



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 30th October, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Tony Devenish (Chairman), Timothy Barnes, Elizabeth Hitchcock and Tim Roca.

Also Present: Councillor Murad Gassanly (for item 2 only).

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Tony Devenish 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.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 25 September 2018 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 10 BERKELEY SQUARE, LONDON, W1J 6AA

Use of basement and ground floors as restaurant (Class A3), installation of external ventilation and roof top plant, installation of a new shopfront and associated works.

An additional representation was received from Dogus Group (24.10.2018).

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

2 ORANGE SQUARE FARMERS MARKET, PIMLICO ROAD, LONDON, SW1W 8NB

Use of open space between Ebury Street and Pimlico Road as weekly Saturday farmers' market with servicing hours from 7am - 3pm and trading hours from 9am - 2:05pm.

Additional representations were received from Councillor Murad Gassanly (17.10.2018) and London Farmers Markets Ltd (19.10.2018).

Late representations were received from Councillor David Harvey (30.10.2018) and The Belgravia Society (29.10.2018).

Councillor Murad Gassanly addressed the Committee in his capacity as a Ward Councillor in support of the application.

The presenting officer tabled the following revised recommendation with conditions:

Revised Recommendation:

1. Do Member's consider that the revised offer of a 7.30am start time for setting up is acceptable?
2. Subject to 1, grant conditional permission for a temporary period of 5 years.

Recommended Conditions:

1. Only London Farmers' Markets Ltd can carry out the market use. No one else may benefit from this permission.

Reason: Because of the special circumstances of this case, we would not have granted planning permission to anyone other than London Farmers' Markets Ltd. This is as set out in SS13 of our Unitary Development Plan, adopted January 2007.

2. The market use allowed by this permission can continue until 31 October 2023. After that the land must return to its previous condition and use.

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S29 of Westminster's City Plan: Strategic Policies which we adopted in July 2016 and ENV 6 and ENV 13 of the Unitary Development Plan, adopted January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

3. Notwithstanding references in the documentation submitted with this application, you can use Orange Square for this purpose between 0730 and 1500 on Saturdays and not at any other times. Outside these hours the site shall be clear of all materials, produce, waste, spillages and equipment connected with the market.

Reason:

In order to reserve details of the days/ times for the operation of the market with the chosen market operator in order to safeguard the amenities of nearby residents as set out in S29 and S32 of Westminster's City Plan: Strategic Policies which we adopted in July 2016 and ENV6 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

4. You must store and dispose of waste and materials for recycling, make the storage available to all stallholders, and clean Orange Square between 1330 and 1500 on every Saturday the market is open.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

5. You must display a contact address and telephone number of London Farmers' Markets Ltd, and a contact number for the Market Manager at the site from 0730 to 1500 every Saturday the market is open.

Reason:

To provide visitors and people in neighbouring properties with contact details of the applicant, if they have any questions or complaints about the market.

6. You must not allow any vehicles to mount or drive across the paved parts of Orange Square.

Reason:

To make sure that the paving, street furniture, trees and underground vaults are not damaged by vehicles visiting the site. This is in line with DES12 of our Unitary Development Plan, adopted January 2007.

7. You must not clean the paving or the areas around the tree bases with any substances which would harm the future health of any tree in Orange Square.

Reason:

To make sure that trees are not damaged when Orange Square is cleaned. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV16 of our Unitary Development Plan, adopted January 2007.

8. You must not fix advertisements, signs or anything else to trees in Orange Square with nails or screws. You must remove any signs fixed with string by 1500 every Saturday the market is open.

Reason:

To make sure that trees are not damaged by items fixed to them. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV16 of our Unitary Development Plan, adopted January 2007.

9. You must not put any hot dog stalls, roast chestnut stalls or anything else that generates heat beneath any part of any tree in Orange Square.

Reason:

To make sure that trees in Orange Square are not damaged by heat. This is in line with ENV16 of our Unitary Development Plan, adopted January 2007.

10. If any pruning or work to the trees in Orange Square is necessary, it must only be done by contractors working for us, under instructions given by us.

Reason:

To make sure that any work to the trees is absolutely necessary and is done properly. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV16 of our Unitary Development Plan, adopted January 2007.

11. If any trees in Orange Square are damaged by stallholders, you must rectify the damage to our satisfaction and at your expense.

Reason:

To make sure that any damage to any trees is rectified and the future health of the trees is maintained. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV16 of our Unitary Development Plan, adopted January 2007.

12. You must ensure that stallholders do not cook or heat food, or serve hot food from any stall at the market without first getting written approval from us.

Reason:

To make sure that trees in Orange Square are not damaged by heat. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV16 of our Unitary Development Plan, adopted January 2007.

13. With the exception of the market operating hours set out in Condition 3, you must operate and manage the market in accordance with the approved Noise Prevention Procedure, the LFM Method Statement and Parking Arrangement plans.

Reason:

To protect the environment of the occupiers nearby residential properties in accordance with S29 of Westminster's City Plan: Strategic Policies which we adopted in July 2016 and ENV 6 and ENV 13 of the Unitary Development Plan, adopted January 2007.

RESOLVED UNANIMOUSLY:

1. That it be agreed that the revised offer of a 7.30am start time for setting up is acceptable.
2. That subject to 1, conditional permission for a temporary period of 5 years be granted as set out in the revised recommendation and conditions above.
- 3 THE WELLINGTON BUILDING, 28-32 WELLINGTON ROAD, LONDON, NW8 9SP**

Variation of Condition 1 of planning permission dated 8 February 2017 (RN: 15/08352/FULL) for the 'Demolition of existing building and erection of a new six storey, plus basement building with frontages to Wellington Road and Cochrane Street to provide 36 units for a dual/ alternative use as residential flats (Class C3) or serviced apartments (Sui Generis), with car and cycle parking at basement level and new landscaping'; NAMELY, to the increase the height of the building by 0.93m to the Wellington Street frontage of the site, by 0.89m to the Cochrane Street frontage of the site and introduce a lift overrun to the central link block.

A late representation was received from the applicant, Roxburg Overseas Limited (26.10.2018).

The presenting officer tabled the following additional condition:

ADD condition 32 – lift overrun.

Notwithstanding that shown on the drawings hereby approved, the lift overrun shall be clad in sheet metal to match the setback roof storey where it projects above the main roof level (on all sides).

REASON:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out on S28 of Westminster City's Plan (November 2016) and DES1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted, subject to an additional condition 32 as set out above, and to the completion of a deed of variation to the legal agreement dated 8 February 2017 to ensure the continued provision of the following previously secured planning obligations:
 - (i) The provision of a financial contribution of £5.5m (index linked) in lieu of on-site affordable housing;
 - (ii) Provision of a management plan to demonstrate that those units within the development used as serviced apartments providing short term visitor accommodation will only be used by patients of hospitals in the vicinity of the site and their family members and/ or carers that are staying with them whilst they receive treatment;
 - (iii) Highway works in Wellington Road and Cochrane Street to form vehicular access to the site and amend the layout of the public highway to reflect the proposed development.
 - (iv) Submission of a Site Environmental Management Plan (SEMP) and provision of a financial contribution of £28,000pa during the construction period to the Environmental Inspectorate to ensure compliance with the Code of Construction Practice.
 - (v) Provision and management of on-site residents' car parking, including the making available of parking spaces to all occupiers of the building on an 'un-allocated' basis without restriction.
 - (vi) Restriction to prevent mixed use of the building as serviced apartments use and Class C3 residential use and to require the occupation of the whole building to be as one of these use at any one time.
 - (vii) Provision of costs for monitoring of agreement (£500 per Head of Term).
2. That if the deed of variation has not been completed by 18 December 2018, then:

- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, 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 the proposals are unacceptable in the absence of the benefits which 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.

4 BASEMENT AND GROUND FLOOR, 294 ELGIN AVENUE, LONDON, W9 1JS

Variation of condition 5 (hours of use) and 9 (no deliveries) of planning permission dated 05 September 2016 (RN: 16/04625/FULL) for the Use of basement and ground floor as a cafe/restaurant (A3). Replacement of existing shopfront with new timber shopfront including new fascia board, retractable awning. Reinstatement of two rear windows and other minor alterations. NAMELY, to allow operational hours of 07.00- 23.00 hours Monday to Saturdays and 08.00-22.30 hours on Sundays and to allow deliveries.

Additional representations were received from 8 local residents (22.10.2018, 23.10.2018, 24.10.2018 and 25.10.2018).

Late representations were received from Councillor Geoff Barraclough (17.10.2018, 23.10.2018, 25.10.2018 and 28.10.2018) and 3 local residents (25.10.2018 and 28.10.2018).

The presenting officer tabled the following amended condition and additional condition:

AMEND condition 11 – amendments in **bold**:

You must not allow customers into the rear year yard at basement level **at any time. Staff shall not use the rear yard, except in the event of an emergency, after 7pm daily.**

Reason:

To protect the environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

ADD condition 12

The door at the rear ground floor level must remain closed between the hours of 7pm and 7am the following day. The door may however be used in the event of an emergency.

Reason:

To protect the environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

RESOLVED UNANIMOUSLY:

That conditional permission be granted, subject to an amended condition 11 and an additional condition 12 as set out above, and to a one year temporary permission and requirement for an operational management plan in respect of delivery service.

The Meeting ended at 7.00 pm.

CHAIRMAN: _____

DATE _____