



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 June, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Robert Rigby (Chairman), James Spencer, Matt Noble and Elizabeth Hitchcock

1 MEMBERSHIP

- 1.1 It was noted that Councillor Elizabeth Hitchcock had replaced Councillor Louise Hyams.

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.

3 MINUTES

- 3.1 That the minutes of the meeting held on 28 May 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 30 - 31 GOLDEN SQUARE, LONDON, W1F 9LD

Alterations including partial infilling of rear courtyard on basement and ground floors, rear extensions on first to fifth floors and seventh floor roof extension with plant enclosure, roof terrace and green roof above all to provide additional office accommodation (Class B1); new balconies/terraces at front fourth, fifth and seventh floor levels and at rear first, sixth and seventh floor levels. Flexible use of part basement and part ground floor for either retail / office/ gym use (Class A1/ B1/ D2), provision of cycle parking and associated external alterations.

Late representations were received from Concilio (14.6.2019), the occupier of the Penthouse, 6 Upper John Street, W1F 9HB (18.6.2019) and the Senior Planning Solicitor (18.6.2019).

The presenting officer tabled the following amendments to decisions and reasons on the draft decision notice (changes highlighted in red).

- 4 Customers shall not be permitted within the gym before 06.00 or after **23.00** on Monday to Friday or before 08.00 or after 20.00 on Saturday and Sundays.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 11 The terraces **and balconies** should not be in used between 21:00 and **08:00** hours the following day, except in the case of an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 12 Prior to the occupation of the gym, you must apply to us for approval of an Operational Management Plan to show how you will **ameliorate any potential nuisance** for people in the area, including people who live in nearby buildings. You must not occupy the gym 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 premises are in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

14 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the sections of green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details prior to the **occupation of the development hereby approved** and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

15 You must provide **the environmental sustainability features (environmentally friendly features)** identified in Section 3 of document titled 'Sustainability Statement' by Cundall dated 12 March 2019 before you start to use any part of the new accommodation. You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

20 In the event that you use the premises for D2 use, you must use the property only for gym, fitness or health club use. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

To protect neighbouring residents from noise nuisance, as set out in **(omit S24)**, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

22 Customers shall not be permitted within the **Class A1 retail** unit before 06.00 or after 23.00 daily.

Reason:

To make sure that the use does not cause nuisance to people in the area as set down in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

Statement on Article 8 of the European Convention on Human Rights

The Human Rights Act requires that the City Council in its role as local planning authority acts consistently with the European Convention on Human Rights. The occupier of the penthouse flat in No.6 Upper John Street has objected as they consider that no assessment has been made in respect of the Article 8 rights (Right to respect for private and family life).

Article 8 rights are not rights without limit and may be interfered with where it is in accordance with the law and is necessary in a democratic society. Article 8 rights should be respected as part of the planning process, but they are not guaranteed and it is a planning judgement against all the other material considerations, wider public interests and other private interests. As the Town and Country Planning regime is designed to balance the rights of individuals against the interests of the wider community, the City Council must consider the potential interference with human rights and ensure that any reasons for interfering with these rights are proportionate.

The rights of family, the applicant and the interests of the wider community have to be balanced when assessing this application. The impact of the proposal on neighbouring properties has been discussed within the committee report. The benefits of the proposal due to the improved design of the building, the increase and improved quality of the office accommodation, the provision of either an additional social and community use or a retail unit, which are both encouraged in this location, and the provision of cycle parking and associated facilities outweigh the objections that have been raised. It is therefore considered that any interference with the amenity of any neighbouring residential property is proportionate.

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to the changes to the draft decision letter as tabled and set out above and subject to the following further amendments:

1. Amending Condition 11 restricting the hours of use of the terraces and balconies on Monday to Fridays only to 8am to 9pm.
2. Amending Condition 22 to reduce the hours of use of the Class A1 retail unit on Sundays to 22.00 hours.

3. An additional condition requiring the gym to have self-closing doors and no openable ground floor windows in order to safeguard the amenity of nearby residents.
4. An additional informative that the Council would like to see the lights that are currently left on in the existing building are turned off at night.

2 47 VILLIERS STREET, LONDON WC2N 6NE

Application 1: The temporary use of five areas of Watergate Walk for the placing of 42 tables, 168 chairs, 23 umbrellas, 8 awnings and two serveries in connection with Gordon's Wine Bar, 47 Villiers Street (Area 1: 36.3m x 2.0m, Area 2: 29.4m x 2.0m, Area 3: 19.6m x 2.6m, Area 4: 19.6m x 2.6m and Area 5: 6.6m x 2.6m).

Application 2: The temporary use of two areas along Watergate Walk each measuring 2.7m x 19.6m for the placing of 20 tables and 80 chairs in connection with the Gordon's Wine Bar, 47 Villiers Street.

Late representations were received from Gordons Wine Bar (12.6.2019), The Northbank BID (14.6.2019) and Councillor Louise Hyams (17.6.2019).

Simon Gordon addressed the Committee in support of the application.

Councillor Mark Shearer addressed the Committee as a local Ward Councillor and on behalf of his fellow Ward Councillors, who were in support of the application.

The presenting officer tabled the following amendments to the draft decision letters.

Application 1 - Revised Reasons for Refusal 1 and 2.

The extent of outdoor seating proposed along Watergate Walk in connection with Gordon's Wine Bar at 47 Villiers Street, would result in noise, disturbance and nuisance to nearby residential occupiers, including those within Kipling House on Villiers Street and on Buckingham Street and York Buildings. This would be harmful to residential amenity and is contrary to S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, TACE 9 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

The proposal to place tables and chairs and other furniture on both sides of Watergate Walk would block the flow of pedestrians along the passageway and so would not provide a convenient, attractive and safe pedestrian environment. This does not meet S41 of Westminster's City Plan (November 2016) and TRANS 3 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.
(X08AC)

Application 2 - Additional condition

Within one month of the date of this decision you must apply to us for approval of an Operational Management Plan. You must then carry out the development in accordance with the details approved.

RESOLVED UNANIMOUSLY:

Application 1: That permission be granted against officer's recommendation for one year only. The Sub-committee considered that there were exceptional grounds to overturn officer's recommendation in light of the significant work undertaken by the applicant and Councillor Shearer with residents. The Sub-committee considered that the revised amount of seating, the removal of the barrels and vertical drinking and the applicant's detailed Operational Management Plan (OMP) will mitigate the potential harm to the amenity of residents. Additionally, the removal of the barrels/vertical drinking and the OMP will leave sufficient width for pedestrians to pass along Watergate Walk and the public benefits associated with providing this seating and the reduction in the number of tables will not result in harm to the designated heritage assets.

That officers be authorised to draft conditions under delegated powers that should include the requirement of the applicant adhere to the submitted OMP and no outside cooking.

Application 2: That conditional permission be granted for a limited one year period.

That officers be authorised to draft conditions under delegated powers that should include the requirement of the applicant to submit an OMP to the Council for approval and no outside cooking.

3 10-14 THE HIPPODROME, CRANBOURN STREET, LONDON WC2H 7JH

Display of 15 barriers outside the corner entrance between Cranbourn Street and Charing Cross Road and 10 barriers outside the Cranbourn Street entrance (measuring 1.35m x 0.69m)

The application was withdrawn by the applicant prior to the meeting.

4 BASEMENT FLAT, 55 PORTNALL ROAD, LONDON, W9 3BA

Erection of a single storey rear and side infill extension at lower ground floor level. Alterations to the front garden and lightwell including new planter.

A late representation was received from the occupier of 55b Portnall Road, W9 (18.6.2019).

The presenting officer tabled the following amendments to the draft decision letter:

AMEND approved drawings (alterations shown in **bold**)

A-001, A-010, A-011 Rev **B**, A-020 Rev A, A-021 Rev **B**, A-022 Rev A, A-033 Rev A, A-034 Rev A, A-090 and Design and Access Statement.

ADDITIONAL condition 7 to provide details of bin store:

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 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 flats. (C14EC)

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)

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to the changes to the draft decision letter as tabled and set out above.

The Meeting ended at 8.12 pm

CHAIRMAN: _____

DATE _____