



CITY OF WESTMINSTER

# MINUTES

## Planning (Major Applications) Sub-Committee

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 9th August, 2022**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Ruth Bush (Chair), Mark Shearer, Robert Rigby, Paul Fisher, Jason Williams and Nafsika Butler-Thalassis

**Also Present:** Councillor Louise Hyams (Item 1)

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

2.1 Councillor Ruth Bush explained that a week before the meeting, all six Members of the Sub-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 emails containing objections or giving support. Members of the Sub-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 Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Williams declared that in respect of Item 1 he knew one of the objectors and was also a former Trustee of the Covent Garden Area Trust, but he had not entered into any discussions regarding the application with any parties.

2.3 Councillor Fisher declared that in respect of Item 2 the site was located within his ward and he knew some of the objectors but he had held no discussions regarding the application with any parties. In respect of Item 1 he was a former Trustee of the Covent Garden Area Trust, but he had not entered into any discussions regarding the application with any parties.

- 2.4 Councillor Shearer declared that in respect of Items 1 and 3 the sites were located within his ward. With regard to Item 1 he was a Trustee of the Covent Garden Area Trust, had attended a presentation on the proposals and attended a site visit but he had offered no opinion on the applications and held no discussions regarding it with any parties.
- 2.5 Councillors Bush and Rigby both declared in respect of Item 1 that they had both attended a sit visit the application site.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 14 June 2022 be signed by the Chair as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 OLD BREWER'S YARD, 28-32 SHELTON STREET, 15A NEAL STREET, 5 & 7 LANGLEY STREET, 1 & 3 MERCERS WALK AND 107-115 LONG ACRE**

Application 1: Mixed-use development at Old Brewer's Yard including: at 28-32 Shelton Street, the erection of two-storey roof extension and other external alterations (including shopfront alterations, new rear access to the Yard, and plant) in connection with the use of the building as a restaurant (Class E(b)); at 1 Mercer Walk, the installation of ancillary plant & servicing equipment, external alterations including opening up of blind windows on east elevation, installation of PV panels at main roof level and the placement of external tables and chairs on Mercer Walk, all in connection with the use of the building as a microbrewery and visitor attraction with ancillary retail, bar and training space (Sui Generis); at 15A Neal Street (ground floor only), external alterations including installation of full-height glazed rear wall and installation of a new shopfront; at 5 Langley Street (basement, partground floor and part-roof only) alterations to north and west facade and installation of new plant, all in connection with the flexible mixed-use of the basement and part-ground floor as entertainment/events/community space with ancillary storage areas (Sui Generis); at the rear of 7 Langley Street, installation of plant at roof level and the use of the former bin store as a bar area servicing the Yard (Sui Generis); at Old Brewer's Yard, the erection of a new high-level glazed canopy structure and semi-permanent external seating, installation of new entrance gates fronting Shelton Street, placement of planters and associated street furniture, for use of the Yard as a flexible entertainment/dining/events/community outdoor space (Sui Generis).

Application 2: Works to rear-part of 7 Langley Street comprising the part-demolition of external walls and construction of new walls, openings, and associated fixtures including canopy fixtures pertaining to the Yard, the

complete demolition of internal structures and installation of new internal structures including replacement staircase and new mezzanine level for use as a bar and ancillary storage, and installation of plant at roof level; together with works at 28-32 Shelton Street comprising the installation of entrance gates fronting the undercroft shared with listed building 34 Shelton Street. [Addresses include 7-8 Langley Street and 34 Shelton Street].

Additional representations were received from Jones Lang LaSalle Ltd (04.08.22), The Seven Dials Trust (02.08.22) and the Covent Garden Community Association (03.08.22).

Late representations were received from The Seven Dials Trust (05.08.22), Bloomsbury Conservation Areas (04.08.22) and the Covent Garden Community Association (05.08.22).

The presenting officer tabled the following amendments to the conditions:

**Condition 10** - No amplified sound shall be played in the entrance and exit or any of the premises hereby approved or within the sixth floor terrace at 28-32 Shelton Street.

**Condition 11** - You must not play any amplified sound which is audible outside the site premises (which for the avoidance of doubt includes Old Brewer's Yard).

**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).

**Condition 24 (Reason):** To ensure the full benefits of the scheme are realised by ensuring that after 10.00 hours the public are able to access freely the Langley Passage and Old Brewer's Yard. This is as set out in Policies 25 and 39 of the City Plan 2019 - 2040 (April 2021).

**Additional condition 35:** You must not use any part of the approved roof extension at 29-32 Shelton Street until the following elements of the proposed development, which are considered to be public benefits of the scheme, have been provided:

- A public route through Old Brewer's Yard in accordance with the terms set out in the Walkways Agreement.
- The use of the basement of 5 Langley Street as a community space in accordance with details secured as part of a s106 agreement.
- Provision of the micro-brewery.

Thereafter these parts of the development shall be maintained in accordance with the approved development.

Tom Johnson addressed the Sub-Committee in support of the application.

Blythe Dunk addressed the Sub-Committee in support of the application.

Alison Oswald addressed the Sub-Committee in objection to the application.

Eric Stuart addressed the Sub-Committee in objection to the application.  
Amanda Rigby, representing the Covent Garden Community Association, addressed the Sub-Committee in objection to the application.

Paul Velluet, representing the Covent Garden Area Trust, addressed the Sub-Committee in objection to the application.

Kathy Pimlott, representing The Seven Dials Trust, addressed the Sub-Committee in objection to the application.

Councillor Louise Hyams, in her capacity as Ward Councillor, addressed the Sub-Committee and requested the application be deferred for further consideration.

### **Application 1:**

**RESOLVED (Grant: Councillors Butler-Thalassiss, Rigby and Shearer; Defer: Councillor Bush and Williams; Refuse: Councillor Fisher):**

- 1) That conditional permission, as amended, be granted subject to:
  - a) A S106 legal agreement to secure the following:
    - i. The residential use at second and third floor level at 23 Neal Street and third floor level at 17-19 Neal Street to have been relocated as part of a land use swap with the City Council. The applicant not to commence development until planning applications had been submitted for the land use swap and not to occupy the development until the land use swap has been physically completed in all material respects to a standard ready for residential occupation and evidence has been submitted to the City Council to confirm completion of such works.
    - ii. Details of a community strategy.
    - iii. Walkways Agreement to secure access to Langley Passage and Old Brewer's Yard.
    - iv. Monitoring costs.
  - b) The operational management plan being developed in consultation with the Covent Garden Community Association, the Covent Garden Area Trust and The Seven Dials Trust before returning to the Sub-Committee for approval.
  - c) The opening hours of the external terrace located on Shelton Street be reduced to between 10:00 to 21:00 hours.

- d) The opening hours for Old Brewers Yard be reduced to between 10:00 to 23:00 hours Monday to Saturday and 10:00 to 22:30 hours on Sundays.
  - e) The opening hours for 1 Mercer Walk be reduced to between 10:00 and 22:30 hours Monday to Sunday.
  - f) Egress from Old Brewers Yard via Shelton Street be restricted after 22:30 hours.
  - g) The capacity for the Old Brewers Yard be reduced to a maximum of 100 customers seated and 50 standing.
- 2) That if the S106 legal agreement had not been completed within six weeks of the Committee resolution then:
- a) The Director of Town Planning shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this was possible and appropriate, the Executive Director for Growth, Planning and Housing was authorised to determine and issue such a decision under Delegated Powers, however, if not
  - b) The Director of Town Planning should consider whether permission be refused on the grounds that it had not proved possible to complete an agreement within an appropriate timescale, and the proposal was unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing was authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

**Application 2:**

**RESOLVED UNANIMOUSLY:**

- 1) That listed building consent be granted.
- 2) That the reasons for granting listed building consent as set out in Informative 1 be agreed.

**2 DEVELOPMENT SITE AT 8-10 GRAFTON STREET, 11-14 GRAFTON STREET, 163-164 NEW BOND STREET, 22-24 BRUTON LANE AND BARLOW PLACE, LONDON, W1S 43N**

- 1. Demolition of all existing buildings and redevelopment to provide a seven storey building (plus three storey basement) on Grafton Street ("Building 1") comprising flexible retail/commercial floorspace (Class E) and a further seven storey building (plus three storey basement, plant mezzanine and roof top plant) on Grafton Street ("Building 2") linked to

a 12 storey building (plus two storey and part three storey basement) on Barlow Place ("Building 3") comprising up to six flexible residential/aparthotel units (Class C3/C1), a hotel and associated facilities (Class C1), flexible hotel/restaurant/bar floorspace (Class C1/E/Sui Generis), flexible hotel/spa (Class C1/E); and associated provision of open space and landscaping.

2. The temporary dismantling of the Grade II listed shopfront at 14 Grafton Street and its reinstatement in Barlow Place following the wider redevelopment of 8-14 Grafton Street, 22-24 Bruton Lane and 163-164 New Bond Street.

The presenting officer tabled the following amendments to the report:

**Corrected description of proposal** *[the description on the report is the original proposal, before amendments were made]:*

Demolition of all existing buildings and redevelopment to provide a seven storey building (plus three storey basement) on Grafton Street ('Building 1') comprising flexible retail/commercial floorspace (Class E) and retail floorspace (Class E), and a further seven storey building (plus three storey basement, plant mezzanine and roof top plant) on Grafton Street ('Building 2') linked to a 12 storey building (plus two storey and part three storey basement) on Barlow Place ('Building 3') comprising up to six residential units (Class C3), a hotel and associated facilities (Class C1), flexible hotel/restaurant/bar floorspace (Class C1/E/Sui Generis) and retail floorspace (Class E), and associated provision of open space and landscaping.

**Amended Recommendation:**

- f) Highway works to renew the footways around the site, including adjustments to the motorcycle bay in Bruton Lane and works to relocate vehicle parking spaces in Grafton Street.
4. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place. That the Director of Place Shaping and Town Planning, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders. The applicant will be required to cover all costs of the Council in progressing the stopping up orders.

**Revised conditions:**

4. You must apply to us for approval of detailed drawings of the following parts of the development –

- (1) a typical example of each different window and external door type.
- (2) The gates at either end of the undercroft on the Bruton Lane and Barlow Place frontages.

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 detailed drawings

30. ~~Pre-Commencement Condition:~~

~~“a) You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of each phase of the development prior to completion of superstructure within 6 months of commencement of works on site of each respective phase of the development. In the case of an assessment using Building Research Establishment methods (BREEAM), you must provide a Design Stage Interim BREEAM rating and certificate of assessment showing that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred to in the review before you start to use the building. You must then not remove any of these features.~~

~~You must not start work on each respective phase of development until we have approved what you have sent us for that phase.~~

35. ~~Prior to~~ Within 6 months of commencement of construction of each phase of the development details of a system of mechanical ventilation for the relevant phase, shall be submitted to and approved in writing by the Local Planning Authority...
50. The development must be carried out in accordance with the Construction Logistics Plan dated November 2021, unless otherwise agreed in writing with the local planning authority.

**Additional conditions:**

53. You must apply to us for approval of the following, in consultation with the Designing Out Crime Officer:
  - a) detailed drawings showing the following alteration to the scheme - amendments to the exact location of the gates at either end of the undercroft on the Bruton Lane and Barlow Place frontages to minimize any recesses created by the placement of these gates and ensuring that there is as good a line of sight as possible from all angles when approaching the gates. The detailed drawings must be annotated to show that the gates include a fob access control system with audio/visual capabilities for residents in each dwelling and the hotel concierge. They should be tested and certified to LPS1175 B3.

- b) details demonstrating that the gates and the whole undercroft area, including the entrance to the residential accommodation, and the residential areas within Building 3, including the entrance doors to the individual flats, have achieved a Secured By Design accreditation. If this is not achievable you must provide justification for this.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings/details in full prior to the occupation of the residential and hotel uses and permanently retain them unless otherwise agreed in writing with the City Council as local planning authority.

#### Reason

To reduce crime in accordance with Policies 38 and 43 of the City Plan 2019 – 2040 (April 2021).

Additional representations were received from the Metropolitan Police (04.08.22), the Health and Safety Executive (02.08.22), Westminster City Council Highways (05.08.22) and O&H Grafton Developments Ltd (undated).

Peter Edgar addressed the Sub-Committee in support of the application.

#### **RESOLVED UNANIMOUSLY:**

- 1) That conditional permission, as amended, be granted subject to the views of the Mayor of London and subject to a S106 legal agreement to secure the following:
  - a) An Employment and Skills Plan and a contribution of £203,941.45 [or such figure as is confirmed by the Council's Economy Team] to support the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the relevant development phase. Complete financial contribution payable prior to the commencement of development.
  - b) Submission (prior to commencement of development of each phase) of a revised Energy Strategy setting out whether operational zero carbon can be met and, if not, require the residual carbon emissions for a notional 30 year development life to be off-set through a financial contribution to the City Council's carbon offset fund (payable prior to commencement of development);
  - c) Be seen Energy Monitoring in consultation with the GLA;
  - d) Submission of a Travel Plan prior to occupation of any phase of the development;



- e) To provide the six residential flats within five years of the commencement of demolition of Phase 1;
  - f) Highway works to renew the footways around the site, including adjustments to the motorcycle bay in Bruton Lane and works to relocate vehicle parking spaces in Grafton Street.
  - g) Dismantling and re-erection in Barlow Place of the listed 'Wartski' shopfront
  - h) Demolition clauses
  - i) The costs of monitoring the S106 legal agreement.
- 2) That if the S106 legal agreement had not been completed within 3 MONTHS from the date of the Committee's resolution then:
- a) The Director of Planning should consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an agreement within an appropriate timescale, and that the proposals were unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3) That conditional listed building consent be granted.
- 4) That the reason for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.
- 5) That the Committee authorised the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable the development to take place. That the Director of Place Shaping and Town Planning, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed if there were no unresolved objections to the draft orders. The applicant would be required to cover all costs of the Council in progressing the stopping up orders.

### **3 GROSVENOR GARDENS HOUSE, 35-37 GROSVENOR GARDENS, LONDON, SW1W OBS**

Variation of conditions 1, 22, 29 and 30 of planning permission dated 03 July 2013 (RN: 12/07764/FULL) for the: 'Demolition and rebuilding of rear section of building, excavation to create a two storey basement, extensions and associated refurbishment of Grosvenor Gardens House, to provide 42 residential units (Class C3) on first to seventh floors; reconfiguration at ground floor level to provide mixed retail use (Class A1 and/or Class A3); wellness facility, residential storage, plant, car and cycle parking at basement levels; and public realm works to Eaton Lane (23-47 Grosvenor Gardens and 44-52 Buckingham Palace Road)'. Namely, to amend the housing mix,, basement excavation, building entrances, reduction of retail units and car parking provision, additional plant equipment and revised energy strategy.

Late representations were received from CIT Group (03.08.22) and one local resident (05.08.22).

Steve Riddell addressed the Sub-Committee in support of the application.

#### **RESOLVED UNANIMOUSLY:**

- 1) That conditional permission and conditional listed building consent be granted, subject to the completion of a Deed of Variation to the S106 legal agreement dated 03 July 2013 (RN: 12/07764/FULL) to secure the following in addition to the previously secured planning obligations:
  - i) Financial contribution of £5,985 towards the Council's Carbon offset fund (Index linked and payable on commencement of construction works).
- 2) That if the deed of variation to the original s106 legal agreement had not been completed within six weeks of the date of the Committee resolution, then:
  - a) The Director of Place Shaping and Town Planning should consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Place Shaping and Town Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Place Shaping and Town Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an agreement within the appropriate timescale, and that the proposals were unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

- 3) That conditional listed building consent be granted.
- 4) That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

The Meeting ended at 10.40 pm

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

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