

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 17 October 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Hanover Square, London,</b>		
<b>Proposal</b>	<p>1. Installation of temporary structures, including marquees, a Saddlespan tent, an ice rink, a bar with two pedestrian bridges, storage containers, 2 x ancillary offices, 2 x HVO generators; and associated works at Hanover Square in association with the Underbelly Skate West End event between Saturday 4th November 2023 - Monday 1st January 2024; Friday 1st November 2024 - Sunday 5th January 2025 and; Friday 31st October 2025 - Sunday 4th January 2026.</p> <p>2. Temporary display of hoarding and signage and associated works at Hanover Square in association with the Underbelly Skate West End event between Saturday 4th November 2023 - Monday 1st January 2024; Friday 1st November 2024 - Sunday 5th January 2025 and; Friday 31st October 2025 - Sunday 4th January 2026. Installation will take place over the following periods; Wednesday 18th October 2023 - Friday 3rd November 2023; 15th October 2024 - Thursday 31st October 2024; 14th October 2025 - Thursday 30th October 2025. Deinstallation will take place over the periods Tuesday 2nd January 2024 - Thursday 11th January 2024; Monday 6th January 2025 - Wednesday 15th January 2025; Monday 5th January 2026 - Wednesday 14th January 2026.</p>		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Underbelly Ltd		
<b>Registered Number</b>	23/06019/FULL 23/06020/ADV	<b>Date amended/ completed</b>	31 August 2023
<b>Date Application Received</b>	31 August 2023		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		
<b>Neighbourhood Plan</b>	Mayfair Neighbourhood Plan		

### 1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional advertisement consent.

## 2. SUMMARY & KEY CONSIDERATIONS

Permission is sought for the use of Hanover Square as a pop- up event as an ice rink for a temporary period for 2 months. The proposed run time is from 4<sup>th</sup> November 2023 to 1<sup>st</sup> January 2024 ( a 3 year temporary permission is sought). The proposed ice rink is to be located in the centre of the gardens surrounding a bar accessed via two bridges.

Associated temporary advertisement consent is also sought for the proposed advertising hoarding, along the western and southern boundaries of the site, which will advertise the event, and branding included in the proposed entrance arch. The hoarding will screen the “back-of-house” portion of the site where the store, offices and generators will be located.

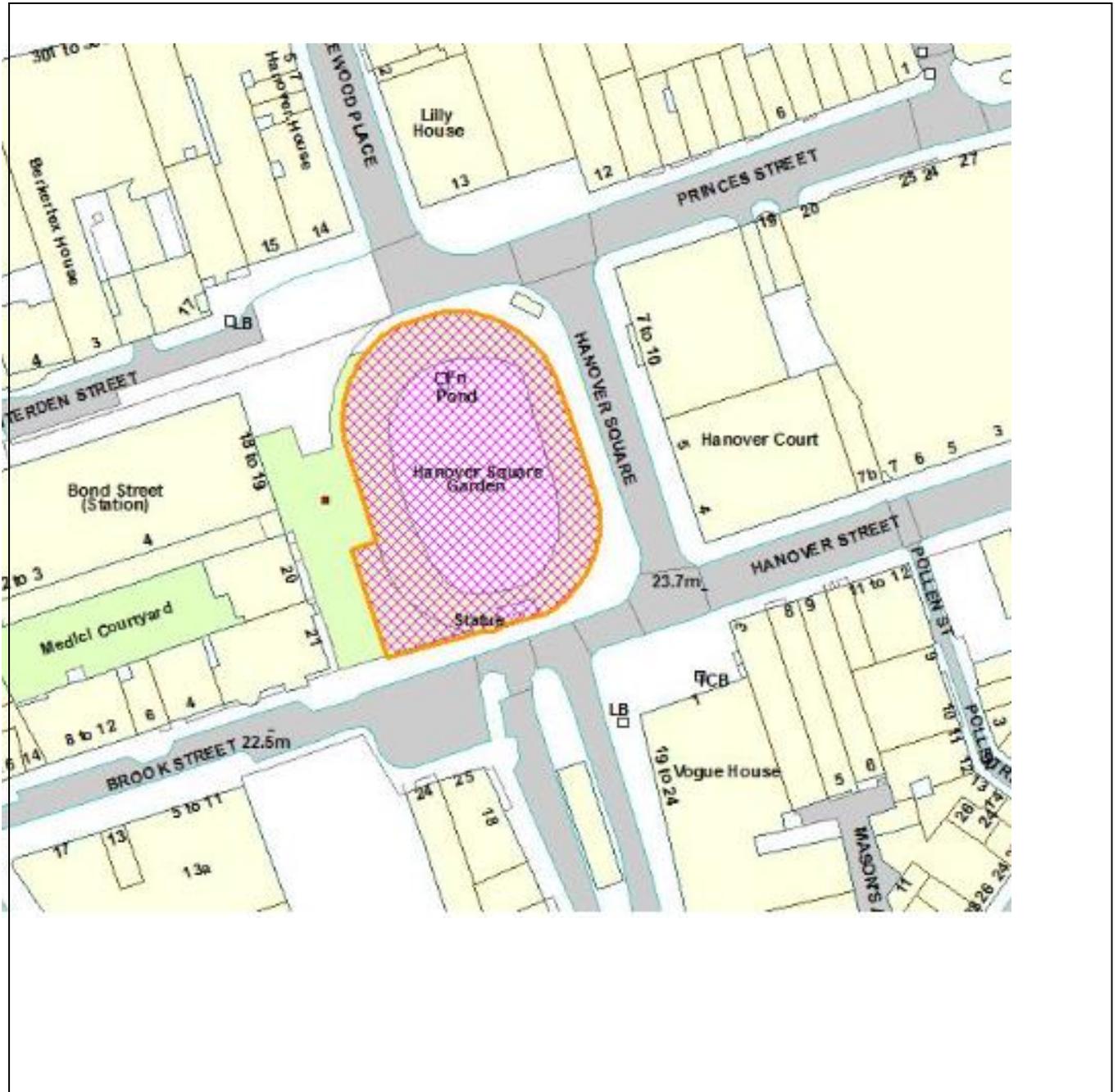
The key issues for consideration are:

- The acceptability of using the Square as an entertainment venue in land use and amenity terms.
- The impact of the structures on the townscape, the character and appearance of the Mayfair Conservation Area.

Hanover Square is a sensitive historic environment of high significance. The proposed structures and advertisements will occupy a large part of the gardens and will be visible from the surrounding area. They are considered to have a harmful impact on the character of the gardens, the character and appearance of this part of the Mayfair Conservation Area. On the basis that it is only intended to be in place for a period of two months, it is considered that the impact on the heritage assets is one of less than substantial harm, because of the temporary nature of the structures and advertisements. However, the creation of an event which would attract tourism and custom to the local area, are considered public benefits which outweigh that harm.

Subject to appropriate conditions including requiring the event to be operated in accordance with the Operational Management Plan (OMP) and securing site restoration, the temporary scheme is considered acceptable.

3. LOCATION PLAN



4. PHOTOGRAPHS







## 5. CONSULTATIONS

### 5.1 Application Consultations

#### HISTORIC ENGLAND

No Comments

#### METROPOLITAN POLICE

Any response to be reported verbally.

#### THE GARDENS TRUST

Any response to be reported verbally.

#### ENVIRONMENTAL SCIENCES

No objection

#### HIGHWAYS PLANNING MANAGER

Objection, on the grounds that the development would obstruct the highway, impeding the flow of pedestrians contrary to City Plan policies 25,28 and 43 plus the Westminster Way SPD.

#### ARBORICULTURAL OFFICER

No objection, recommend that conditions are imposed requiring the following:

- Protection of trees according to the Arboricultural Method Statement;
- The replacement of a Cherry Tree if it is damaged during construction or the event;
- Requiring approval of a detailed design relating to the foundations or footings for the temporary structures prior to any construction work commencing.

#### PROJECTS OFFICER (WASTE)

No objection

#### SPECIAL EVENTS TEAM

Support the application commenting that the event can be delivered safely and successfully, and it would prove to be a welcome addition to the West End.

#### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Objection that the proposal is contrary to the London Squares Preservation Act of 1931 and Policy MGS3 of the Mayfair Neighbourhood Plan which sets out restrictions both as to the extent of public spaces which can be used and the number of days in any one year when events can take place.

#### MAYFAIR RESIDENTS GROUP

No response received.

#### MAYFAIR NEIGHBOURHOOD FORUM

Objection; the proposal is contrary to Mayfair Neighbourhood Plan Policy MSG 3 a (i)

and (iv) (Events in Green Spaces ), as i) the application has not demonstrated that there would be no significant impact in terms of noise, pollution, visual amenity, parking and accessibility to the green space and (iv) more than 40% of the green space would be inaccessible to the public for more than 40 days in any calendar year.

### **ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 440  
Total No. of replies: 4  
No. of objections: 2  
No. in support: 2

2 letter of support received commenting as follows :

New West End Company – the Event that will help enliven the district, diversify the West End offering contributing positively to the West End’s economic growth;

The event run by Underbelly in partnership with Great Ormand Street Hospital Charity will raise important funds for Great Ormand Street Hospital.

2 objections received on the following grounds:

- i) Concerns raised that the operational details, particularly the bin store, toilets and equipment to operate the ice rink, all of which have been located directly outside of No 20 Hanover Square;
- ii) Objection raising the same grounds as the Mayfair Neighbourhood Forum set out above. Namely that the proposal is contrary to Mayfair Neighbourhood Plan policies.

PRESS NOTICE/ SITE NOTICE:

Yes

## **5.2 Applicant’s Pre-Application Community Engagement**

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance.

The applicant advises that the following meetings took place prior to the application being submitted.

### 8th August

Site visit with representatives from Residents Society of Mayfair and St James’

### 20th September

Presentation to Mayfair Neighbourhood Forum

### 21st September

Presentation to Hanover Square Private Funders Group

22nd September

Call with consultant acting on behalf of Jimmy Choo Academy (20 Hanover Square)

2nd October

Site visit with the CEO of Jimmy Choo Academy

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **6.2 Neighbourhood Planning**

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

### **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

Hanover Square lies one block south of Oxford Street and one block to the west of Regent Street within the heart of the West End. Bond Street Elizabeth Line Station is located on the western side of the square. Oxford Circus Underground Station is situated approximately 200 metres to north- east of the site.

The site lies within the Mayfair Conservation Area, the Core Central Activities Zone and the West End Retail and Leisure Special Policy Area. Regent Street Conservation Area lies adjacent to the Mayfair Conservation Area to the east. Hanover Square is surrounded by several Grade 2 and 2 \* listed buildings. The City Council's records show that there are no residential flats on Hanover Square which comprises commercial uses. The surrounding area is also predominantly commercial, the nearest residential is on Hanover Street, Princes Street, and Brook Street over 40m from the site.

## 7.2 Recent Relevant History

None directly relevant with regards to Hanover Square.

Permission has been granted for temporary events in other Squares in the West End.

Temporary permissions have been granted for marquees for an Art and Antiques Fair in Berkeley Square since 2016 (RN 16/01776/FULL). At Cavendish Square temporary permission was granted for a Spiegeltent for use as a theatre for 3 months in April 2022 (RN 22/01162).

## 8. THE PROPOSAL

Permission is sought for the installation of an ice rink (Skate West End) and supporting structures for a temporary period of 2 months. A temporary 3 year permission is sought. The proposed operating periods are as follows:

- Installation: Wednesday 18th October 2023 - Friday 3rd November 2023
- Run: Saturday 4th November 2023 - Monday 1st January 2024
- Deinstallation: Tuesday 2nd January 2024 - Thursday 11th January 2024
  
- Installation: Tuesday 15th October 2024 - Thursday 31st October 2024
- Run: Friday 1st November 2024 - Sunday 5th January 2025
- Deinstallation: Monday 6th January 2025 - Wednesday 15th January 2025
  
- Installation: Tuesday 14th October 2025 - Thursday 30th October 2025
- Run: Friday 31st October 2025 - Sunday 4th January 2026
- Deinstallation: Monday 5th January 2026 - Wednesday 14th January 2026

The scheme includes an oval shaped ice rink surrounding a festive bar, accessed via two pedestrian bridges. The event will be lit by festive festoon lighting around the ice rink and pedestrian pathways. Floodlights will also be located at the bar area, entrances and canopies.

The scheme will have 3 full-time staff and 20 part-time staff. The proposed opening hours would be from 10:00am until 22:00pm on Mondays to Saturdays and 10.00am

until 21.30pm on Sundays..

Associated temporary advertisement consent is also sought for the proposed advertising hoarding, which would be predominantly along the western and southern boundaries of the site, which will advertise the event, and branding included in the proposed entrance arch. The hoarding will screen the “back-of-house” portion of the site where the store, offices and generators will be located.

The proposed hoarding panels comprise separated panels alongside, with each panel being 3.05m in height and 2.4m in length. The hoarding will span for a total of 56m of which 26m will display advertising and includes the hoarding along the canopy area. The event logo will be above both entrances with sponsored branding and the signage is 4m wide and 1.75m in height.

Skate West End would be a temporary event. Once finished all event structures would be removed and the Square restored to its existing condition. The event organiser Underbelly Ltd are a UK company that specialises in outdoor events, have been operating public events for over 20 years. The applicant refers to a fundraising partnership with Great Ormand Street Hospital which is evident on the signage.

A premises license application has been submitted in tandem with this application for planning permission. To date 1 objection has been received to the licensing application on the grounds that granting a license would be contrary to the London Squares Preservation Act 1931. This issue is dealt with in section 9.3 of this report below. The application for a license is under consideration. Officer’s will update the Committee verbally on the licensing position at the Committee meeting.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

#### Policy Context

##### London Plan

The London Plan policy SD4 promotes cultural, arts, entertainment and the nighttime economy and tourism functions within the CAZ. London Plan policies HC5 supports the use of land for pop-ups during the day and at night-time to stimulate vibrancy and viability and promote diversity in town centres, Cultural Quarters and other areas.

##### City Plan

City Plan policy 34 (Green infrastructure) states ‘The council will protect and enhance the city’s green infrastructure to maximise its environmental, social and economic value. All open spaces and their quality, heritage and ecological value, tranquillity and amenity will be protected’.

The site lies within the West End Retail and Leisure Special Policy Area, an area of world-renowned retail and leisure destinations and some of London’s most recognised tourist attractions and public spaces. Policy 2 of the City Plan promotes an improved retail and leisure experience in this area and prioritises diverse evening and night-time

economy. In addition, Policy 15 seeks to maintain and enhance the attractiveness of Westminster as a visitor destination, balancing the needs of visitors, businesses and local communities.

City Plan policy 16 states that events in the public realm should also support the character and function of the area in which they take place and must be organised in a way that minimise the impact on the long-term access to open space, amenity of residents, businesses and others, and maintain the quality of the public realm.

Mayfair Neighbourhood Plan

Mayfair Neighbourhood Plan policy MSG3 (Events in Green Spaces) states:

*'proposals for events in Mayfair's green spaces will only be permitted if the events: (a) Demonstrate in advance and ensure that: (i) there is no significant adverse impact on local amenity in terms of noise, pollution, visual amenity, parking, and accessibility to the green space'*

and

*(iv) 'the cumulative total of days during which more than 40% of the green space in question is inaccessible to the public due to the construction, occupancy, and then dismantling of the structures in question, are both kept to the shortest length of time reasonably necessary, and also do not exceed 40 days in any calendar year'*

Two objections have been received including from the Mayfair Neighbourhood Forum that the proposal is contrary to Mayfair Neighbourhood Plan policy MSG3 (iv) set out above as the event would occupy more than 40% of the Square. Whilst the event will occupy the whole of the central grassed lawn area the infrastructure which is not free to access (i.e. Boot Room, Box Office, Ice Rink and bar would occupy 22% of the Square. If toilets which are free to access are added into the floorspace calculations this increases to 38%. The proposal does not therefore breach Mayfair Neighbourhood Plan policy MSG3.

It is acknowledged that the proposal is contrary to City Plan policy 34 which protects all open spaces and their quality, heritage and ecological value, tranquillity and amenity. However, the supporting text for Policy 34 does indicate that open spaces may be used for temporary events, provided the land is fully remediated following the event.

The applicants have confirmed that the gardens will remain open for the public who do not wish to use the ice skate rink. The only area of the gardens that is ticketed is the central venue itself. Once operational, the gardens will open every day as per the normal Westminster City Council opening hours so there are no restrictions on times it can be accessed. The gardens are accessed by 3 gates which will all remain open.

### **The London Squares Preservation Act**

The Square is protected by the London Squares Preservation Act 1931. The act limits the use of London Squares to 'ornamental pleasure grounds or grounds for play, rest and recreation', and the only buildings and structures allowed are those which are 'necessary or convenient for, and in connection with, the use and maintenance of such

squares.

An objection has been received that the proposal is contrary to the London Squares Preservation Act. The Council has previously taken the view that temporary use of squares for recreational purposes is not contrary to the Act when granting temporary pop-up events in Berkeley Square and Cavendish Square. This remains the position.

On the basis that permission is subject to a condition which requires the site to be restored to its present position there would be no permanent impact on the Square, the use of Hanover Square for a temporary pop-up event for leisure purposes is considered acceptable in land use terms

## 9.2 Environment & Sustainability

City Plan Policy 32 'Air Quality' expects development to reduce exposure to poor air quality. Policy 36 'Energy' states expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources.

Mayfair Neighbourhood Plan policy MES1.2 states that '*where new development proposes the inclusion of either a combustion plant or standby generator, an appropriate air quality assessment must be undertaken*'.

An objection has been received from the Mayfair Neighbourhood Forum to the fact that an air quality assessment has not been submitted. Due to the lack of power supply within Hanover Square, it will be necessary to use generators to provide power to the site.

The objection from the Mayfair Neighbourhood Forum in mitigation the submission details that the generators will be selected with particular consideration made to efficiency and environmental performance (both emissions and noise). The generators are specifically designed to meet the low emissions targets. The use of these generators significantly reduces the harmful emissions emitted and ensures a reduction in the carbon footprint.

In addition to this, Underbelly is committed to using HVO to fuel the generators, rather than standard diesel fuel. HVO is a low-emission and more sustainable alternative to diesel fuel. It is a 100% biodegradable, renewable, and sustainable 18hydrocarbon. HVO fuel reduces CO2 emissions by up to 90%, NOx emissions by up to 27% and PM emissions by up to 84%, all of which are key factors to achieving improved air quality. Environmental Services raise no objection to the application and advise that these measures are key factors in achieving improved air quality.

The generators will be configured in a "load on demand" system to ensure redundancy and most importantly efficiency. Generators will automatically shut down when the load allows, meaning there will be no unnecessary usage of the machines.

Given the above and the fact that the event is temporary and the Public benefits that the scheme would deliver it is considered that permission could not reasonably be withheld on the basis that an air quality assessment has not been submitted as part of the application.

### 9.3 Biodiversity & Greening

Hanover Square will be re-instated and returned to its present condition once the event structures have been removed. There will be no loss of trees or greenery.

The objection from the Mayfair Forum is made on the grounds that the structures are likely to result in significant compaction of the lawns and mere re-turfing of the lawns may not constitute adequate reinstatement. They request that a condition is imposed which requires the sub-soil to be thoroughly de-compacted, or replaced if necessary, as part of the re-instatement of the lawns required by Policy MGS3 (b) of the Mayfair Neighbourhood Plan.

The Arboricultural Method Statement submitted as part of the application states that all infrastructure (including the bar, ice rink, marquees etc.) will be placed on the scaffold platform with the exception of the box office unit which will sit on existing hardstanding, No excavation is taking place. The arboricultural officer raises no objection to the application, recommending a pre-commencement condition to secure the foundation footing details. This condition is included in the draft decision notice. Given the proposed set up is scheduled for the 18<sup>th</sup> October ( the day after the Committee meeting ) the applicant has advised that their intention is to address this issue in advance of the meeting. Officer's will update the Committee verbally If any additional information is submitted for approval to potentially negate the requirement for this condition.

### 9.4 Townscape, Design & Heritage Impact

#### a) Hanover Square

The original gardens were originally laid out in 1717. Westminster City Council purchased the gardens in 1997 to be opened as a public space. The gardens have recently been re-landscaped and reopened to the public in 2021. The square contains various statues, the most notable being on of William Pitt the Younger. The bronze statue has stood at the southern end of the square since 1831. The statues will not be affected by the event.

Hanover Square is a sensitive historic environment of high significance. The square is surrounded by a number of listed buildings. The gardens are not included on the Historic England register of historic parks and gardens but they are included in the list of squares and gardens protected by the London Squares Preservation Act 1931.

#### b) Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall 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.*"

Section 66 of the LBCA Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.”*

Section 72 of the LBCA Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

The London Squares Preservation Act 1931 seeks to protect designated squares, gardens and enclosures in Greater London. Section 3 (1) of the Act confirms that its purpose is to limit the use of London Squares to 'ornamental pleasure grounds or grounds for play, rest and recreation' and confirms that the only buildings and structures allowed on London Squares are those which are “necessary or convenient for, and in connection with, the use and maintenance of such squares.”

### **c) The proposal**

The proposed temporary event involves the provision of an ice rink in the central lawned area of the gardens. Alongside the ice rink will be a boot room containing a box office, an outdoor bar, toilet blocks, ancillary office units, cabins and plant. The oval ice rink will surround a festive bar which is accessed via two bridges. Advertisement consent is sought for signage on hoardings and at the entrance at the southern end of the square. The adverts will display the event name 'skate west' and Gt Ormand Street hospital a charity that will be supported by funds from the event.

### **d) Consideration**

The proposed structures and advertisements will occupy a large part of the gardens and will be visible from the surrounding area. They will have a harmful impact on the character of the gardens, the character and appearance of this part of the Mayfair Conservation Area. If this was a longer term proposal then it would result in substantial harm to the heritage assets referred to above, and would be wholly unacceptable

### **e) Harm v benefits**

On the basis that it is only intended to be in place for a period of just over two months, it is considered that the impact on the heritage assets could be said to be less than substantial harm, because of the temporary nature of the structures and advertisements. In considering this application the harm caused to heritage assets needs to be weighed up against any public benefits. The proposed ice rink will provide economic gains, and a pop-up visitor attraction for a temporary period. The public benefits are considered to outweigh the less than substantial harm caused, and the proposal is considered acceptable in terms of its impact on the designated heritage asset(s). Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 9.5 Residential Amenity

City Plan Policy 7 'Managing development for Westminster's people' states that development will protect and where appropriate enhance amenity by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

City Plan Policy 15 'Visitor Economy' states that events in the public realm must be organised in ways that "minimise the impact long term access to public space, amenity of residents, businesses and others, and maintain the quality of the public realm." Part E specifically relates to events within the public realm and acknowledges that such events should:

- support the area's character and function,
- minimise impact on long-term impact access to open space,
- protect local amenity,
- and maintain the quality of the public realm

In amenity terms the main issue is the impact of noise from the event, and the impact of additional people attracted to the Square, and whether this will also cause significant additional noise and disturbance. The proposed opening hours are 10am to 10pm on Mondays to Saturdays and 10am to 9pm on Sundays. The nearest residential are flats at 1-6, 7b Hanover Street, 19 Princes Street, and 14 Brook Street. All are over 46m away from the proposed event.

A Noise Impact Assessment has been submitted in support of the proposal. This assesses background noise levels and noise from both mechanical plant/ generator and potential noise from customers using the facility. The assessment concludes that the development would not result in an adverse impact on the identified receptors from the event proposal. Environmental Sciences raise no objection to this aspect of the application.

The application is also supported by an operational management plan (OMP) which sets out a number of measures to ensure it will not have a detrimental impact on the amenity of adjoining residents, including:

calendar and operational times, dispersal policies, management structure roles and responsibilities, security, pedestrian and vehicular access, health and safety, evacuation procedure, refuse waste management and neighbour liaison procedures. The headlines in the suggested OMP appear to be comprehensive.

A condition is recommended which requires the use to operate in accordance with the submitted OMP. On this basis it is considered that the use would operate without detriment to the locality.

## 9.6 Transportation, Accessibility & Servicing

City Plan policy 24 supports a sustainable pattern of development which maximises trips made by sustainable modes and Policy 25 prioritises pedestrian movement. The proposed use is likely to generate an increase in trips to the site. Underbelly expect

most customers to make use of public transport. Given the accessibility to public transport facilities in the area it is considered that the increase is unlikely to have any significant adverse impact on the public highway.

### **Accessibility**

#### Servicing

Policy 29 requires servicing, collection and delivery needs to be fully met within a development site. The Highways Planning Manager recognises that the constraints of the site preclude off street servicing.

A Delivery and Servicing Plan confirms that deliveries and servicing to the Site will take place via the north and west public entrances of Hanover Square Gardens, utilising the existing loading bay in the north-west corner of Hanover Square (Tenterden Street). This is a pedestrianised area with loading allowed to take place between 10am and 12.00 noon and 9am to 7am.

### **9.7 Economy including**

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040.

### **9.8 Other Considerations**

#### **Plant**

An acoustic report has been submitted in support of the application assessing the background noise levels measured at the nearest noise sensitive receptors. The report assesses noise from the plant including the chillers and generator plant. Subject to the normal noise conditions, this aspect of the application is considered to be acceptable.

#### **Refuse /Recycling**

An area for waste and recycling has been shown on the plans, the Waste Project Officer raises no objection to the application.

#### **Trees**

London Plan Policy G7 'Trees and Woodlands' states that proposals should ensure that existing trees of value are retained.

City Plan Policy 35 'Green Infrastructure' states that all open spaces and their quality, heritage and ecological value, tranquillity and amenity will be protected.

The gardens comprise mainly mature London Planes, ornamental shrubs, amenity grass and a hedge enclosure that runs around part of the circular garden area. The application is supported by an Arboricultural Impact Assessment. The scheme does not require the removal of any trees. The impact assessment details proposed tree protection measures and proposed pruning. The Council's Arboricultural Officer raises no objection to the application on the basis that the trees are protected in accordance

with the submitted method statement, and a cherry tree is replaced if damaged during construction of the event.

### **Lighting**

Festoon lighting will be hung around the entire site boundary above the perimeter hoarding and there will be flood lighting within the site. Given the distance separation to surrounding properties it is considered that this would not result in any undue light spillage and disturbance to properties on Hanover Square.

### **Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

## **9.9 Planning Obligations & Pre-Commencement Conditions**

Planning obligations are not relevant in the determination of this application.

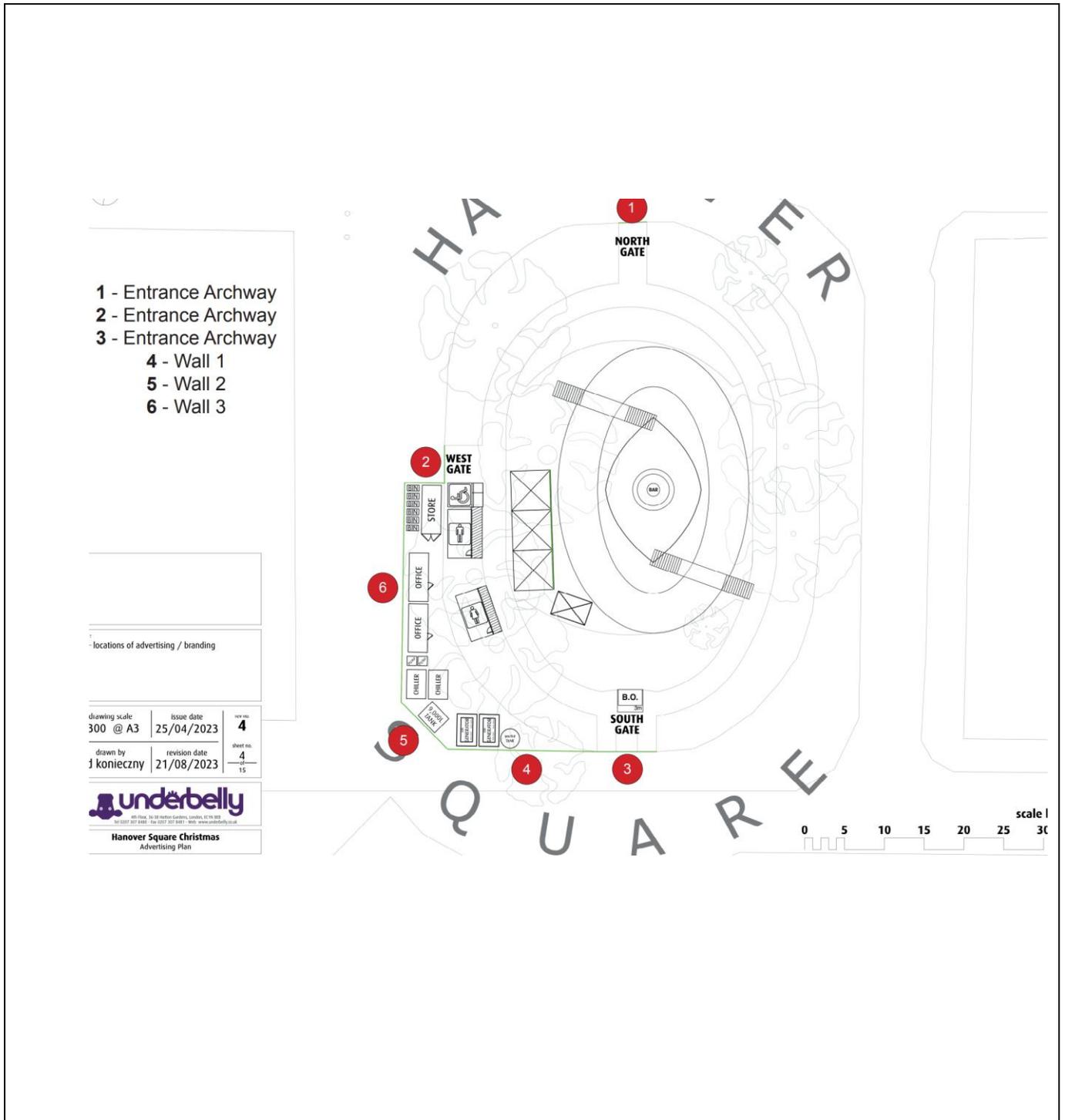
## **9.11 Conclusion**

As set out in section 9.4 above the proposed ice rink, bar and associated structures would result in harm to the Mayfair Conservation Area. This harm is less than substantial. The proposal provide a distinctive visitor experience. It will also generate jobs over the holiday season (3 full time staff, and 20 Part-time). It accords with the City Council's wider ambitions to improve Oxford Street, helping local businesses, providing jobs and investing in high streets. The public benefits are considered to outweigh the less than substantial harm. It is recommended that temporary permission is granted.

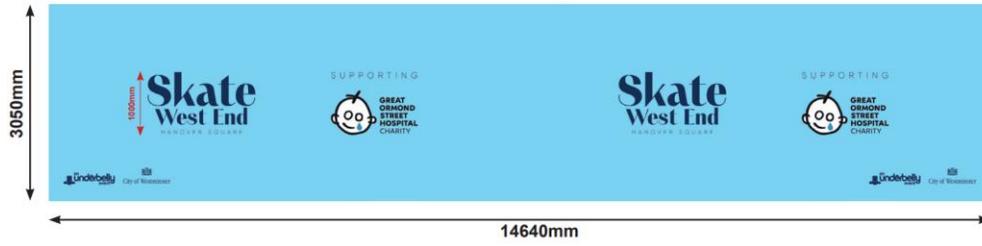
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10. KEY DRAWINGS



### Wall 1 - West Compound Wall



### Wall 2 - South West Compound Wall



### Wall 3 - South Compound Wall





**DRAFT DECISION LETTER****Address:** Hanover Square, London,**Proposal:** Installation of temporary structures, including marquees, a Saddlespan tent, an ice rink, a bar with two pedestrian bridges, storage containers, 2 x ancillary offices, 2 x HVO generators; and associated works at Hanover Square in association with the Underbelly Skate West End event between Saturday 4th November 2023 - Monday 1st January 2024; Friday 1st November 2024 - Sunday 5th January 2025 and; Friday 31st October 2025 - Sunday 4th January 2026.**Reference:** 23/06019/FULL**Plan Nos:** East elevation rev 3, South elevation rev 3, West elevation rev3, Hoarding panel rev3, Ice rink bridge structure rev 3, Marquee tent detail rev 3, Office storage detail rev 3, Proposed site plan rev 3, Saddlespan Tent detail rev 3**Case Officer:** Mike Walton**Direct Tel. No.** 020 7641  
07866039922**Recommended Condition(s) and Reason(s)**

1	The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.
	<b>Reason:</b> For the avoidance of doubt and in the interests of proper planning.
2	Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and , onot at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

	<p>Reason: To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)</p>
3	<p>The event allowed by this permission shall be limited to the following dates: Installation: Wednesday 18th October 2023 - Friday 3rd November 2023, Run: Saturday 4th November 2023 - Monday 1st January 2024; Deinstallation: Tuesday 2nd January 2024 - Thursday 11th January 2024:</p> <p>Installation: Tuesday 15th October 2024 - Thursday 31st October 2024, Run: Friday 1st November 2024 - Sunday 5th January 2025, Deinstallation: Monday 6th January 2025 - Wednesday 15th January 2025:</p> <p>Installation: Tuesday 14th October 2025 - Thursday 30th October 2025 , Run: Friday 31st October 2025 - Sunday 4th January 2026, Deinstallation: Monday 5th January 2026 - Wednesday 14th January 2026.</p> <p>At the expiry of the temporary permission in 2024, 2025 and 2026 you must return the land to its previous condition and use.</p>
	<p>Reason: The building should not remain for a longer period because it would be contrary to Policy 34 of the City Plan 2019-2040. (R03BC)</p>
4	<p>The event shall not be open to customers before 10.00 hours or after 22.00 hours on Monday to Saturdays and before 10.00 hours and 21.30 on Sundays.</p>
	<p>Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)</p>
5	<p>You must carry out the measures included in your Operational Event Management Plan v1.1 dated 2023 at all times that the event is in use. (C05KA)</p>
	<p>Reason: To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)</p>
6	<p>(1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation.</p>

	<p>The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. , , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant &amp; equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)</p>
	<p>Reason: Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)</p>
7	<p>Public access through the gardens will be maintained at the usual park openings times. Signage shall be provided making it clear that public access is maintained for the duration of the event.</p>
	<p>Reason: To maintain access to the Square. This is as set out Policies 7, 33 and 34 of the City Plan 2019 - 2040 (April 2021).</p>

8	<b>Pre Commencement Condition.</b> You must apply to us for approval of a detailed design relating to the foundations or footings for the temporary structures. You must not start any construction work until we have approved in writing what you have sent us. You must then carry out the work according to the approved design and method statement.
8	If the cherry (T5 within the Arboricultural Report dated 9th of August 2023 by Arbtech Consulting Ltd) is severely disfigured or damaged, or dies or is removed during the construction or use of the temporary structures, you must replace it with a tree of a similar size and species in the same location.
	Reason: To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)
9	You must protect the trees according to the details, proposals, recommendations set out in the Arboricultural Method Statement and Tree protection Plan dated 9th of August 2023 by Arbtech Consulting Ltd. You must undertake the special methods of working and arboricultural supervision according to these details. If you need to revise any of these tree protection provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.
	Reason: To protect the trees and the character and appearance of this part of the Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Conditions 6 control noise from the approved machinery. It is very important that you meet the condition and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

**DRAFT DECISION LETTER****Address:** Hanover Square, London,**Proposal:** Temporary display of hoarding and signage and associated works at Hanover Square in association with the Underbelly Skate West End event between Saturday 4th November 2023 - Monday 1st January 2024; Friday 1st November 2024 - Sunday 5th January 2025 and; Friday 31st October 2025 - Sunday 4th January 2026. Installation will take place over the following periods; Wednesday 18th October 2023 - Friday 3rd November 2023; 15th October 2024 - Thursday 31st October 2024; 14th October 2025 - Thursday 30th October 2025. Deinstallation will take place over the periods Tuesday 2nd January 2024 - Thursday 11th January 2024; Monday 6th January 2025 - Wednesday 15th January 2025; Monday 5th January 2026 - Wednesday 14th January 2026.**Reference:** 23/06020/ADV**Plan Nos:** Hoarding panel rev 3**Case Officer:** Susanna Miller**Direct Tel. No.** 020 7641  
07866039239**Recommended Condition(s) and Reason(s)**

1	<p>The adverts allowed by this permission shall be limited to the following dates:</p> <p>Installation: Wednesday 18th October 2023 - Friday 3rd November 2023, Run: Saturday 4th November 2023 - Monday 1st January 2024; Deinstallation: Tuesday 2nd January 2024 - Thursday 11th January 2024:</p> <p>Installation: Tuesday 15th October 2024 - Thursday 31st October 2024, Run: Friday 1st November 2024 - Sunday 5th January 2025, Deinstallation: Monday 6th January 2025 - Wednesday 15th January 2025.;</p> <p>Installation: Tuesday 14th October 2025 - Thursday 30th October 2025 , Run: Friday 31st October 2025 - Sunday 4th January 2026, Deinstallation: Monday 5th January 2026 - Wednesday 14th January 2026.</p>
	<p><b>Reason:</b> The advert is temporary, so under Policy 43 of the City Plan 2019-2040 (April 2021), we can only approve it for a limited period. (R04AC)</p>

Item No.
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