



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 17th August, 2021**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Robert Rigby (Chairman), Susie Burbridge, Peter Freeman and Guthrie McKie

Also Present: Councillor David Harvey

1 MEMBERSHIP

- 1.1 It was noted that Councillor Guthrie McKie had replaced Councillor Tim Roca and that Councillor Peter Freeman had replaced Councillor Mark Shearer.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Robert Rigby explained that a week before the meeting, all four 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 e-mails 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 will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Robert Rigby declared an interest in respect of Items 1 & 2, he had previously sat on previous Planning Applications Sub-Committees which had considered the Applications.
- 2.3 He also declared that in respect of Item 3 he had attended a site visit with Officers and members of the Planning Applications Sub-Committee (1) and had previously sat on a previous Planning Applications Sub-Committee

which had considered the Application. The same declarations were made by Councillor Susie Burbridge.

2.4 Councillor Burbridge declared that in respect of Item 3, the Application site was in her Ward.

2.5 Councillor Guthrie McKie declared an interest in respect of Item 1, the Application site was based in a neighbouring Ward. He advised that the Maida Vale Area Forum had made representation and informed that he had not been involved in any discussions regarding the Application.

He also declared an interest in respect of Item 2 and advised that the Application site was in the same Ward that he resided and confirmed that he had not been involved in any discussions regarding the Application.

3 MINUTES

That the minutes of the meeting held on 28 June 2021 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 TAXI HOUSE 11 WOODFIELD ROAD LONDON W9 2BA

Variation of Condition 1 (approved plans and documents) of planning permission dated 3 July 2020 (RN: 19/04487/FULL) for: Demolition of existing buildings and structures and construction of a new mixed-use development comprising hotel and associated facilities (Class C1), flexible workspace (Class B1a / B1c), retail and food and beverage (Class A1 / A3), events space (Sui Generis) and a replacement street cleaning depot (Sui Generis) with associated new public realm and highways improvements. (site includes Taxi House, Waterside House and Westminster Street Sweepers Depot). Namely, internal design changes to the lower amenity levels and the addition of a new floor level positioned between the previous level 03 and level 04, variation of building heights, increase in hotel rooms from 286 to 332 with the maximum number of storeys increasing from 11 to 12, within the maximum building height of +69.350 AOD.

A late representation was received from The Collective (Unknown)

Harry Manley addressed the Sub-Committee in support of the Application.

UNAMIOUSLY RESOLVED

1. That conditional permission be granted subject to: -
 - a) the completion of a Deed of Variation to the original S106 legal agreement (as amended by 20/04322/MOD106)
 - b) a new additional planning obligation to secure a carbon off-set contribution of £656,000 (index linked and payable on

commencement), as required to be amended in the event of further reductions in carbon emissions being evidenced.

c) An additional financial contribution of £100,956.72 towards the Westminster Employment Service (index linked and payable on commencement of development).

2. If the s106 agreement has not been completed within 3 months from the date of the Committee's resolution then:

a) the Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) the Director of Place Shaping and Town 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 benefits that would have been secured; if so the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That Sub-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 to enable this development to take place.

4. 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 connection 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 is to cover all costs of the Council in progressing the stopping up orders.

2 56 WESTBOURNE GROVE LONDON W2 5SH

Replacement shopfront and architectural mouldings; replacement of all windows with double-glazed timber windows; replacement of rear conservatory and restaurant refurbishment; demolition of existing rear extensions at mezzanine and 1st floors and replacement with two storey rear extension to form an additional residential unit (Class C3); provision of amenity space for flats; installation of two rear conservation rooflights; replacement of existing restaurant extraction duct to the rear with new duct; replacement of 2 x existing air-conditioning units with 2 x new air-conditioning units; and general internal refurbishment and upgrade [Addendum report]

Additional Representations were received from South East Bayswater Residents Association (11.08.21), local resident (29.07.21) and Newhamb Investments Ltd (11.08.21)

The Presenting Officer tabled the following amendments to the Draft Decision Letters, amendments to Conditions, additional Conditions and the responses to the South East Bayswater Resident Associations representations

PLANNING APPLICATIONS SUB-COMMITTEE – 17.08.2021

Item 2– 56 Westbourne Grove

1. Officers Comments on SEBRA's additional representation/Requests in Bold:

- Condition 3- Later opening of 08.00 Monday to Saturday and 09.00 on Sundays and Bank Holidays. **Officers don't agree, suitable hours within shopping area.**
- Condition 17- Windows to ground floor rear extension be fixed shut/closed at all times, door to be self- closing & kept in closed position at all times except for access and egress. **Revised wording of condition set out below.**
- Condition 23- remove health club from allowed uses under Class E. **Revised wording of condition set out below relating to extension only.**
- Additional condition to restrict Plant & and flue operation to 07.00-23.00- **Officers Agree**
- Additional condition to require front façade improvements before occupation. **Officers don't agree**
- Reference to Restaurant and Restaurant staff in conditions should refer to just premises/ staff. **Officers Agree**

2. Officers changes to Draft Decision Letter:-

• Condition 17

The ground floor rear extension shall only be used/operated in accordance with the following requirements:-

1. The windows to the ground floor rear extension shall be fixed shut.
2. The door to the ground floor rear extension shall be kept in the closed position unless being used for access or egress by staff accessing the bin store or in the case of an emergency.
3. The door to the ground floor rear extension leading to the external garden shall not be used by customers unless in the case of an emergency.

• Condition 23

You must use the commercial floorspace within ground floor extension for restaurant, retail or office use only. You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 2020 (or any equivalent class in any order that may replace it).

• Additional condition

The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 23.00 hours daily.

• Tweaks to conditions 3,4,16,20 to refer to just commercial premises/staff

Condition 3

Customers shall not be permitted within the ground floor and basement premises before 07.00 or after 23.00 each day.

Condition 4

Prior to the operation of the commercial ground and basement use hereby approved, a detailed Operational Management Plan for the restaurant use shall be submitted to and approved by the City Council as local planning authority

Details within the Operational Management Plan shall include the following information (but not exclusively)

1. Customer opening hours
2. How outside areas to the rear will operate and be managed
3. General measures to mitigate noise disturbance to local residents by restaurant staff and customers
4. Mitigation measures ensuring that disposal of waste/recycling to the bin storage areas for the restaurant, as shown on drawing no. SW318/21 Revision G do not result in noise disturbance to local residents

You must not occupy the restaurant premises until we have approved what you have sent us. You must then operate the use in accordance with the details approved at all times.

Condition 16

The rear garden area annotated as 'Communal Amenity' on drawing no. SW318/21 Rev G, may only be used by residents of the flats within 56 Westbourne Grove and must not be used by any customers of the ground and basement commercial premises, except in the case of an emergency, or by staff if accessing the bin store or in the case of emergency.

Condition 20

The provision for the storage of waste and recyclable materials for the development, as shown on drawing no. SW318/21 Revision D for the ground and basement premises use and drawing no. SW318/22 Revision F for the new residential unit is to be made permanently available and used for no other purpose.

- Deletion of duplicate condition 24

Stephen Wax addressed the Sub-Committee in support of the application.

John Zamit in his capacity as Chair of the South East Bayswater Residents Association addressed the Sub-Committee in objection to the application.

UNANIMOUSLY RESOLVED

1. That conditional permission, as amended be granted, subject to Condition 3 being amended to requiring opening on Sunday to not be before 08:00 and an Additional Condition requiring front façade improvement works to be undertaken prior to the new restaurant extension being occupied.
2. That two additional informative which the first urge the air conditioning units to be inverter type units and the second request that the door required to access the waste store includes a self-closing mechanism be included.

3 77 ASHLEY GARDENS THIRLEBY ROAD LONDON SW1P 1HG

Application 1: Installation of an air condensing unit within a bespoke attenuation enclosure on the main flat roof of the building for 77 Ashley Gardens.

Application 2: Installation of an air condensing unit within a bespoke attenuation enclosure on the main flat roof of the building for 79 Ashley Garden.

Additional Representations were received from a local resident (12.08.21 and TJR Planning (06.08.21).

Tracey Rust addressed the Sub-Committee in support of the application.

Councillor David Harvey in his capacity as Ward Councillor addressed the Sub-Committee in objection to the Application.

UNANIMOUSLY AGREED

1. That conditional permission be granted for applications 1 and 2 subject to the submission of a signed S106 unilateral undertaking to secure the following:
 - a) That planning permissions granted on appeal under RNs: 18/01433/FULL and 18/01434/FULL shall not be implemented in the event of the current permissions being granted and subsequently carried out.

2. If the signed unilateral undertaking has not been provided within six weeks of the date of the Committee resolution, then:
 - a) The Director of Place Shaping and Town Planning shall consider whether the permissions can be issued with additional conditions to ensure that the extant permissions 18/01433/FULL and 18/01434/FULL shall not be implemented. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that a signed unilateral undertaking has not been provided within the appropriate timescale and/or that appropriate conditions cannot be attached as stated under (a) to ensure that the extant permissions 18/01433/FULL and 18/01434/FULL shall not be implemented; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That an additional informative which request that the units be inverter type units as identified in the acoustic report.

4 8-14 MEARD STREET LONDON W1F 0EQ

Use of part ground and basement floors as leisure facility (Sui Generis)

An Additional Representation was received from Councillor Timothy Barnes (10.08.21).

Elliot Godfrey addressed the Sub-Committee in support of the application

UNANIMOUSLY RESOLVED

That Conditional permission be granted.

5 69 WESTMORELAND TERRACE LONDON SW1V 4AH

Rear extension at first and second floor level. Creation of roof terrace at second floor level and enlargement of existing rear terrace at third floor level.

Additional Representations were received from a local resident (11.08.21) and Turley (11.08.21) and (12.08.21).

A Late Representation was received from a local resident (16.08.21)

Mauro Terrinoni addressed the Sub-Committee in support of the application

Stephen Gillen addressed the Sub-Committee in support of the application

UNANIMOUSLY RESOLVED:

That conditional permission be granted.

6 31 PONSONBY PLACE LONDON SW1P 4PS

Replacement of rear first floor window with a door.

Philip Shuttleworth addressed the Sub-Committee in objection to the application.

UNANIMOUSLY RESOLVED

That Conditional Permission be granted subject to an amending condition be included to ensure that the opening is no larger than the original window opening and the sill is not dropped and that If the condition is not accepted by the applicant the application is to be refused under delegated powers and reason for refusal is to be agreed by the Chairman.

The Meeting ended at 9.00 pm

CHAIRMAN: _____

DATE _____