



CITY OF WESTMINSTER

# MINUTES

## Planning Applications Sub-Committee (2)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** Committee held on **Tuesday 18th December, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Robert Rigby (Chairman), Louise Hyams, Guthrie McKie and James Spencer

**Also Present:** Councillor Ruth Bush

#### 1 MEMBERSHIP

1.1 There were no changes to the membership

#### 2 DECLARATIONS OF INTEREST

2.1 Councillor Robert Rigby 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 Rigby made the following declarations as they related to specific applications on the agenda:

Item 3: That he held the position of Deputy Cabinet Member Finance, Regeneration & Property and had no pre-determination.

Items 5 and 6: That he sat on previous Planning Application Sub-Committees which have debated both Applications.

- 2.3 Councillor Hyams declared that the application site for Items 7 and 8 were located in her Ward and that she had received a briefing note on both of the Applications.
- 2.4 Councillor McKie declared that the application site for Items 5 and 6 were located in his Ward and advised that he had a pre-determined position for both Applications. Councillor addressed the Sub-Committee and left the meeting whilst both items were being discussed.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 20 November be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 MICHELLE HOUSE, 45-46 BERNERS STREET, LONDON, W1T 3NE**

Demolition and replacement of front and rear facades, erection of extensions at fifth, sixth and seventh floor levels with photovoltaic panels above, rear extension from first to new sixth floor level, replacement infill extension at rear basement and ground floor level, infilling of car park access at ground floor level. Installation of plant (including extract duct) with associated screening at seventh floor level. Creation of terraces / balconies at first and fourth to seventh floor levels. Creation of a living green roof at seventh floor level. Triple / alternative use of the basement and ground floor as retail (Class A1) / restaurant (Class A3) / showroom uses (Sui Generis) and use of the first to seventh floor level as office accommodation (Class B1).

#### **RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted subject to the completion of a legal agreement to secure the following:
  - a) a contribution to the City Council's Affordable Housing Fund of £719,831 (index linked), payable on commencement of development.
  - b) the undertaking of highways works associated with the removal of the existing vehicle crossover and the re-instatement of a footway on Berners Street.
  - c) the costs of monitoring the S106 agreement.
2. That If the S106 legal agreement has not been completed within eight weeks of the date of this resolution then:
  - a) the Director of Planning shall consider whether it will be possible or 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 the decision under Delegated Powers; however, if not;

- b) the Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of 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.

## **2 EAGLE HOUSE, 50 MARSHALL STREET, LONDON W1F 9BQ**

Demolition of rear glazed pitched roof and erection of rear extensions at third and fourth floors, extension at fifth floor and new fifth floor terrace, all for office purposes (Class B1). Replacement of existing mansard roofs and alterations at roof level including installation of plant enclosed by acoustic louvres and trellising and new roof terrace and staircase housing enclosed by planted trellis. Use of ground floor as retail (Class A1) floor space and installation of replacement windows throughout, new shopfronts to ground floor retail units, replacement entrance gates and associated alterations.

Late representations were received from Shaftesbury Carnaby PLC (13.12.18), one Resident (17.12.18) and Environmental Health (17.12.18).

The Presenting Officer advised of the following additional condition.

### **Additional Condition:**

Condition 15

The entrance gates hereby approved shall be installed prior to the occupation of the building and shall be operated in accordance with a gate management plan to be submitted to and approved by the City Council before the building is occupied for either retail or office use.

Reason -

To maintain access for occupiers of nearby buildings and to prevent anti-social behaviour and crime, as set out in S29 of Westminster's City Plan (November 2016)

### **RESOLVED UNANIMOUSLY:**

That conditional permission, as amended, be granted.

## **3 EDGSON HOUSE, EBURY BRIDGE ROAD, LONDON SW1W 8RU**

Demolition of Edgson House; back-filling of basement, regrading of site and laying out of porta cabin accommodation for use for a temporary period of up to three years for social and community uses.

The Presenting Officer tabled the following amended wording of Condition 6.

Notwithstanding the provisions of Class D1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order) the social and community (Class D1)

use approved shall only be used for the provision of an adult employment skills training/advisory centre, community hall including space for under 5s, social club for older residents, learning space and BBQ area, gardens and children's allotment for use by Ebury Bridge Estate residents and no other use within Class D1.

**RESOLVED:**

**AGREED:** Councillor Robert Rigby, Councillor Louise Hyams and Councillor James Spencer

**TO DEFER:** Councillor Guthrie McKie

That conditional permission, as amended, be granted under Regulation 3 of the Town and Country Planning Regulations 1992

**4 309-311 HARROW ROAD, LONDON, W9 3RG**

Dual/ alternative use of part of the basement and ground floors for Class A1 or Class A3 use. Erection of roof extension to form new third floor and erection of rear extension comprising basement extension, ground and three upper floors and associated external alterations to existing building including new windows to front elevation at ground floor level. Use of part basement and ground floors and the first, second and third floors as student accommodation (34 bed spaces).

A late representation was received from Councillor Boothroyd (17.12.18)

The Presenting Officer advised of the following additional Condition and Informative.

**Additional Condition:**

Condition 24

You must apply to us for approval of detailed drawings showing the following alteration to the scheme: The relation of windows from the south elevation of the building. You must not start 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 drawings.

**REASON:**

In the interests of proper planning and to improve the living conditions of people who may use the property in future as set out in S29 of Westminster's City Plan (November 2016).

**Additional Informative:**

Informative 17

You are advised in relation to condition 24 that the revised drawings should allow all bedrooms to have a window within the side elevations, as windows in the south elevation would be afforded little protection, due to their location along the site boundary

**RESOLVED UNANIMOUSLY:**

- 1) That conditional permission be granted subject to:
- 2) the additional condition and Informative tabled;
- 3) a Unilateral Undertaking to secure the accommodation for students who are primarily receiving their education via a higher education institution(s) in Westminster; and
- 4) An additional Informative which encouraged the history of the Public House to be represented on site.

**5 OPEN SPACE AT JUNCTION OF FERNHEAD ROAD AND, ELGIN AVENUE, LONDON**

Continued use of designated public space and public highway for a street market (Monday to Saturday 09.00 to 20.00)

A late representation was received from the Westminster Cycling Campaign (13.12.18).

Councillor Guthrie Mckie, addressed the Committee in his capacity as a Ward Councillor in support of the application. He also made an earlier declaration of interest in respect of this application and withdrew from the Panel during the discussions.

Councillor Ruth Bush addressed the Committee in her capacity as a Ward Councillor in support of the application.

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992.

**6 1 ELGIN AVENUE, LONDON, W9 3PR**

Continued use of the basement car park for the storage of street market stalls and associated equipment relating to Maida Hill Place and Maida Hill Market.

Councillor Guthrie Mckie, addressed the Committee in his capacity as a Ward Councillor in support of the application. He also made an earlier declaration of interest in respect of this application and withdrew from the Meeting during the discussions.

Councillor Ruth Bush addressed the Committee in her capacity as a Ward Councillor in support of the application.

## **RESOLVED UNANIMOUSLY:**

That conditional permission be granted for a temporary period of one year.

### **7 CHRISTCHURCH GARDENS, VICTORIA STREET, LONDON, SW1H 0AY**

Hard and soft landscaping improvements to public open space, with new and realigned paths, enhanced signage, lighting and planting.

The Presenting Officer advised of the following additional Condition and changes to Conditions 3, 6 and 11.

#### **Condition 3**

– deleted as it is not necessary/ relevant

Deleted condition:

~~All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission.~~

#### **Conditions 6 and 11**

Revised/ Merged condition:

You must apply to us for our approval of the depth, foundation design, and methods to be used to dig the foundations. You must not start any work to dig the foundations until we have approved in writing what you have sent to us. The excavation and foundations must be carried out according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the Christchurch Gardens Conservation Area and to avoid damage to any archaeological remains on site. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A), DES 11 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 200

#### **New condition**

Condition:

You must apply to us for approval of details of the following parts of the development:

- Lighting
- Information panels
- Entrance panel and signage
- Drinking fountain

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 these details.

Reason:

To make sure that the appearance of Christchurch Gardens is suitable and that it contributes to the character and appearance of this part of the Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

**RESOLVED UNANIMOUSLY:**

That conditional permission, as amended, be granted under Regulation 3 of the Town and Country Planning General Regulations 1992.

**8 MERCER WALK, LONDON, WC2H 9FA**

Use of six areas of the Mercer Walk measuring (Unit 7) 3.70m x 6.70m, 8.00m x 1.20m, 5.00m x 1.80m; (Unit 5) - 11.47m x 3.40m; (Unit 4)- 11.50m x 1.20m; (Unit 2) 11.00M x 2.70m in association with the existing retail units.

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

**9 97 RANDOLPH AVENUE, LONDON, W9 1DL**

Installation of one external air conditioning unit, shed and enclosure at ground floor level at rear of site.

A late Representation was received from a local resident (18.12.18).

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted subject to an additional informative which requested that the Applicant take into consideration and monitors any light spillage emanating from the shed onto neighbouring properties.

The Meeting ended at 8.20 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_