



CITY OF WESTMINSTER

# MINUTES

## Planning Applications Sub-Committee (3)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (3)** Committee held on **Tuesday 30th May, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Ruth Bush (Chair), Cara Sanquest, Ryan Jude and Ed Pitt Ford

**Also Present:** Councillor Jessica Toale (Item 7)

#### 1 MEMBERSHIP

1.1 It was noted that Councillors Ruth Bush and Ed Pitt Ford were substituting for Councillor Nafsika Butler-Thalassis and Councillor Amanda Langford respectively.

1.2 A Councillor was required to Chair the evening's meeting and the Sub-Committee

#### RESOLVED:

That Councillor Ruth Bush be elected Chair of Planning Applications Sub-Committee (3) for that evening's meeting.

#### 2 DECLARATIONS OF INTEREST

2.1 Councillor Ruth Bush 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 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 Ryan Jude declared an interest in respect to Item 7 and advised that he was a friend of Councillor Jessica Toale and both were members of the Majority Group.

2.3 Councillor Cara Sanquest and Councillor Ruth Bush made the same declaration.

2.4 Councillor Ruth Bush declared that in respect of Item 2 she was a Chair of The Westminster Faith Exchange.

2.5 Councillor Ruth Bush also declared that in respect to all items that she was a Trustee of the Westminster Tree Trust.

### **3 MINUTES**

**RESOLVED:** That the minutes of the meeting held on 4<sup>th</sup> April 2023 be signed by the Chair as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

The Sub-Committee heard the applications in the following order: 7, 2, 3, 5, 6, 1, 4.

#### **1 LANGFORD COURT, 22 ABBEY ROAD, LONDON, NW8 9DN**

Erection of mansard roof extension with green roof and lift overrun with communal satellite dish, 4 rooftop air source heat pumps within green wall enclosure with bird and bat boxes, in association with the provision of four additional residential flats and associated cycle and waste storage at basement level.

Late representations were received by two local residents (29.05.23 and 27.05.23).

The Planning Officer tabled the following amendments to the report in bold:

#### **Item 1 - Langford Court, 22 Abbey Road**

Proposed changes to the officer's report, bottom of page.31

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 **states that features that contribute positively to the significance of a setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area settings.**

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their

setting. Chapter 16 of the NPPF clarifies that harmful proposals should **be clearly and convincingly justified and should** only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused. **Paragraph 202 in the NPPF identifies that where the harm caused to the heritage asset would be less than substantial, it should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use.**

## **RESOLVED UNANIMOUSLY**

That conditional permission be granted.

### **2 RUPERT HOUSE, 19 RUPERT STREET, LONDON, W1D 7PA**

Use of upper and lower basements and ground floor as a place of worship and community centre.

Additional representations were received by 75 local residents (date unknown).

Ainab Masqsood, representing The Aziz Foundation, addressed the Sub-Committee in support of the application.

Luke Raistrick, representing Centro Plan, addressed the Sub-Committee in support of the application.

## **RESOLVED UNANIMOUSLY**

That conditional permission be granted.

### **3 5, 7, 9, 11, 13, 15, 17 & 19 PASSMORE STREET, LONDON, SW1W 8HR AND 11 & 19 PASSMORE STREET, LONDON, SW1W 8HR**

#### **5, 7, 9, 13, 15 and 17 Passmore Street**

Demolition and rebuilding behind retained front facade and party walls with alterations to front fenestration, provision of a new basement, mansard roof, extensions at rear ground and first floor level and installation of air source heat pump in rear basement lightwell. (Applications 1, 2, 3, 5, 6 and 7)

#### **11 and 19 Passmore Street**

Alterations to front fenestration, the provision of a new basement, mansard roof, extensions at rear ground and first floor level and installation of air source heat pump in rear basement lightwell. (Applications 4 and 8)

The Planning Officer had circulated the following revision to the wording of Condition 12:

### **Applications 1-8**

#### **Revision to wording of condition 12**

##### **Pre Commencement Condition.**

You must carry out a detailed reclamation audit and apply to us for approval of the audit including the following parts:

1. The reclamation audit should identify any building materials and products presenting a high reuse potential. The audit should also list any other reusable building elements. The inventory should present as much information as possible on the dimensions, quantities, conditions, environmental impact, technical characteristics, disassembly Item No. 3 13 14 recommendations, etc of the materials and products identified. If an existing concrete frame is present a specialist should investigate the quality of the recycled concrete aggregates and their re-usability potential before full demolition is considered. If windows are present, they should be dismantled first and sent to glass recyclers for clear glass cullet production (minimising contamination).
2. Based on the audit, the design team should demonstrate that any new-built project is designed incorporating at least 20% by material mass/volume for the whole building to derive from re-used or recycled content.
3. For any materials that are not re-used on-site, but identified as having re-use potential, the design team should advertise the availability of these potentially reusable materials to reclamation professionals (such as the Excess Material Exchange platform led by Enfield Council, Globchain or RE:London) and other interested parties who will contribute to the effective circulation of the elements. Meeting minutes from attending a 'Circular Economy surgery' or workshop with such platforms will be sufficient.
4. All proposals, including retrofit of existing building elements, should prioritise sustainable material procurement, sourcing products with high recycled content or construction materials with a circular business model (take-back schemes etc).

You must not start any demolition works until we have approved what you have sent us. You must then carry out the works according to these details.

Alexander Lewis, representing Tribeca Holdings, addressed the Sub-Committee in support of the application.

Alan Coleman, representing Tyler Parkes, addressed the Sub-Committee in objection to the application.

Michael Phillips addressed the Sub-Committee in objection to the application.

#### **RESOLVED UNANIMOUSLY**

##### Application 1

That conditional permission be granted - subject to completion of a legal agreement to secure the following:

- i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
- ii) cost of monitoring of this agreement.

#### Application 2

That conditional permission be granted - subject to completion of a legal agreement to secure the following:

- i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
- ii) cost of monitoring of this agreement.

#### Application 3

That conditional permission be granted - subject to completion of a legal agreement to secure the following:

- i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
- ii) cost of monitoring of this agreement.

#### Application 4

That conditional permission be granted - subject to completion of a legal agreement to secure the following:

- i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
- ii) cost of monitoring of this agreement.

#### Application 5

That conditional permission be granted - subject to completion of a legal agreement to secure the following:

- i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
- ii) cost of monitoring of this agreement.

#### Application 6

That conditional permission be granted - subject to completion of a legal agreement to secure the following:

- i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
- ii) cost of monitoring of this agreement.

#### Application 7

That conditional permission be granted - subject to completion of a legal agreement to secure the following:

- i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
- ii) cost of monitoring of this agreement.

#### Application 8

That conditional permission be granted - subject to completion of a legal agreement to secure the following:

- i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
- ii) cost of monitoring of this agreement.

2. That if the S106 legal agreement in respect of Applications 1-8 had not been completed within six weeks of the date of the Committee's resolution, then:
  - a) The Director of Town Planning and Building Control 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 Town Planning and Building Control was authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Town Planning and Building Control shall consider whether the permission should be reused on the grounds that the proposals were unacceptable in the absence of the benefits which would have been secured; if so, the Director of Town Planning and Building Control was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

#### **4 19 VILLIERS STREET, LONDON, WC2N 6ND**

Installation of kitchen extract duct to rear elevation.

Additional representations were received from 27-29 John Adam Street Freehold Company Limited (14.04.23 and 20.04.23).

A late representation was received by a resident (30.05.23).

The Presenting Officer tabled the following clarifications/corrections to the report.

#### Additional condition 9

You must apply to us for approval of plan drawings at ground, first, second, third, fourth and roof level showing the position of the proposed duct in relation to the application property. You must not start any work on the duct until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

## **RESOLVED UNANIMOUSLY**

That conditional permission, as amended, be granted.

### **5 42 WIGMORE STREET, LONDON, W1U 2RY**

Alterations to 42 Wigmore Street at front elevation and rear (Welbeck Way) elevation at ground to fourth floor level. Roof terraces at third and fourth floor level for use by the existing office. Reconfiguration of mechanical plant area with associated machinery at fourth floor level. Enlargement of existing glass roof, installation of PV panels and green roof at main roof level. Re-landscaping of front courtyard including installation of green wall. Alterations to Wigmore Street arcade entrance (which forms part of 44-46 Wigmore Street).

Mike Nisbet, addressed the Sub-Committee in support of the application.

Ian Kingbrown addressed the Sub-Committee in objection to the application.

## **RESOLVED UNANIMOUSLY**

1. That conditional permission be granted, subject to an additional condition requiring the submission of a maintenance plan regarding the biodiversity features of the application.
2. That conditional listed building consent be granted.
3. That reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

### **6 77-78 MARYLEBONE HIGH STREET, LONDON, W1U 5JW**

Variation of Condition 14 of planning permission dated 7 December 2022 (RN: 22/04052/FULL) for, 'Use of the basement, ground, and part first floor as a restaurant (Class E(b)), installation of air conditioning units within acoustic enclosures at roof level and new full height extract ducting (kitchen extract duct and pizza oven flue) to west elevation'; NAMELY, to extend the opening hours of the restaurant use to customers between 08.00 hours and 23.30 hours on Monday to Thursday, 08.00 hours to 00.00 hours on Friday and Saturday, and 08.00 hours to 22.30 hours on Sundays, bank holidays and public holidays. (Application under Section 73 of the Act).

Tito Arowobusoye, representing First Plan, addressed the Sub-Committee in support of the application.

## **RESOLVED UNANIMOUSLY**

That conditional permission be granted.

### **7 3 BATEMAN STREET, LONDON, W1D 4AE**

Use of the ground floor as a drinking establishment (sui generis use) as an extension to the existing bar at 2 Bateman Street.

Late representations were received from Soho Society (30.05.23) and Councillor Paul Fisher (29.05.23)

Kelsey Brennan, representing Simmons Bars, addressed the Sub-Committee in support of the application.

Robert Lord, representing the Soho Society, addressed the Sub-Committee in objection to the application.

Maria Tempia, representing the Soho Society, addressed the Sub-Committee in objection to the application.

Mark Wallinger addressed the Sub-Committee in objection to the application.

Councillor Jessica Toale, in her capacity as Ward Councillor, addressed the Sub-Committee in objection to the application.

### **RESOLVED UNANIMOUSLY**

That conditional permission be refused.

#### Reasons

*The development would add to existing late-night activity and disturbance in this part of the city. This, together with similar changes in other buildings in the area (cumulative effect), would harm:*

- *the character and function of the area;*
- *the diversity of evening and night-time uses,*
- *the quality of the area's environment; and*
- *the amenity (including the general quality of the living and working environment) of the community in the area, including residents.*

*This is as set out in Policies 2, 7, 16, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (X40AB)*

The Meeting ended at 10.30 pm

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

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