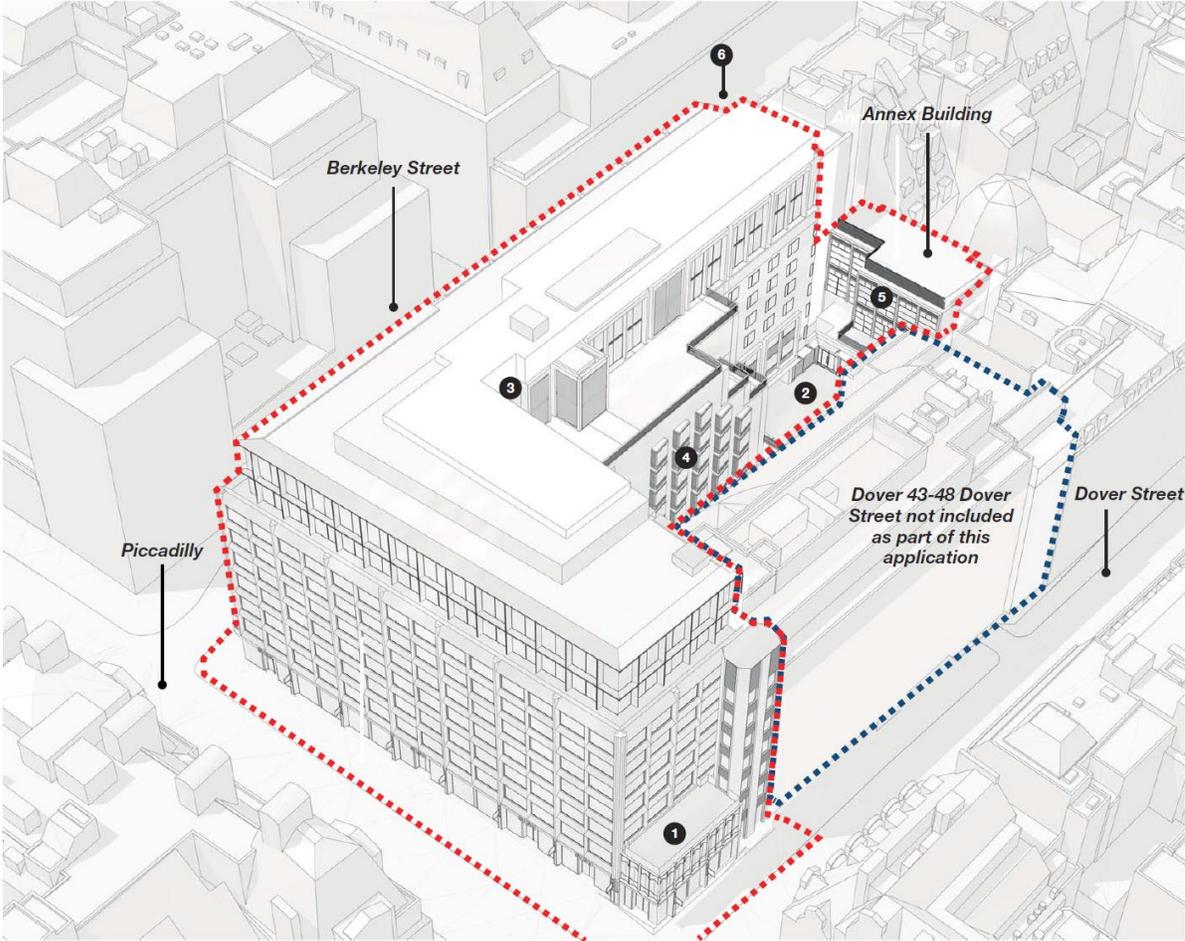
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk.

9 KEY DRAWINGS

Axonometric view

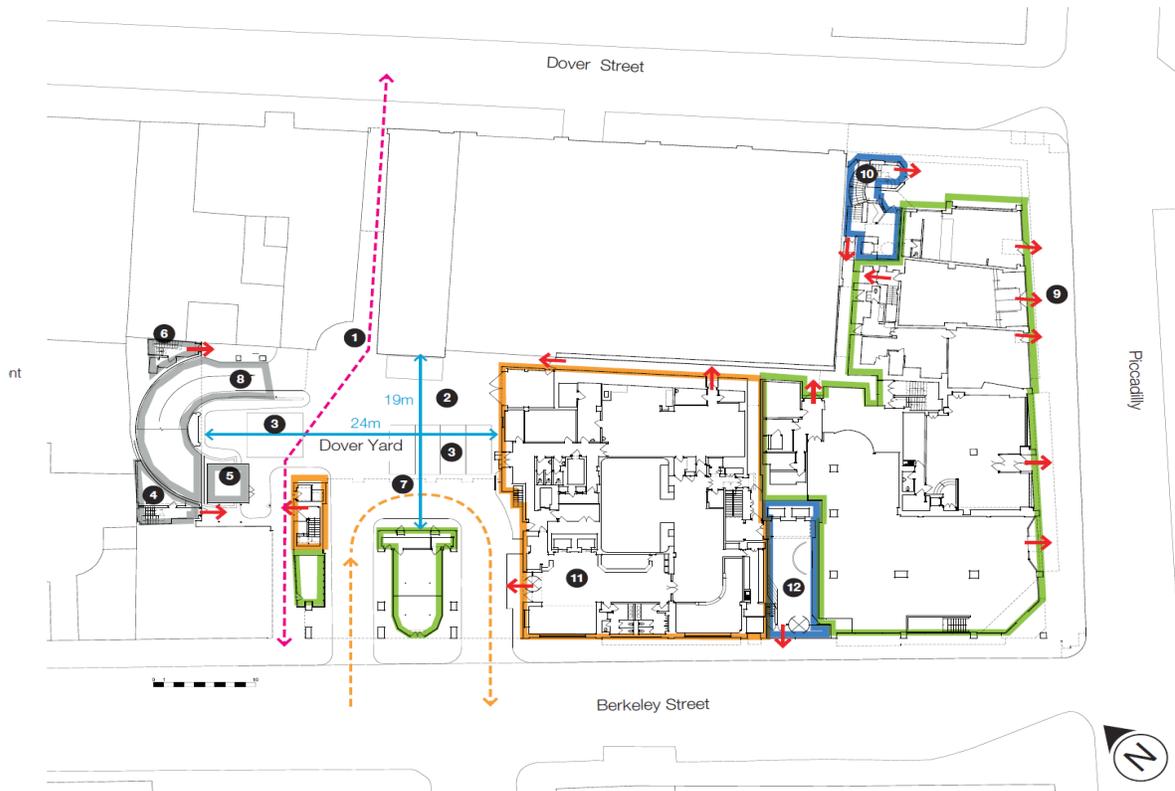


Proposed axonometric view from the original planning application

Proposed view looking west on Piccadilly



Existing view looking west on Piccadilly



Proposed Dover Yard Arrangement

