



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (Temporary)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (Temporary)** held on **Tuesday 15th May, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Richard Beddoe (Chairman), Susie Burbridge, Tim Mitchell and Tim Roca.

1 ELECTION OF CHAIRMAN

1.1 RESOLVED:

That Councillor Richard Beddoe be elected as Chairman for this meeting.

2 DECLARATIONS OF INTEREST

2.1 Councillor Richard Beddoe explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Beddoe also declared that in his capacity as Chairman of Planning, he gets to know a number of property developers and planning consultants, although he does not consider them his friends. He added that any Members of the Majority Party who had or would make representations in respect of the applications on the agenda were his friends.

2.3 Councillor Tim Mitchell declared that any Members of the Majority Party who had or would make representations in respect of the applications on the agenda were his friends. He also advised that in his capacity as a Councillor for St James's Ward, and in his previous role as the Cabinet Member for

Finance, Property and Corporate Services responsible for the City Council's property portfolio, he regularly met with members of the planning and property industry as well as residents' associations and amenity groups and that he may continue to meet such groups in his new role as the Cabinet Member for Environment and City Management.

- 2.4 Councillor Mitchell also declared that in respect of item 7, he was familiar with the building and a former client of his had made a representation, however he did not regard these as prejudicial interests.
- 2.5 Councillor Susie Burbridge declared that any Members of the Majority Party who had or would make representations on the applications on the agenda were her friends.
- 2.6 Councillor Burbridge then made the following further declarations as they related to the specific applications on the agenda:

Item 4: That she had attended a Cabinet Member for Housing meeting where this site had been discussed in her previous capacity as Deputy Cabinet Member for Housing.

Item 8: That the application site is in her Ward.

4 PLANNING APPLICATIONS

1 7-11 CAVENDISH PLACE, LONDON, W1G 0QD

Application 1: Demolition of 7-11 Cavendish Place and redevelopment to provide a new building comprising basement, ground and 7 upper floors for flexible retail (Class A1/A2) at part ground floor level and offices (Class B1) on the part ground, basement and 1 st to 7th floors with plant at roof level

Application 2: Demolition of 7-11 Cavendish Place and redevelopment to provide a new building comprising basement, ground and 7 upper floors for flexible retail (Class A1/A2) at part ground floor level and offices (Class B1) on the part ground, basement and 1st to 7th floors with plant at roof level (including provision of a lightwell at rear 1st to 7th floors).

Late representations were received from Tom Bromet on behalf of Marylebone Association (12.05.2018), all tenant of within 15-19 Cavendish Place (11.05.2018) and Aaron Peate on behalf of Indigo (11.05.2018).

The presenting officer tabled the following amended recommendations:

Application 1

1. That subject to the views of the Mayor, conditional permission be granted, subject to a Section 106 legal agreement to secure the following:
 - i) Provision of £425,101 towards the City Council's affordable housing fund (index linked and payable on commencement of development);

- ii) A Crossrail payment of £98,020;
 - iii) Monitoring costs.
2. That if the Section 106 legal agreement has not been completed within six weeks from the date of the Committee's resolution, then:
- a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Application 2

1. That subject to the views of the Mayor, conditional permission be granted, subject to a Section 106 legal agreement to secure the following:
- i) Provision of £186,320 towards the City Council's affordable housing fund (index linked and payable on commencement of development);
 - ii) A Crossrail payment of £78,840;
 - iii) Monitoring costs.
2. That if the Section 106 legal agreement has not been completed within six weeks from the date of the Committee's resolution, then:
- a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

RESOLVED UNANIMOUSLY:

Application 1

1. That subject to the views of the Mayor, conditional permission be granted subject to the revised recommendations as set out above, deletion of condition 16, an informative requesting that the applicant consult with Thames Water concerning the adequacy of the waste water infrastructure, and to a Section 106 legal agreement to secure the following:
 - ii) Provision of £425,101 towards the City Council's affordable housing fund (index linked and payable on commencement of development);
 - ii) A Crossrail payment of £98,020;
 - iii) Monitoring costs.
2. That if the Section 106 legal agreement has not been completed within six weeks from the date of the Committee's resolution, then:
 - a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Application 2

1. That subject to the views of the Mayor, conditional permission be granted subject to the revised recommendations as set out above, deletion of condition 16, an informative requesting that the applicant consult with Thames Water concerning the adequacy of the waste water infrastructure, and to a Section 106 legal agreement to secure the following:
 - iv) Provision of £186,320 towards the City Council's affordable housing fund (index linked and payable on commencement of development);
 - v) A Crossrail payment of £78,840;
 - vi) Monitoring costs.

2. That if the Section 106 legal agreement has not been completed within six weeks from the date of the Committee's resolution, then:
 - b) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2 21 GREAT WINDMILL STREET, LONDON, W1D 7LB

Demolition of existing building and redevelopment of the site to provide a new building comprising of restaurant use (Class A3) over basement to first floors and a 3-bedroom residential flat (Class C3) at second to fourth floors and installation of photo-voltaic panels on a flat roof area at rear third floor roof level.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

3 39 BROOK STREET, MAYFAIR, LONDON, W1K 4JE

Use of a building as restaurant and private members club (Sui generis), and internal and external alterations including erection of new lift at rear from basement to second floor level, replacement windows, new shopfronts, erection of high level extract duct at the rear and air conditioning units at basement and roof levels.

An additional representation was received from Environmental Health (09.05.2018).

The presenting officer tabled the following amendments to conditions:

Application 1 (Ref: 18/00806/FULL).

Amended Condition 5

You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme - All roof level plant / condenser units to be housed within visual screen (with roof). You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings **prior to the approved plant being operated and the approved screen shall be retained for as long as the plant is in situ.**

No change to reason.

The original 169 customers was a typographic error and should have been 196 customers. The applicant has requested that additional capacity be permitted to accommodate diners (196 covers) and customers not dining but using the lounge and bar areas (79 customers).

Amended Condition 7

You must not allow more than ~~169~~ **275** customers into the property at any one time. **The courtyard must accommodate no more than 65 covers. Any bar and bar seating within the ground floor restaurant hereby approved shall be limited to that area annotated as a 'café / bar' on approved drawing 2001 P. You must use the bar to serve restaurant customers only, before, during or after their meals.**

No change to reason.

Amended Condition 8

You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not **occupy the restaurant / private members club hereby approved** ~~start work on the relevant part of the development~~ until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the **restaurant / private members club**.

No change to reason.

Deleted Condition 12 (duplicate of Condition 7)

~~You must not allow more than 169 customers into the premises at any one time.~~

Amended Condition 13

You must not sell any take-away food or drink on the premises. **You must not sell any hot-food take-away nor operate a delivery service from the approved restaurant**, even as an ancillary part of the primary restaurant/ members club use (Sui Generis).

No change to reason.

Additional Condition 15

Customers and staff shall not be permitted within the courtyard before 08.00 or after 22.00 each day.

Reason

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

Additional Condition 16

No music shall be played within the rear courtyard at any time.

Reason

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

Addition Condition 17

Notwithstanding what is shown on the approved drawings, the new pavement hatch on Brook Street shall be omitted.

Reason

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

Additional Condition 18

Customers (including club members) shall not be permitted within the ground floor restaurant before 08.00 or after 00.00 on Monday to Saturday (not including bank holidays and public holidays) and before 08.00 or after 23.00 on Sundays, bank holidays and public holidays.

Club members shall not be permitted within the first to third floors before 07.30 or after 01.00 (the following morning) on Monday to Saturday (not including bank holidays and public holidays) and before 07.30 or after 23.00 on Sundays, bank holidays and public holidays.

Reason

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

Additional Condition 19

The first to third floors of the building shall be used only by club members.

Reason

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

Additional Condition 20

You must install the high level as shown on the approved drawings before the restaurant / private members club hereby approved commences. The duct must thereafter be maintained in situ for as long as the restaurant / private members club remains in place.

Reason

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

Application 2 (Ref: 18/00807/LBC).

Amended Condition 7

You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme All roof level plant / condenser units to be screened. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings **prior to the approved plant being operated and the approved screen shall be retained for as long as the plant is in situ.**

No change to reason.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted, subject to amendments to conditions 5, 7, 8 and 13, deletion of condition 12 and additional conditions 15, 16, 17, 18, 19 and 20 as set out above and further amendments to condition 5 to include a roof to plant screen, condition 7 to limit the size of the ground floor bar to be no more than 15% of the area on the ground floor and to condition 13 to prohibit the sale of any food or drink for takeaway and delivery service from the approved restaurant.
2. That conditional listed building consent be granted, subject to an amended condition 7 as set out above.

3. That the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter be agreed.

4 SALISBURY STREET, CHURCH STREET, BROADLEY GARDENS, LISSON GARDENS AND LISSON STREET, LONDON

Public Realm works to Salisbury Street, Church Street, Broadley Gardens, Lisson Gardens and Lisson Street (Phase 1 of the Green Spine Project).

Late representations were received from Historic England (15.05.2018) and Rosalind Stevens (15.05.2018).

RESOLVED UNANIMOUSLY:

That conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) be granted, subject to the deletion of condition 9.

5 D BLOCK, OSSINGTON BUILDINGS, LONDON, W1U 4BN

Erection of rear single storey extension at ground floor level in connection with two existing ground floor flats, including a ground floor courtyard and a green roof.

Late representations were received from Councillor Iain Bott (15.05.2018), and Elizabeth Queenan (11.05.2018).

The presenting officer tabled the following amended condition 8:

8. You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: **the installation of a traditional timber door within the existing opening (lintel dropped) at rear ground floor level in flat no. 2.** ~~the retention of the existing sash window at rear ground floor level in flat no. 2 (the southern flat)~~ You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

RESOLVED UNANIMOUSLY:

That conditional permission be granted, subject to an amended condition 8 as set out above and deletion of condition 6.

6 147 - 149 WARDOUR STREET, LONDON, W1F 8WA

Use of basement and ground floors for a restaurant (Class A3), and installation of full height extract duct to the rear elevation terminating one metre above main roof level.

The presenting officer tabled the following amendments to conditions 5, 8 and 14:

The applicant has requested that additional capacity be permitted to accommodate diners (192 covers) and 20 customers waiting for a table at the bar.

Amended Condition 5

You must not allow more than 192 212 customers into the property at any one time (including any customers waiting at a bar).

No change to reason.

Amended Condition 8

You must apply to us for approval of a supplementary management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings **and how queues will be managed**. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

No change to reason.

Amended Condition 14

- ~~i. You must apply to us for approval of a sample of the proposed GRP panels.~~
- ~~i. The duct must be clad in the approved GRP panels to match the adjacent masonry, including both the brickwork and the white concrete plat bands prior the occupation of the restaurant uses hereby approved. The duct must then be maintained in this condition for the life of the development.~~

You must apply to us for approval of a sample of the following parts of the development – the GRP panels used to clad the full height rear extract duct hereby approved. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to the approved sample and the GRP panels must match the adjacent masonry, including brickwork and concrete bands. The duct shall be clad in full prior to the commencement of the restaurant use hereby approved and shall remain in this condition for the life of the development.

RESOLVED UNANIMOUSLY:

That conditional permission be granted, subject to amendments to conditions 5, 8 and 14 as set out above and an additional informative to require the applicant to consider including a grass crusher as part of condition 8.

7 12 HAY HILL, LONDON, W1J 8NR

Application 1

Use of building for a temporary period as use comprising offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis).

Applications 2 and 3

Works to the second floor terrace comprising new timber decking and tiled flooring and new timber and metal planters.

Late representations were received from Forsters (14.05.2018) and Hay Hill (10.05.2018).

Application 1

Amended Condition 3

The following are not permitted on the second floor terrace: more than 40 person at any one times, e⁴Events' (i.e. organised activities/gatherings - whether or not by invitation), outdoor cooking, ~~outdoor lighting, outdoor heating~~, any music (live, recorded, broadcast, or otherwise).

Outdoor lighting and outdoor heating are also not permitted unless a 'Lighting and Heating Scheme' (including detailed drawings (1:20)) for the second floor terrace are submitted to and approved by the City Council. You must then carry out the work according to the approved 'Lighting and Heating Scheme' and the approved detailed drawings.

No change to reason.

Amended Condition 5

Only the areas at lower ground, ground and fourth floor level shown the drawings hereby approved **and the second floor terrace shall be used for the consumption of food and drinks** ~~as bars, cafes and restaurants~~ in association with the composite use comprising offices, conference facilities and private members business club **for members** and their guests (including cafe/bar/dining) (Sui Generis) hereby approved.

No more than 100 'Events' (i.e. organised activities at which more than 40 persons are present at any one time) can take place in any calendar year. No more than one Event can be held at any one time. There shall be no retail sale of hot or cold drinks of food to members of the public (i.e. ~~non~~-members of the business club) at any time.

No change to reason.

Amended Condition 7

The offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis) use hereby approved shall continue until **1 January 2039** or until vacated by 12 Hay Hill Limited (whichever is the sooner), after which the building must revert to **its office use** ~~a use within~~ (Class B1)

(Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent replacement order).

Amended Condition 8

The consumption of food and drinks shall be limited to between 07.30 and 23.00 (Monday to Friday). ~~Members shall not be permitted within the premises before 07.30 or after 23.00 (Monday to Friday) and shall not be permitted within the premises at any time on weekends.~~

RESOLVED UNANIMOUSLY:

That applications 1, 2 and 3 be deferred to allow for further consideration of potential constraints on the use of the second floor terrace in light of the Committee's concerns in this respect.

8 PORCHESTER COURT, PORCHESTER GARDENS, LONDON, W2 4DF

Excavation of ground level to form new lowered landscaped courtyard area to the rear elevation, with associated removal of existing structures and trees, including a tree protection order (TPO) London Plane tree; new landscaping including replacement trees, erection of new walls, gates and bin store to Redan Place, and provision of green wall to western end of courtyard.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted, including a condition to secure appropriate arrangements for the provision, management and accessibility of the publicly accessible bulk waste store; to mitigate the loss of the TPO London Plane tree; and provision of replacement off-street parking spaces for occupiers of Porchester Court elsewhere in the vicinity of the site and subject to an additional informative requesting that the applicant take into account the representation submitted by South East Bayswater Residents' Association.
2. That conditional listed building consent be granted.
3. That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

9 11 PINDOCK MEWS, LONDON, W9 2PY

Alterations to existing pitched roof to create roof extension including installation of two dormer windows to the front elevation and two dormer windows to the rear elevation.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

The Meeting ended at 9.12 pm.

CHAIRMAN: _____

DATE _____