

Our Ref: 23166/SH/je
Your Ref: PP-12671325
Email: sharper@firstplan.co.uk
Date: 11 December 2023

Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Dear Sir/Madam,

**PLANNING AND ADVERTISEMENT CONSENT APPLICATIONS FOR THE INSTALLATION OF A
NEW SHOPFRONT AND NON-ILLUMINATED SIGNAGE.
17 BRUTON STREET, LONDON, W1J 6QB.**

We have been instructed by our client, Mr Ross Shonhan, to submit the enclosed planning and advertisement applications online via the Planning Portal (ref. PP-12671325) for the installation of a new shopfront and non-illuminated signage to the ground floor frontage at the above address. This follows a recent pre-application advice request.

In accordance with national and local validation requirements, the application is supported by the following documents:

- Completed Planning Application Forms;
- Completed CIL Form;
- Site Location Plan;
- Block Plan;
- Existing Plan;
- Existing Elevation;
- Proposed Elevation, Plan and Section;
- Planning, Heritage, Design and Access Statement (included within this letter);
- Sustainable Design Statement (included within this letter).

Site and Surrounding Area

The application site is located within central Mayfair, consisting of a ground floor frontage facing onto Bruton Street. The unit sits at the base of part of the large Berkeley Square House, which occupies a triangular-shaped block, with frontages onto Berkeley Square, Bruton Street and Bruton Lane. Notwithstanding its location and position, the application site forms an independent part of Berkeley Square House and is arranged over ground and basement levels and possesses its own entrance on Bruton Street.



Figure 1. Streetview Image of Application Site

The existing façade of the unit is modern and extends across three bays, and does not currently feature any elements of design, including signage, but instead remains boarded-up ready for fit-out and, ultimately, occupation by our client. The upper part of the unit features various glazed panels.

The surrounding area is predominately in commercial use on the lower floors with a mixture of commercial and residential uses above. Opposite the site, on the other side of Bruton Street lies a number of boutique retail units.

The application site is neither statutorily nor locally listed but does lie within the Mayfair Conservation Area. The nearest listed buildings are located immediately opposite on the northern side of Bruton Street at Nos. 22 – 32 Bruton Street.

Planning History

- Planning permission was granted on 10 May 2007 (ref. 07/00726/FULL) for: *'Use of basement and ground floor unit as a restaurant (Class A3) together with external alterations to relocate entrance, and with plant/extract duct in the rear lightwell of Berkeley Square House.'*
- Planning permission was granted on 25 August 2010 (ref. 10/04819/FULL) for: *'Retention of 20 air conditioning units, and the installation of associated acoustic and visual screening at rear ground floor level fronting Bruton Street.'*
- Advertisement consent was granted on 2 November 2010 (ref. 10/09121/ADV) for: *'Display of illuminated menu at entrance.'*
- Section 73 application was approved on 8 November 2010 (ref. 10/08230/FULL) for: *'Variation of Condition 6 of planning permission ref. 07/00726/FULL; namely to allow 24-hour operation of the plant.'*
- Planning permission was granted on 17 December 2010 (ref. 10/09345/FULL) for: *'Installation of new shopfront.'*
- Section 73 application was approved on 19 April 2012 (ref. 12/01523/FULL) for: *'Removal of Condition 15 of planning permission ref. 11/02025/FULL, which allowed the restaurant to open for extended hours for a temporary period; namely, to allow the restaurant to permanently open until 01.30 the*

following morning on Sundays – Wednesdays, and until 02.30 the following morning Thursdays – Saturdays (restaurant at 17 Bruton Street – Hakkasan).'

- Advertisement consent was granted on 3 January 2014 (ref. 13/10364/ADV) for: *'Display of fixed projecting canopy with three internally illuminated signs measuring 105mm x 105mm.'*
- Planning permission was granted on 9 May 2019 (ref. 19/02225/FUL) for: *'Replacement of glazing and spandrel panels at first floor level to 17 Bruton Street façade to office unit.'*
- A Certificate of Lawfulness was issued on 5 November 2020 (ref. 20/05544/CLOPUD) for: *'Proposed use of the basement and ground floors for purposes falling within Class E (Commercial, Business and Service) of the 1987 Use Classes Order as amended 1 September 2020.'*
- Planning permission was granted on 31 January 2022 (ref. 21/07522/FULL) for: *'Installation of new plant equipment and associated plant screen enclosures; installation of a new kitchen extract and flue, associated ducting and erection of a brick tile clad shaft (including Berkeley Square House).'*
- Planning permission was sought on 24 May 2023 (ref. 23/03702/TCH) for: *'Use of the public highway measuring 2.4m x 21.16m for the placing of 11 tables, 14 chairs and 10 fixed planters with lighting in connection with the ground floor restaurant.'* This application is yet to be determined.
- Advertisement consent was refused on 30 June 2023 (ref. 23/03699/ADV) for: *'Display of a non-illuminated flag measuring 2.08m x 1.05m.'*
- Planning permission was refused on 17 August 2023 (ref. 23.03700/FULL) for: *'Installation of new shopfronts and wall lights with external heaters affixed to the fascia.'*
- Advertisement consent was granted on 17 August 2023 (ref. 23/03701/ADV) for: *'Display of an internally illuminated menu board measuring 0.57m x 0.45m.'*

Pre-Application Advice

Following the refusal of application ref. 23/03700/FULL, pre-application advice was sought in October 2023 in relation to a revised scheme for alterations to the ground floor frontage and the creation of an external seating area with the proposed restaurant use at the application site. The revised scheme sought to address the previously raised concerns in relation to the design, scale, amount and consistency of the proposals in the context of the existing appearance of the frontage, wider building and Mayfair Conservation Area.

An online pre-application meeting was held with **Mr Toby Cuthbertson** (Westminster City Council) in December 2023 to discuss the revised shopfront scheme, where in which it was confirmed that the proposals were now largely acceptable. Mr Cuthbertson's advice, regarding some final revisions to the pre-application scheme, has been taken into account in the submitted proposals.

Application Proposals

These applications seek planning permission and advertisement consent for a series of minor external works as part of the installation of a new shopfront to the frontage of 17 Bruton Street. The proposed design of the shopfront has evolved considerably following the refusal of permission in August 2023.

The proposals specifically include:

- Installation of painted timber cladding to frontage comprising wall lights and simple tiled areas.

- Installation of windows and doors to existing openings with bronzed mirrors above, colour to match existing surrounds.
- Installation of permanently fixed awning to extend width of frontage with branding (deemed consent)
- Installation of fixed drop-down seating to frontage.
- Installation of new access gate, with engraved panel set back from building line in recessed entrance area.
- Installation of new single-leaf disabled access door and new single-leaf fire exit door.
- Installation of a high-level non-illuminated, branded flag on antique bronze flag pole at first floor level in place of fascia / other advertisements.

Full details of the proposals are illustrated on the drawings prepared by Russell Sage Studio and submitted in support of these applications. Please note that advertisement consent has already been secured for the menu box included on the drawings under advertisement consent ref. 23/03701/ADV, so this has been shown for completeness purposes only.

Relevant Planning Policy

The development plan relevant to this application comprises the Westminster City Plan 2019 – 2040 (2021), the Mayfair Neighbourhood Plan 2018 – 2038 and the London Plan (2021). The National Planning Policy Framework (NPPF) (2023) and any other relevant planning guidance is also a material consideration.

National Planning Policy Framework (NPPF) (2023)

The NPPF provides the overarching planning policy guidance for development across England. It states:

“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

Paragraph 81 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. As such, significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.

Paragraph 126 outlines that good design is one of the fundamental factors in achieving sustainable development by contributing to creating better places to live and work and to help make development acceptable to communities.

Paragraph 130 sets out that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Similarly, development should create places that maintain a high standard of amenity for existing and future users.

Paragraph 200 highlights that any harm to, or loss of, the significance of a designated heritage asset from its alteration or destruction, or from development within its setting, should require clear and convincing justification.

London Plan (2021)

Policy SD4 ‘The Central Activities Zone (CAZ)’ states that the distinct environment and heritage of the CAZ should be sustained and enhanced.

Policy HC1 *'Heritage Conservation and Growth'* outlines that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the asset's significance and appreciation with their surroundings.

Policy D4 *'Delivering Good Design'* seeks to maintain design quality.

Westminster City Plan 2019 – 2040 (2021)

Policy 7 *'Managing Development for Westminster's People'* outlines that development will be neighbourly by protecting, where appropriate, amenity by preventing unacceptable impacts.

Policy 14 *'Town Centres, High Streets and the CAZ'* sets out that all development within the town centre hierarchy will be of a scale, type and format that reflect and enhances the role and function of the centre within which it is proposed. Furthermore, the West End Retail and Leisure Policy Area will provide a mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy.

Policy 38 *'Design Principles'* partly focuses on a people-centred design. Specifically, all development will place people at the heart of design, by creating inclusive and accessible spaces and places, introducing measures that reduce the opportunity for crime and anti-social behaviour, whilst also promoting health, well-being and active lifestyle through design and ensuring a good standard of amenity for new and existing occupiers.

Policy 39 *'Westminster's Heritage'* confirms that development must optimise the positive role of the historic environment in Westminster's townscape, economy and sustainability and will ensure heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance.

Policy 40 *'Townscape and Architecture'* notes that development should be sensitively designed, having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape. Part D of this policy confirms that alterations will respect the character of existing and adjoining buildings and will not obscure important architectural features.

Mayfair Neighbourhood Plan 2018 – 2038 (2019)

Policy MR5 *'Shopfronts'* sets out that proposals for new shopfronts should be designed to be well proportioned and enhance the character of the building, the shopping frontage, and the conservation area within which it is located. Furthermore, shopfronts are expected to be of a high-quality design and should demonstrate that they would enhance the character of the building and the surrounding streetscape.

Policy MD *'Design'* outlines that proposals for new development in Mayfair will only be supported where they are of the highest quality design. Proposals will be supported where their design reflect the existing character of Mayfair, in terms of its heights, scales and uses.

Shopfronts, Blinds and Signs SPG (1993)

This guidance document published by Westminster City Council provides guidance for the alteration, replacement and restoration of shopfronts, as well as that in relation to signage. In summary, it notes that:

"Whilst the desire for corporate image is appreciated, in some cases standard design will need to be modified in order to fit sympathetically with the period and architectural style of the building. It is important, therefore, that alterations, restorations and

replacements are sympathetically carried out, especially in conservation areas and on listed buildings, in order to protect their special character.”

This document describes the historical significance and methods proposed to protect conservation areas. The character of the area relevant to this application is described as including a lively mix of uses as well as benefitting from rich and varied architecture covering many periods and styles.

Planning and Heritage Statement

As previously mentioned, the application site lies within the Mayfair Conservation Area, within which – as noted – it is an unlisted building. The National Planning Policy Framework (NPPF) (2023) sets out the clear policy outlining that there is a presumption in favour of the conservation of designated heritage assets; in this case, the Mayfair Conservation Area. As such, the main issues relating to the proposals are their impact on the host building, the wider streetscene and conservation area, surrounding character and any impact on neighbouring amenities. Each of these considerations have been addressed in turn below.

As summarised within the preceding sections of this letter, this application follows on from a previously refused planning application (ref. 23/03700/FULL) which sought permission for an early shopfront design. This was refused on 17 August 2023 for the following reason:

“1. Because of their materials and detailed design the proposed shopfront, heaters, lights and awning panels would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. This would not meet Policies 38, 39 and 40 of the City Plan 2019 – 2040 (April 2021); policies ME5, MD1, MD2 and MD3 of the Mayfair Neighbourhood Plan (2019) and the City Council’s adopted supplementary planning guidance: Shopfronts, Blinds and Signs.”

Following the previously refused application, pre-application advice has been sought in relation to a revised scheme for alterations to the ground floor frontage and the creation of an external seating area with the proposed restaurant use at the application site. The revised scheme sought to address the previously raised concerns in relation to the design, scale, amount and consistency of the proposals in the context of the existing appearance of the frontage, wider building and Mayfair Conservation Area.

Importantly, the principle of a restaurant use in this location is accepted following the issuing of a Certificate of Lawfulness (ref. 20/05544/CLOPUD) which confirms the site’s lawful Class E use, which includes a range of uses including offices, retail, restaurants, financial and professional services, medical and indoor sports facilities.

As set out within the Council’s Delegated Report published in respect of application ref. 23/03700/FUL, officers described the previously refused shopfront design as having a ‘much more busy appearance’ and concluded that this would ‘add clutter to a restrained, minimal mid-twentieth century arrangement’. Having taken these comments onboard, the revised shopfront scheme proposed as part of this application has sought to scale-back and simplify the overall frontage appearance at ground floor level. The revised design includes the omission of many elements, including heaters, cladding variations, and lighting, with the retained elements being significantly simplified.

This includes reducing the window subdivision to result in larger window openings and the frames matching existing surrounds. The latest proposals also involve the installation of permanent fixed awnings with limited branding which will run along the width of the frontage above the shopfront. Compared to the previously refused awning design and layout, the layout is less bulky and the outside space less enclosed, which will

ensure that views along this part of Bruton Street and this part of the wider host building remain uninterrupted and, in terms of activity and presence in this busy streetscene, enhanced.

Figures 2 and 3 below illustrate how the proposed design has been amended and simplified significantly from the previously refused design to reflect officers comments and feedback.



Figure 2. Extract of Latest Proposed Shopfront Design

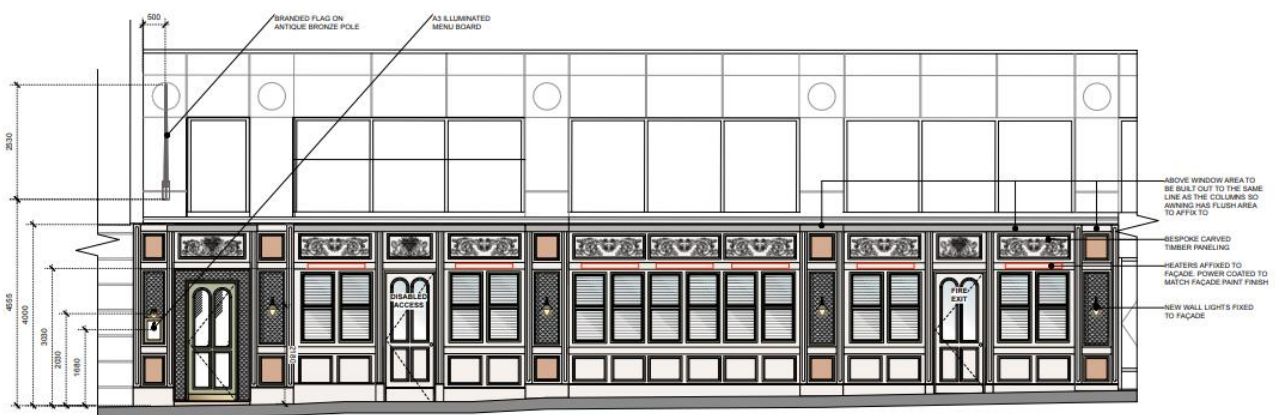


Figure 3. Extract of Previously Refused Shopfront Design

Officers also commented that the previously proposed shopfront only addressed half of the building, which would leave the western portion of the elevation unaltered, which in turn would create a ‘lopsided’ appearance. Whilst it is appreciated that parts of the wider building have maintained a more uniform appearance, it is evident that this is clearly a relatively modern, commercial building and as demonstrated by the surrounding character of the area, a number of frontages have been modified to accommodate unique, individual and corporate identities, including a number of restaurants, such as Sexy Fish. As a result, the wider Mayfair Conservation Area is host to a variety of shopfront typologies and styles, most of which are non-original.

Therefore, despite the evident historic interest surrounding the conservation area, the individuality of the surrounding properties, and the varied appearance of properties along Bruton Street and Berkeley Square, has contributed to the uniqueness and overall vibrancy of this part of the borough, creating an attractive historic destination for Mayfair. Noting this, the revised design of the shopfront has been considered to ensure this now represents a more traditional, less cluttered and muted appearance, which will preserve and enhance the character and appearance of the conservation area. As such, it is therefore considered that the proposals confirm with and adhere to the national, London-wide and local policies previously identified. It is

encouraging that Mr Toby Cuthbertson was supportive of the proposals as hereby presented in our recent pre-application discussions.

Design and Access Statement

Use

The application site already benefits from a lawful Class E use and this will remain unchanged as a result of the proposals.

Scale and Amount

The proposed external works are considered modest in size, scale and nature and will not alter the scale or footprint of the building itself. The proposals have also been considerably stripped-back when compared to what has been applied for previously.

Layout and Appearance

The proposals will significantly improve and enhance the existing appearance of the exterior of the ground floor frontage and will remain sympathetic to the character and historic interest of the wider Mayfair Conservation Area.

Landscaping

The proposals do not involve any landscaping, nor is there any landscaping currently present at the application site.

Access

Access will be improved to and from the building through the reconfiguration of the shopfront and involves the installation of both a new disabled access doorway and also a fire escape doorway to the frontage. This will ensure that all customers and staff can safely and conveniently access and depart the premises.

Sustainable Design Statement

As outlined throughout this letter, these applications seek planning permission and advertisement consent for minor external works and installation of a non-illuminated flag to the frontage of the application site. The proposed works are modest in scale and the design has been scaled back in line with feedback received as part of the previously refused application and at the recent pre-application stage. The proposals do not involve any energy efficiency services, technologies or renewable energy generation, urban greening, SuDs or biodiversity. From a heritage perspective, as explained within the preceding sections of this letter, it is not considered that the proposals will detract from the character or significance of the wider building, streetscene or conservation area through its sympathetic design and choice of materials. Furthermore, the proposals will not result in the creation of any new additional floorspace.

Conclusions

These applications seek planning permission and advertisement consent for the installation of a new shopfront to the ground floor frontage of the application site, as well as the installation on non-illuminated signage as part of our client's occupation of the restaurant premises. Following the Council's feedback as part of the previously refused shopfront application and the recent pre-application advice request, the latest design has been considered to reflect this and has been scaled-back to retain a traditional, sympathetic and coherent appearance.

The application proposals will, therefore, enhance and revitalise the appearance of this frontage along Bruton Street in a way that will undoubtedly preserve and improve the Mayfair Conservation Area setting. The proposals will also not adversely impact any surrounding amenities or public safety. As such, it is considered that the revised proposals adhere to and comply with national, London-wide and local planning policies and other relevant guidance.

We therefore trust that the Council will, in alignment with the recent pre-application advice received, conclude that the proposals are acceptable and should be supported. We also trust that you have sufficient information to validate the application and we look forward to receiving confirmation of this shortly. In the meantime, should you require any further information or have any queries, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'firstplan' in a cursive, lowercase style.

SAM HARPER
Director

Enc.