

**Berger House, 36-38 Berkeley Square, Mayfair**

in the City of Westminster

planning application no. 19/09409/FULL

**Strategic planning application stage 1 referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

**The proposal**

Demolition of the existing building and redevelopment of the site to provide a new office building consisting of sub-basement, part basement, part ground and eight upper storeys, with flexible retail and/or restaurant use at part ground and part basement floor level, public realm improvements on Farm Street and associated works.

**The applicant**

The applicant is **Astrea Asset Management** and the architect is **Piercy & Company**.

**Strategic issues summary**

**Principle of development:** The applicant should fully consider the refurbishment of the existing building through a Circular Economy Statement. Subject to this, the proposal to provide 11,068 sq.m. of flexible office floorspace could be supported in this highly-accessible location in the CAZ. The Council should confirm whether a contribution towards affordable housing provision is required by the local plan. The proposed provision of 875 sq.m. retail/restaurant use is supported (paragraphs 13-18).

**Urban design:** The proposal represents a high-quality design that effectively responds to the surrounding context. The applicant should provide further detail on the treatment of the service bay entrance on Farm Street. The Council should secure key details of facing materials and detailing by condition (paragraphs 19-26).

**Heritage:** The proposal does not detract from any heritage assets and their features of special interest or setting and is considered to cause no harm to the significance of any heritage assets. Furthermore, the proposal would enhance the character, appearance and setting of the Mayfair Conservation Area and would cause no harm to its significance (paragraphs 28-31).

**Transport:** The development removes existing car parking which is welcomed. Further information is required to understand how the site meets London Cycle Design Standards. Farm Street will be improved for pedestrians as part of the proposals which is welcomed. A Delivery and Servicing Plan, Construction Logistics Plan and Travel Plan should be appropriately secured (paragraphs 39-45).

Further information on the **circular economy, energy, water** and **urban greening** is required.

**Recommendation**

That Westminster City Council be advised that the while the application is generally acceptable in strategic planning terms the application does not yet comply with the London Plan and the Mayor's intend to publish London Plan, for the reasons set out in paragraph 49 of this report; but that the possible remedies set out that paragraph could address these deficiencies.

## Context

1 On 11 December 2019, the Mayor of London received documents from Westminster City Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor has until 21 January 2020 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under the following Categories of the Schedule to the 2008 Order:

- Category 1C(c) *“Development which comprises or includes the erection of a building that is more than 30 metres high and is outside the City of London.”*

3 Once Westminster City Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## Site description

5 The 0.17 hectare site is located in the Central Activities Zone (CAZ). The site is also located in the Mayfair Conservation Area, which extends from Park Lane in the west to Regent Street in the east and from Oxford Street in the north to Piccadilly in the south. The site is opposite the Berkeley Square Grade II listed Registered Park and Garden. The site is also located close to the Grade I listed 45 to 49 Berkeley Square and to 35 Berkeley Square and 41 Berkeley Square, which are both Grade II listed.

6 The site is located within a terrace of development along Berkeley Square. The site is bounded by Berkeley Square to the north east, Farm Street to the south west, 19<sup>th</sup> century development along Davies Street to the north and by 20<sup>th</sup> century office development to the south. It is occupied by a H-form office block built in the early 1950s comprising of two nine-storey blocks facing Berkeley Square and Farm Street connected by a six-storey central block, either side of which is a light well. Primary pedestrian access to the site is via Berkeley Square and Farm Street. The surrounding area contains a rich mix of residential, commercial and cultural uses, alongside green spaces in the form of garden squares and public gardens.

7 The site is located on Berkeley Square, with secondary access from Farm Street. The site is bounded by borough roads; the closest section of the Transport for London Road network is Park Lane, 500 metres to the west. Piccadilly, which is part of the Strategic Road Network, is 500 metres to the south. The site benefits from a public transport access level (PTAL) of 6b, on a scale of 1 – 6b, where 6b is the highest, and as such has excellent access to public transport. Green Park (Jubilee, Piccadilly, Victoria), Bond Street (Jubilee, Central and future Elizabeth Line), and Oxford Circus (Bakerloo, Central, Victoria) London Underground Stations are within 5 to 10 minutes' walk. The area is also well served by the bus network, with approximately 20 bus stops within close proximity to the site; the closest bus stops are on Berkeley Street and Berkeley Square.

## Details of the proposal

8 The proposal comprises the demolition of the existing nine storey (34.9 metre) high office building and its replacement with a new nine storey (35.7 metre) high office building with flexible

retail/restaurant use at part basement and part ground floor, as per Table 1 below. The applicant also proposes new rooftop outdoor office amenity space including a communal terrace on the 8<sup>th</sup> floor. The proposal would include basement cycle parking and associated servicing and plant.

Table 1: Existing and proposed floorspace

<b>Floorspace by use (GIA)</b>	<b>Existing (sq.m.)</b>	<b>Proposed (sq.m.)</b>	<b>Difference (sq.m.)</b>
<b>Office</b>	8,793	11,068	+2,275
<b>Flexible retail/restaurant</b>	0	875	+875
<b>Total</b>	8,793	11,943	+3,150

## Case history

9 On 10 October 2019 a pre-application meeting was held with the GLA. The principle of a replacement, high quality, office-led development within the CAZ, was supported in strategic planning terms. The broad design principles were welcomed, including height and massing. The future application was required to address issues with respect to the office uplift, circular economy and affordable housing contribution, design, heritage, energy, transport, urban greening, drainage and inclusive access to ensure compliance with the London Plan and the Mayor's intend to publish London Plan. There is no other strategic planning history associated with this site.

## Strategic planning issues and relevant policies and guidance

10 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is Westminster's City Plan: Consolidated with Basement and Mixed Use Revisions (2016); the saved policies in the Westminster Unitary Development Plan (2007, saved 2010); and the 2016 London Plan (Consolidated with Alterations since 2011).

11 The following are also relevant material considerations:

- The National Planning Policy Framework (revised February 2019);
- National Planning Practice Guidance;
- The London Plan Intend to Publish version (December 2019); and
- The draft Westminster City Plan 2019-2040.

12 The relevant issues and corresponding policies are as follows:

- Central Activities Zone *London Plan; CAZ SPG;*
- Offices *London Plan*
- Heritage and urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG; London View Management Framework SPG;*
- Inclusive design *London Plan; Accessible London: achieving an inclusive environment SPG;*
- Environment *London Plan; Sustainable Design and Construction SPG; Mayor's Environment Strategy;*
- Transport *London Plan; the Mayor's Transport Strategy; Land for Industry and Transport SPG.*

## **Principle of development**

13 London Plan Policies 2.10 and 2.11 and the Mayor's intend to publish London Plan Policies SD4 and SD5 outline the strategic functions of the CAZ, stating that its unique mix of uses should be promoted and enhanced. The policies also state that a central aim of the CAZ is to support and enhance office floorspace.

14 The Mayor's intend to publish London Plan Policy GG5 states that those involved in planning and development should recognise and promote the benefits of transition to a circular economy as part of the aim for London to be a zero-carbon city by 2050. Policy D3 further states that the principles of the circular economy should be taken into account in the design of development proposals in line with the circular economy hierarchy. This prioritises the retention, refit and refurbishment of existing buildings. Furthermore, Policy S17 states that a Circular Economy Statement should be provided with referable applications to ensure that buildings are designed for adaptation, reconstruction and deconstruction to extend their useful life.

15 The proposal would provide 11,068 sq.m. of new office space. However, it is noted that this could also be achieved through the refurbishment and modest extension of the existing building. The Design and Access statement states that the existing building has an inefficient internal configuration and limited floor to ceiling heights that do not meet British Council for Offices standards. It also notes that a retained facade would not be feasible due to the positioning of the windows. Whilst this is noted, the applicant should provide a Circular Economy Statement that fully considers the implications of the refurbishment of the existing building, as well as matters relating to waste as detailed in the environment section below. Subject to the provision of this further information, the provision of flexible office floorspace in a highly-accessible location in the CAZ could be supported.

16 The Mayor's intend to publish London Plan Policy E2 provides that larger office proposals should consider the scope for the provision of a proportion of flexible workspace suitable for micro, small and medium enterprises. As such, the applicant should provide a proportion of flexible workspace for SMEs within the development, which should be secured by condition or S106 agreement.

17 In line with London Plan Policy 4.3, the Mayor's intend to publish London Plan Policy SD5(i) and the Westminster City Council Local Plan, an affordable housing contribution should be sought on any significant uplift in office floorspace above the existing. The applicant has indicated that the uplift in office floorspace is less than 30% of the existing floor space and therefore a contribution would not be required. The Council should confirm whether a contribution towards affordable housing provision is required under the requirements of the local development plan.

18 The proposed provision of 875 sq.m. of ground floor retail/restaurant use within the CAZ is supported and would activate the base of the building fronting Berkeley Square, which is welcomed.

## **Urban Design**

19 London Plan Policies 7.1 and 7.4 and the Mayor's intend to publish London Plan Policies D1, D3 and D4 seek to ensure that new developments are well-designed and fit into the local character of an area. New buildings and spaces should respond to the form, style and appearance to successfully integrate into the local character of an area, with a positive relationship with the natural environment and respect and enhancement of the historic environment. London Plan Policy 3.4 and the Mayor's intend to publish London Plan Policy D3 also seek to optimise the potential of sites, having regard to local context, design principles, public transport accessibility, and capacity of existing and future transport services.

20 Berkeley Square is relatively eclectic in style and scale. A series of grand town-houses along the south west edge of the square provide the only contiguous example of the original residential terracing. Berger House has a commanding position on the square and is a prominent feature in the views south from Davies Street and at the north-west entrance to Berkeley Square.

21 Notwithstanding the potential to retain and refurbish the existing building, the proposal to redevelop the site would represent a strong and sympathetic architectural response to Berkeley Square and Farm Street. The proposal shows no significant change in terms of the height and massing from the existing building, with negligible townscape implications. The replacement building will provide a uniform facade with setback windows contained within white concrete bays separated by Portland stone piers. This design ensures the development will make good use of its prominent position on the square with a design that is reflective of the prevailing Portland stone materials in Mayfair.

22 The Farm Street facade reflects the red toned materials of other buildings on this street, which is supported. The proposal improves the relationship between the building and the smaller scale residential buildings along Farm Street by introducing more appropriate scale and massing, by stepping back the frontage as the building gets higher, and using sympathetic materials. The change to a white concrete facade from the 3<sup>rd</sup> and 5<sup>th</sup> floors, as well as the step back, reduces the mass of the building as viewed from the street. The applicant should provide further detail on the treatment of the service bay entrance on Farm Street to ensure that the same quality and attention to detail is maintained along the entire facade.

23 The change in materials for the top two storeys to grey stone provides a degree of transition between the building and the sky. The material treatment of the top two storeys is successful in mitigating the small increase in height and responds well to the roof character of the surrounding area.

24 The building footprint would be extended from the existing building line at the rear of the site along Farm Street. This aligns the building line with the neighbouring site and the footway to the rear of the site would be realigned to provide a more legible connection to the existing footway. The improvements to the public realm on Farm Street and the proposed introduction of public art will further enliven the frontage and are supported. The proposal also includes a restaurant space at ground and basement level on the Berkeley Square frontage; activation of the ground floor on Berkeley Square with a restaurant entrance is supported.

25 The introduction of a terrace space on the 8<sup>th</sup> floor is also welcomed. Allowing communal access for office workers to the roof terrace is a positive addition to the amenity offer in this building.

26 In accordance with Policy D12 'Fire safety' of the Mayor's intend to publish London Plan, the Council should secure an informative prescribing the submission of a fire statement, produced by a third party suitable qualified assessor.

## **Inclusive design**

27 London Plan Policy 7.2 and the Mayor's intend to publish 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. The internal layouts and circulation spaces are sufficiently generous and inclusive and access to the building is level from both Berkeley Square and Farm Street. The application therefore meets London Plan Policy 7.2 and the Mayor's intend to publish London Plan Policy D3.

## Heritage

28 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions “*should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*” and in relation to conservation areas, special attention must be paid to “*the desirability of preserving or enhancing the character or appearance of that area*”. If harm is identified, it should be given considerable importance and weight.

29 The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset’s conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset’s physical presence or its setting. Where a proposed development will lead to ‘substantial harm’ to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to ‘less than substantial harm’, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Policy HC1 ‘Heritage conservation and growth’ of the Mayor’s intend to publish London Plan, as well as London Plan Policy 7.8, states that development should conserve heritage assets and avoid harm, which also applies to non-designated heritage assets.

30 The site is located within the Mayfair Conservation Area. It is also located opposite the Grade II listed Berkeley Square Registered Park and Garden and is adjacent to the Grade II listed 35 Berkeley Square. The site is also close to the Grade I listed 45 to 49 Berkeley Square, the Grade II listed buildings 34, 41, 42, 43 and 44 Berkeley Square, 8 and 10 Hill Street and 125 to 129 Mount Street. The site would be visible in mid-distance views of the Conservation Area, such as from Bruton Street, along Farm Street and from Hill Street looking north into Farm Street. However, it would represent only a marginal increase in height from the existing development and would follow the same pattern of setback upper storeys, which are extensively glazed and so would have a lighter visual weight than the existing opaque stone. Along Farm Street the proposal would replace an unremarkable facade with a high-quality red toned stepped facade that better reflects the dominant red brick facades along this street and so enhances the character, appearance and significance of the Conservation Area. As such, the proposal is likely to enhance the character, appearance and significance of the Conservation Area overall, subject to consideration of the harm to individual listed structures within the Conservation Area below.

31 From Berkeley Square Registered Park and Garden the proposal would be largely obscured by mature trees, and where it is not obscured would be largely consistent with the existing massing. The proposal would be within the setting of 34 and 35 Berkeley Square. However, it would replace a lower quality building with a higher quality design that would have a similar relationship in terms of spacing of windows, height and massing to these buildings and would not affect their ability to be seen as part of the diverse historic architecture surrounding Berkeley Square. The site will have a small increase in height that will be within the setting of 40 Berkeley Square; however, this change is very marginal and is mitigated by the lighter weight materials of the upper two storeys, which would be of a high architectural quality. The proposal would not affect any other listed buildings, their features of special interest or their settings. As such, the proposal does not detract from any listed heritage assets and is considered to cause no harm to the significance of any listed buildings. Furthermore, the proposal would enhance the character, appearance and setting of Mayfair Conservation Area and would cause no harm to its significance.

## **Environment**

### The circular economy

32 The Mayor's intend to publish London Plan Policy SI7 sets out how waste should be managed to meet the objective for London to become a zero-carbon city by 2050. As part of this, the policy requires major applications to develop Circular Economy Statements, which should demonstrate opportunities for managing as much waste as possible on site; systems to support recycling and reuse; and how much waste the proposal is expected to generate and how it will be managed. The Circular Economy Statement should also provide further detail on the implications of refurbishing the existing office building. The applicant should therefore provide a Circular Economy Statement with this application.

### Energy

33 In accordance with the principles of London Plan Policy 5.2 and Policy SI2 of the Mayor's intend to publish London Plan, the applicant has submitted an energy statement, setting out how the development proposes to reduce carbon dioxide emissions. In summary, the proposed strategy comprises: energy efficiency measures (including a range of passive design features and demand reduction measures) and renewable technologies (comprising PV panels and heat pumps). The approach proposed would achieve a 38.8% carbon dioxide reduction. The carbon dioxide savings exceed the target within London Plan Policy 5.2 and the Mayor's intend to publish London Plan Policy SI2. The applicant should ensure the scheme is designed to allow future connection to a district heating network, should demonstrate that PV has been maximised and should provide additional information on the proposed air source heat pumps.

### Water

34 The site is within Flood Zone 1 and is below 1 hectare in size so therefore a Flood Risk Assessment is not required for the site.

35 The surface water drainage strategy for the proposed development does not comply with London Plan Policy 5.13 and the Mayor's intend to publish London Plan Policy SI13, as it does not give appropriate regard to the drainage hierarchy.

36 The proposed development generally meets the requirements of London Plan Policy 5.15 and the Mayor's intend to publish London Plan Policy SI5 on water use and infrastructure. The applicant should also consider water harvesting and reuse to reduce consumption of wholesome water across the entire development site. This can be integrated with the surface water drainage system to provide a dual benefit.

### Urban greening

37 London Plan Policy 5.10 and the Mayor's intend to publish London Plan Policy G5 state that developments should provide new green infrastructure that contributes to urban greening. Policy G5 also sets out a new Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments.

38 The proposal includes a large amount of green infrastructure given the small size of the site, including extensive green and blue roofs, which is supported. However, such green and blue roofs are not shown in the architectural drawings or in the drainage strategy and this should be clarified. The applicant should provide the UGF score for the development with the aim of meeting the target of 0.3 for commercial developments as set out in the Mayor's intend to publish London Plan Policy G5.

## **Transport**

39 The development is car free and removes an existing 17-space car park. This meets the Mayor's intend to publish London Plan Policy T6. No blue badge parking is proposed and an assessment of local on-street blue badge provision should be provided for officers to consider.

40 A total of 164 long-stay cycle spaces are provided, which complies with the Mayor's intend to publish London Plan Policy T5 for long-stay cycle parking. The short-stay parking quantum and location should be confirmed. Cycle storage is accessed via a cycle entrance on Farm Street and cycle lift. An alternative access should be available in the event that the cycle lift is not in working order. Further information is required to understand how the cycle storage meets London Cycle Design Standards; the spacing and style of storage as well as how the cycle store meets accessibility requirements for all users should be provided.

41 The development and local adjacent streets have been assessed against the Ten Healthy Streets Indicators in line with the Mayor's intend to publish London Plan Policy T2. A very thorough examination of the existing situation and potential for streetscape improvements has been provided, which is welcomed. The applicant suggests improvements to cycle infrastructure on Berkeley Street, which is supported and should be discussed with the Council.

42 The vehicle access to the site on Farm Street is proposed to be removed, which will improve Farm Street for pedestrians, allowing a continuous footway to be provided. It is requested that appropriate pedestrian and cycle safety measures are designed into Farm Street to separate the at-grade off-street servicing and pedestrian and cycle entrances. Adequate visibility should be maintained, and the shared surface area should have demarcated boundaries to ensure safety for all users. The accident analysis provided demonstrates there is a need to improve cyclist safety with segregation as a suggested highway design measure. The suggestion of a crossing on Mount Street is positive and should be discussed with Westminster Council to support the Mayor's Vision Zero Action Plan and the Mayor's intend to publish London Plan Policy T2.

43 The trip rate is slightly lower than comparative developments in Westminster, however, given the site is already operating as an office and the use is well established, the uplift in trips from the proposed development is not expected to have a detrimental impact on the strategic transport network.

44 All servicing will be off-street in line with the Mayor's intend to publish London Plan Policy T7. The draft Delivery and Servicing Plan should be finalised and secured by condition. This is particularly important as Farm Street is a residential street, and the delivery and servicing impact should be mitigated to avoid unnecessary disruption. No construction details have been provided. A Construction Logistics Plan should be secured by condition.

45 A commitment to providing a workplace travel plan has been included in the application. The travel plan should ensure that travel patterns supporting the Mayor's Transport Strategy's objectives are promoted from the outset of the development. The finalised Travel Plan should be secured, monitored and enforced within the S106 agreement.

## **Local planning authority's position**

46 Westminster City Council officers are currently reviewing the application. A committee date for the application has not yet been set.

## Legal considerations

47 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purposes of determining the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## Financial considerations

48 There are no financial considerations at this stage.

## Conclusion

49 London Plan and the Mayor's intend to publish London Plan policies on Opportunity Areas; CAZ; town centres; offices; design; heritage; inclusive design; climate change; green infrastructure; and transport are relevant to this application. Having regard to these policies the application complies with some of these policies but not with others as per the schedule below:

- **Principle of development:** The applicant should fully consider the refurbishment of the existing building through a Circular Economy Statement. Subject to this, the proposal to provide 11,068 sq.m. of flexible office floorspace could be supported in this highly-accessible location in the CAZ. The Council should confirm whether a contribution towards affordable housing provision is required by the local plan. The proposed provision of 875 sq.m. retail/restaurant use is supported.
- **Urban design:** The proposal represents a high-quality design that effectively responds to the surrounding context. The applicant should provide further detail on the treatment of the service bay entrance on Farm Street. The Council should secure key details of facing materials and detailing by condition.
- **Inclusive design:** The internal layouts and circulation spaces are sufficiently generous and inclusive.
- **Heritage:** The proposal does not detract from any heritage assets and their features of special interest or setting and is considered to cause no harm to the significance of any heritage assets. Furthermore, the proposal would enhance the character, appearance and setting of the Mayfair Conservation Area and would cause no harm to its significance.
- **Environment:** The Energy Hierarchy has broadly been followed but applicant should consider additional PV and provide further information on the proposed heat pumps. Further information on drainage should be provided and water harvesting and reuse should be considered. The proposal includes a large amount of green infrastructure given the small size of the site. The applicant should provide the UGF for the development with the aim of meeting the target of 0.3 for commercial developments as set out in the Mayor's intend to publish London Plan Policy G5.
- **Transport:** The development removes existing car parking which is welcomed. Further information is required to understand how the site meets the cycle storage meets London

Cycle Design Standards. Farm Street will be improved for pedestrians as part of the proposals which is welcomed. A Delivery and Servicing Plan, Construction Logistics Plan and Travel Plan should be appropriately secured.

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