



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 27th April, 2021**, Please note that this will be a virtual meeting.

**Members Present:** Councillors Robert Rigby (Chairman), Susie Burbridge, Mark Shearer and Tim Roca

**Also Present:** Councillors Geoff Barraclough and Jim Glen

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

2.1 The Chairman 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; together with bundles of the letters or e-mails received in respect of this application containing objections or giving support. 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.

2.2 The Chair declared an interest in Item 1 and advised that he had met with the Applicant alongside the Cabinet Member for Business, Licensing and Planning and Officers for a briefing and this took place in May 2020.

2.3 Councillor Mark Shearer declared an interest in Item 1 and advised the funders for the Application, Bental GreenOak, had provided investment finance to his father's Business, SPG, four years ago. He advised that the matter was far removed from him and had made the declaration for transparency reasons.

2.4 Councillor Susie Burbridge declared an interest in Item 6 and advised that she was the Deputy Cabinet Member for Housing.

### **3 MINUTES**

That the minutes of the meeting held on 2 March 2021 be signed by the Chair as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 SOUTHSIDE, 105 VICTORIA STREET, LONDON SW1E 6QT**

Demolition of existing building, extension of existing basement and erection of a new building of ground, mezzanine, plus up to fourteen-storeys with terraces at tenth to fourteenth floor level, comprising office accommodation; flexible retail, restaurant, bar, community and leisure uses; internal pedestrian route with 'Village Square', plant at main roof level; servicing, cycle parking and highways, landscaping and associated works.

An additional representation was received from DP9 (21.04.21)

Late representations were received from Cathedral Area Residents Group (25.04.21), WCC Public Protection and Licensing Environmental Science (27.04.21), WCC Planning Service meeting notes dated 29.5.2020 and The Queen Anne's Gate Residents' Association (26.04.21).

The presenting officer tabled the following notification regarding the Council's adoption of the new City Plan and amendments to Conditions.

#### **PLANNING APPLICATIONS SUB-COMMITTEE – 27 April 2021**

Item 1: Southside, 105 Victoria Street

Since the Sub-Committee reports were published, the new City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city. As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The new City Plan 2019-2040 has replaced the Unitary Development Plan 2007 and 2016 City Plan, and as a result the reasons for conditions/reasons for refusal have been updated in the attached draft decision notice to reflect the adoption of the City Plan.

The wording of conditions 6, 7 and 8 have also been slightly amended.

#### **Recommended Condition(s) and Reason(s)**

1. The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings

approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and , not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and not at all on Saturdays, Sundays, bank holidays and public holidays., Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason: To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

3. Pre Commencement Condition. Prior to the commencement of any: (a) Demolition, and/or, (b) Earthworks/piling and/or (c) Construction On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason: To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

4. You are required to comply with the Council's Code of Construction Practice referred to in condition 3 by including specific provisions as part of the site environmental management plan or construction management plan to secure the following: - A construction logistics plan.

Reason: To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

5. You must apply to us for approval of samples of the facing materials you will use for the new building, including glazing, and elevations and roof plans annotated to show where the materials are to be located. 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 using the approved materials.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

6. You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the building: i) typical facade bays for the principal wall types: Wall Type 1, Wall Type 2 and Wall Type 3. The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start any work on the superstructure of the development until we have approved the sample panels. You must then carry out the work according to these approved sample(s).

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

7. The following design features must be retained through the design development process: i) Provision for natural ventilation at façade; ii) 400mm reveal depth to facades to Wall Types 1, 2 and 3; iii) use of terracotta as the primary facing material; iv) profiled stepping to reveal elements of the lighter terracotta cladding, v) profiled coffering and embellishment to the ceiling of colonnade structure and ground floor 'village square' area.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

8. You must apply to us for approval of full details of the following parts of the new building: i) typical window types; ii) typical external door types; iii) typical cills and reveals; iv) location and size of movement joints; v) step backs in façade; vi) interfaces with windows/glazing; vii) interfaces with landscaping; viii) ventilation and other services terminations at façade and roof; ix) railings and/or balustrades; x) integral lighting, xi) shopfronts, including indicative locations and design principles for display of all signage; xii) location and appearance of CCTV cameras; xiii) the entrance screens which can close off the 'village square' from Victoria Street and Howick Place, including means of operation; xiv) the retail kiosks within the 'village square' and how the opening screens operate. 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 approved drawings.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

9. The building maintenance unit(s) shall be positioned in the parked and hidden position at all times when not in use.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

10. You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason: To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

11. You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

12. No more than 4,193 sqm (GIA) of floorspace shall be used flexibly within Classes A1, A2, A3, A4, D1, D2 or sui generis with the following individual limitations: a) A minimum of either 6 units or 160sqm (GIA) shall be used as retail within Class A1 at any one time. b) The maximum size of any one unit shall be no more than 1258sqm (GIA).

Reason: To make sure that the development is completed and used as agreed, and to make sure that it meets Policy 14, 16 and 17 of The City Plan 2019-2040 (April 2021)

13. Customers shall not be permitted within the flexible units before 07.00 or after 00.30 each day. (C12AD)

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). (R12AD)

14. You must apply to us for approval of an operational management plan (OMP) for each of the flexible units and the Village Square before any of the following uses commence: (i) Restaurant/cafe (Class A3); (ii) Bar (classA4) (iii) Uses within Class D1; (iv) Uses within Class D2; (v) Uses within Sui Generis. Each OMP should include number of staff and customers, hours of operation, membership details (if relevant) and show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy any of the above uses 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 these uses are in place. Should any of the uses change anew OMP will be required to be submitted and approved by us and the measures carried out at all times that the use is in place. (C05JB)

Reason: To make sure that the uses will not cause nuisance for people in the area. This is as set out in Policy 14, 16 and 17 of The City Plan 2019-2040 (April 2021).

15. You must apply to us for approval of a Servicing Management Plan prior to occupation of the development. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. All servicing must take place between 0800 and 2000. You must not commence any of the uses until we have approved what you have sent us. The Servicing Management Plan must thereafter be maintained and followed by the occupants for the life of the development, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

16. No music shall be played such as to be audible outside the premises to the nearest noise sensitive, residential receptor.

Reason: To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

17. (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City

Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason: Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

18. No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason: To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R48AB)

19. You must apply to us for approval of details of the ventilation system to get rid of cooking smells, for any restaurant (class A3) uses or other uses which contain a commercial kitchen, including details of how it will be built and how it will look. You must not begin any restaurant uses allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason: To protect the environment of people in neighbouring properties as set out in Policy 38 and 33 of the City Plan 2019-2040 (April 2020). (R14AC)

20. You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

Reason: To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

21. You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 17 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason: As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51BC)

22. (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the flexible use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the flexible use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;., (c) Measurements of existing

LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;; (f) The proposed maximum noise level to be emitted by the activity.

Reason: Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

23. You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:, Measures to be used to prevent overlooking into the first floor apartment of 8 Artillery Row from the flexible retail unit (Use Class A1/A2/A3/D1/D2) at mezzanine level. You must not start any work on the superstructure of the development until we have approved what you have sent us. You must then carry out the work according to the approved drawings and the measures shall be installed prior to occupation of the flexible unit at mezzanine level and retained thereafter.

Reason: To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

24. You must provide the waste store shown on drawing 23747501-STR-HGN-098-DR-D-70202/P0 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason: To protect the environment and provide suitable storage for waste as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14BE)

25. No waste should be left or stored on the public highway.

Reason: To protect the environment and provide suitable storage for waste as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14BE)

26. You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason: In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

27. You must apply to us for approval of details of secure cycle storage for the whole development (944 spaces - 809 long stay and 135 short stay). You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason: To provide cycle parking spaces for people using the development as set out in Policy 25 of the City Plan 2019-2040 (April 2020) and T6 of the London Plan (2021).

28. You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason: To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

29. No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

Reason: To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

30. Before you occupy the building, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of: (a) A comprehensive survey of all users of the building; (b) Details of local resident involvement in the adoption and implementation of the Travel Plan; (c) Targets set in the Plan to reduce car journeys; (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new development is occupied. At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason: In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment and people in neighbouring properties as set out in T4 of the London Plan (2021) and Policy 24 of the City Plan 2019-2040 (April 2020).

31. You must carry out the measures included in the Fire Statement Rev 03 by SWECO dated 10 March 2021 and you must not change it without our permission.,

Reason: All developments must achieve the highest standards of fire safety as set out in Policies D5 and D12 of the London Plan (2021)

32. The development shall achieve a BREEAM rating of 'Excellent' (New Construction 2018 'shell and core' or any such national measure of sustainability that replaces that scheme of the same standard) and 'Very Good' rating for the retail areas. A post construction certificate confirming this standard under BREEAM has been achieved must be issued by the Building Research Establishment, and submitted for approval by the Local Planning Authority within 6 months of completion on site.

Reason: To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

33. You must provide the following environmental sustainability features (environmentally friendly features) as set out in your Energy and Sustainability Statement by SWECO dated August 2020 before you start to use any part of the development. 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 Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

34. You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within three years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

35. You must provide details of the soil within the planters on terraces, including plan and section drawings showing the soil depth across each area and the drainage layer and confirming total soil volumes in each area. You must include a specification for the soil in these areas and a methodology for importing and laying the soil. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the submitted details.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019-2040 (April 2020).

36. You must apply to us for approval of a management plan including details of biodiversity features, for all areas of soft landscaping, including the terrace planting and street level planters. You must not occupy the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain these features in accordance with the approved management plan.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019-2040 (April 2020).

Alexander Morris addressed the Sub-Committee in support of the application.

Ruth Duston addressed the Sub-Committee in support of the application.

## **RESOLVED**

**(FOR** Councillors Robert Rigby, Mark Shearer and Susie Burbridge: **AGAINST** Councillor Tim Roca)

That conditional permission as amended and set out above be granted subject to the views of the Mayor and the completion of a S106 legal agreement to secure:

- i. the provision of 500 sq. m of affordable workspace to be provided at 50% of the market rate and 50% service charge, for a 15 year period.
  - ii. Community use strategy for the multi-purpose activity space at basement level and the 'urban farm' on the fourteenth floor terrace, to be provided to local community groups and local schools in perpetuity and free of charge.
  - iii. A Walkways Agreement to secure access for the public at ground floor level across the site.
  - iv. Employment and Skills Plan including operational phase employment targets and a Financial Contribution of £821,891.67 to support the Westminster Employment Service (index linked and payable on commencement of development).
  - v. Highway works to Victoria Street, Artillery Row, Howick Place and Wilcox Place including changes to on-street traffic orders; changes to on-street parking bays and parking regulations; vehicular crossover into servicing bay; making part of Howick Place two-way; revised informal pedestrian crossing on Victoria Street; redesign of bus stop on Victoria Street; renewed footways; tree planting and provision of short-stay cycle parking and associated works (legal, administrative and physical).
  - vi. Carbon offset payment (index linked and payable on commencement of development) (amount TBC subject to submission of final Energy Strategy).
  - vii. Monitoring costs.
2. 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 the dedication of new public highway to enable this development to take place.

That the Director of City Highways, Executive Director of Environment and City Management 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.

3. If the legal agreement has not been completed within six weeks of the date of the Committee 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 the appropriate timescale, and that the proposals are unacceptable in the absence of the 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.
4. That in respect of the affordable workspace the 500 sq. m recently offered by the applicant was preferred and that a 15 years lease period and not 10 years was preferred and that details of the Community Use Agreement should be reserved by condition and legal agreement to ensure meaningful use for the local community groups and schools.
5. That an additional condition to reserve the detailed design of the Village Square, gating at night, CCTV /lighting management and security of this area and designing out crime. The approval of details application for this area when submitted to be reported to Committee given Members' concerns raised at committee in respect of ASB.
6. That Officers ensure that conditions are robust to ensure that building meets the highest sustainable features possible and achieve carbon neutral within specified time period. Officers to look at the wording of this also subject to Stage 2 with the GLA.

## **2 80 NEW BOND STREET, LONDON W1S 1SB**

Demolition and rebuilding of 3-4 Dering Street to provide a four storey plus basement building with a plant enclosure above. Extensions and refurbishment of 325-329 Oxford Street and 80 New Bond Street to provide an eight storey plus basement building; re-alignment of the facade along the Oxford Street frontage above first floor level to match neighbouring building; creation of terraces at seventh and eighth floor levels; alterations to the facade on the Oxford Street and New Bond Street frontages

including the provision of a double height shopfronts, the provision of additional accesses and other associated external works, all in connection with the use of the building for retail and offices purposes (Class E).

An additional representation was received from Councillor Timothy Barnes.  
(20.04.21)

The presenting officer tabled the following amendments to the Conditions and Informatives.

## PLANNING APPLICATIONS SUBCOMMITTEE 27 April 2021

### Item 2: 80 New Bond Street, W1

Since the Sub-Committee reports were published, the new City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city. As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The new City Plan 2019-2040 has replaced the Unitary Development Plan 2007 and 2016 City Plan, and as a result the reasons for conditions have been updated in the attached draft decision notice to reflect the adoption of the City Plan.

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)=

3. Pre-Commencement Condition.  
Prior to the commencement of any:  
(a) demolition, and/or  
(b) earthworks/piling and/or  
(c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason: To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

- 4 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained, and the space used for no other purpose without the prior written consent of the local planning authority.

Reason: To provide parking spaces for people using the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021).

- 5 You must hang all doors or gates so that they do not open over or across the road or pavement unless in the event of an emergency and for means of escape. (C24AA)

Reason: In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AC)

- 6 You must submit a Servicing Management Plan for the City Council's approval prior to the occupation of the retail and office accommodation hereby approved. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. The approved Servicing Management Plan shall be adhered to thereafter unless an alternative Servicing Management Plan is submitted to and approved by the City Council.

Reason: To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019-2040 (April 2021). (R23AC)

7 a) You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development other than works of demolition. 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 the development is expected to achieve an 'excellent' rating in respect to the office element of the development under BREEAM UK New Construction 2018. If you use another method, you must achieve an equally high standard.

b) You must apply to us for approval of details of a post construction stage report which demonstrates that the office part of the development meets an "Excellent" rating under BREEAM UK New Construction 2018. This report shall be submitted to us within 6 months of the occupation of any part of the building. If you use another method, you must achieve an equally high standard.

Reason: To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021).

8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason: To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019- 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019)

9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until

a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason: Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors/properties is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46ACB)

- 10 You must not play live or recorded music on terraces hereby approved.

Reason: To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016), ENV 6 of our Unitary Development Plan that we adopted in January 2007 and Policies 7 and 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R13EC)

- 11 The terraces hereby approved shall only be used between 0800 and 2200 hours Monday to Friday only.

Reason: To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 12 You must apply to us for approval of details of a biodiversity management plan in relation to green walls and planters hereby approved. You must not start any work on this element until we have approved in writing what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building.

Reason: To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021).

- 13 You must apply to us for approval of details of the blue roofs hereby approved. You must not start any work on this element until we have approved in writing what you have sent us. You must then construct the blue roofs according to the approved details before you start to use the building and retained thereafter. (C43CA)

Reason: To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 14 You must provide the waste store and temporary waste holding area shown on drawings NBO ORM ZZ B1 DR A 12026 P05 and PNBO ORM ZZ 00 DR A 12016 P08 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Reason: To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 15 **Pre-Commencement Condition.**  
Updated Energy Calculations (and relevant design drawings) shall be provided prior to the commencement of development to demonstrate that the development will achieve at least a 36% reduction in regulated carbon dioxide emissions beyond Part L the 2013 Building Regulations. You must provide all the environmental sustainability features referred to in the review before you start to use any part of the building. You must then not remove any of these features.

Reason: To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 16 You must put up the acoustic enclosures shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason: Because existing external ambient noise levels exceed WHO Guideline

Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors/properties is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 17 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 18 Notwithstanding the detail shown on the approved drawings, the windows at sixth floor level adjacent to No.321-323 Oxford Street must be obscured glazing and you shall retain this obscure glass in situ thereafter. The window shall also fit fixed permanently shut.

Reason: To prevent this window prejudicing the future development potential of the neighbouring site.

- 19 With the exception of the projecting shopfronts hereby approved, any structure over the highway must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge; when within 1 metre of the kerb edge and over carriageway, 5.3 metres vertical clearance must be maintained by any structure. This includes building overhangs, public art, lighting, signage, awnings and canopies

Reason: In the interests of public safety and to ensure that the structures are not hit by high sided vehicles in accordance with Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24CBA)

- 20 i) With the exception north western room labelled 'Class E Retail', the basement accommodation as shown on drawing NBO ORM ZZ B1 DR A 12026 P05 must be used solely as ancillary accommodation to the office and retail accommodation in the remainder of the building and for no other, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it.

ii) The north western room labelled 'Class E Retail' at basement level, as shown on drawing NBO ORM ZZ B1 DR A 12026 P05, and the ground and first floor

units with frontages along all of the Oxford Street frontage and New Bond Street front (excluding the New bond Street office entrance and corridor at ground floor level), shown on drawings NBO ORM ZZ 00 DR A 12016 P08 and NBO ORM ZZ 01 DR A 12017 P06, must not be used for any other purpose other than for non-food retail purposes, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) or any equivalent class in any order that may replace it. The remainder of the ground and first floors accommodation and the accommodation from second to eight floor must not be used for any other purpose other than for office purposes, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it.

Reason: To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to secure the benefits of the proposal to balance harm to the conservation area in accordance with Policies 16,17, 18, 24, 26, 28, 29 ,25, 32, 33, 34, 37, 38, 39 and 40 of the City Plan 2019 – 2040 (April 2021).

- 21 You must apply to us for approval of details of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 22 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF).

#### **RESOLVED UNANIMOUSLY:**

- 1 That conditional permission as amended and set out above be granted subject to the completion of a legal agreement to secure the following:
- a. A financial contribution towards employment, training, and skills of £55,648 (index linked) payable on commencement of development
  - b. A financial contribution towards Council's Carbon Off-set Fund of £162,165 (index linked) payable on commencement of development.

- c. Undertaking of highways works in the vicinity of the site, to enable the replacement of pavement lights and the installation of columns. Highway works to be agreed prior to commencement of development and highway works to be completed prior to occupation of any of the building.
  - c. Costs of monitoring the S106 agreement.
- 2 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.
- 3 That Committee authorises the making of a draft order pursuant to s247 or s248 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway. That the Director of Place Shaping and Planning, Executive Director of City Management and Communities, 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 order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.
- 4 That an informative to encourage additional greening to Dering Street to be included.

### **3 25 IVOR PLACE, LONDON NW1 6HR**

Use as a single dwelling house( Class C3) , demolition of the east facing external wall to create a lightwell from basement to roof level, excavation of basement below rear of the existing building to be used as part of the single family dwelling and associated alterations, increased height and location of the west facing boundary walls with alterations to the pitch of the roof and the creation of a lightwell to west facing elevation .

The presenting officer tabled the following updated conditions and reasons for refusal and decision notice.

PLANNING APPLICATIONS SUB-COMMITTEE – 27.04.2021

Item 3 - 25 IVOR PLACE, LONDON NW1 6HR

Since the Sub-Committee reports were published, the new City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of

the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city. As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The new City Plan 2019-2040 has replaced the Unitary Development Plan 2007 and 2016 City Plan, and as a result the reasons for conditions/reasons for refusal have been updated in the attached draft decision notice to reflect the adoption of the City Plan

#### Recommended Condition(s) and Reason(s)

##### Reason:

The proposed 6 bedroom single dwelling of 404m<sup>2</sup>, fails to optimise the number of residential units on the site. Consequently, the site is not used efficiently to maximise housing delivery in the borough, contrary to the Policy 8 of our City Plan 2019-2040 Intend to Adopt version (March 2021).

##### Informative(s):

1. In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040: Intend to Adopt version (March 2021), neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written Item No. guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies negotiation could not overcome the reasons for refusal. & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website

Graham Robinson-Hodges addressed the Sub-Committee in support of the application.

#### **RESOLVED UNANIMOUSLY:**

Agreed to refuse permission on the amended reasons for refusal as set out above.

Reason: The proposed 6 bedroom single dwelling of 404m<sup>2</sup>, fails to optimise the number of residential units on the site. Consequently, the site is not used efficiently to maximise housing delivery in the borough, contrary to the Policy 8 of our City Plan 2019-2040 Intend to Adopt version (March 2021).

#### **4 141-150 WYMERING MANSIONS, WYMERING ROAD LONDON W9 2NG**

Partial basement excavation and conversion of ancillary storage area at lower ground floor rear to provide a self-contained unit (Class C3) and associated external alterations.

The presenting officer tabled the following updated conditions and reasons for refusal and decision notice.

#### PLANNING APPLICATIONS SUB-COMMITTEE – 27.04.2021

##### Item 4 - 141-150 WYMERING MANSIONS, WYMERING ROAD LONDON W9 2NG

Since the Sub-Committee reports were published, the new City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city. As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The new City Plan 2019-2040 has replaced the Unitary Development Plan 2007 and 2016 City Plan, and as a result the reasons for conditions/reasons for refusal have been updated in the attached draft decision notice to reflect the adoption of the City Plan.

#### Recommended Condition(s) and Reason(s)

4. Reason: The proposed flat has a low floor ceiling height and it lacks level access. The only access from the public highway to the proposed flat is through the communal rear garden either via a gate or a corridor. Both of these access points are a considerable distance away from the proposed flat, which would delay the attendance of the London Fire Brigade in the event of a fire at the premises. This would provide an unacceptably poor standard of accommodation and it would not ensure the safety, health and wellbeing of the future occupants of the proposed flat and the occupants of the existing flats within the building. Accordingly, the proposed development is contrary to policies D6 and D7 of the London Plan (2021) and policy 12 of Westminster's City Plan 2019-2040 (adopted April 2021).
2. Reason: As the proposed plans are inconsistent, inadequate information has been submitted to demonstrate that the proposed development would not harm the character and appearance of this building and the Maida Vale Conservation Area. This would not meet policies 38, 39, 40 and 45 of Westminster's City Plan 2019-2040 (adopted April 2021).

#### Informative(s):

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan 2019-2040 (adopted April 2021), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application

which is likely to be considered favourably. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Requirements amendments:

- The proposed flat should be accessed from the communal entrance at the front of the building. This would allow the London Fire Brigade to arrive within a suitable time frame in the event of a fire at the premises.
- The floor to ceiling height of the proposed dwelling should 2.5 metres or more. - - - -
- The proposed dwelling should have level access.
- The proposed drawings should be consistent.

Joel Stern addressed the Sub-Committee in support of the application.

Councillor Geoff Barraclough in his capacity as Ward Councillor addressed the Sub-Committee in objection to the application.

#### **RESOLVED UNANIMOUSLY:**

Agreed to refuse permission on the amended reasons for refusal as set out above.

1. Reason: The proposed flat has a low floor ceiling height and it lacks level access. The only access from the public highway to the proposed flat is through the communal rear garden either via a gate or a corridor. Both of these access points are a considerable distance away from the proposed flat, which would delay the attendance of the London Fire Brigade in the event of a fire at the premises. This would provide an unacceptably poor standard of accommodation and it would not ensure the safety, health and wellbeing of the future occupants of the proposed flat and the occupants of the existing flats within the building. Accordingly, the proposed development is contrary to policies D6 and D7 of the London Plan (2021) and policy 12 of Westminster's City Plan 2019-2040 (adopted April 2021).  
Item No. 4
2. Reason: As the proposed plans are inconsistent, inadequate information has been submitted to demonstrate that the proposed development would not harm the character and appearance of this building and the Maida Vale Conservation Area. This would not meet policies 38, 39, 40 and 45 of Westminster's City Plan 2019-2040 (adopted April 2021).

#### **5 18 GREEK STREET, LONDON W1D 4DS**

Use of the rear terrace areas at first and second floor level in association with the existing restaurant/bar use at 18 Greek Street and installation of new balustrades, artificial green wall areas, extended second floor terrace balcony and staircase and between the terraces.

A late representation was received from a local resident (26.04.21).

The presenting officer tabled the following updated conditions and reasons for refusal and decision notice.

## PLANNING APPLICATIONS SUBCOMMITTEE 27 April 2021

### Item 5: 18 Greek Street, W1

Since the Sub-Committee reports were published, the new City Plan 2019 -2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city. As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The new City Plan 2019-2040 has replaced the Unitary Development Plan 2007 and 2016 City Plan , and as a result the reasons for conditions have been updated in the attached draft decision notice to reflect the adoption of the City Plan for Director of Place Shaping and Town Planning

### Recommended Condition(s) and Reason(s)

1. The use of the terraces at first and second floor levels can continue for one year from the date of this planning permission. After this time you must not use any part of the roof for sitting out or for any other purpose unless permission has been granted. You can however use the roof to escape in an emergency.

Reason: We need to monitor and assess the effect of the use of these areas as terraces to make sure it meets Policies 7, 16 and 33 of the City Plan 2019 -2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019),we can therefore only grant a temporary permission.

2. The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. You must not install any speakers or play any music externally on the rear terraces hereby approved.

Reason: To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 -2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R13FC)

4. The terrace areas hereby approved at rear first and second floor levels can only be used between the hours of 10:00 and 22:00 daily and when the terraces are not in use the doors to the terraces must be closed. You cannot use the terrace area outside of these hours other than in the case of an emergency.

Reason: To protect neighbouring residents from noise nuisance, as set out in Policies 7,16 and 33 of the City Plan 2019 -2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R13FC)

5. The self-closing doors which allow access onto the terrace shall remain in situ at all times the 20/06174/FULL flat roof areas are used as terraces. You must not leave these doors open except in an emergency or to carry out maintenance.

Reason: To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 -2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R13FC)

6. You must not allow more than 50 customers onto the rear terraces hereby approved at any one time

Reason: To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 -2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R13FC)

7. The operation of the terraces hereby approved must at all times be in accordance with the stipulations of the Terrace Management Plan (March 2021).

Reason: To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 -2040 (April 2021). (R13ED)

Informative(s):

1. In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 -2040(April 2021 ), neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
2. You are advised that if consent is sought in future for the terraces to be in place longer the artificial green walls must be replaced with natural and 'living' green walls. This wall must be of living plants of a size and type suitable to the location, and you must also provide a management and maintenance plan for the wall. In addition a new external lighting system that is less conspicuous than the current installation would be required.

Danielle Zaire addressed the Sub-Committee in support of the application.

Sylvia Barthes addressed the Sub-Committee in objection to the application.

**RESOLVED UNANIMOUSLY:**

1. That conditional permission, as amended, be granted for a temporary 6 month-period and that an additional condition which will condition that the upper second floor terrace for seating only be included.
2. That an informative which informs that the use of terraces must cease at 22.00hrs and that the area be cleared and that the Applicant considers a WhatsApp Group with residents to report any issues.

**6 HENRY WISE HOUSE, VAUXHALL BRIDGE ROAD, LONDON SW1V 2SU**

Detailed drawings of the replacement doors, showing simplified moulding details to match the existing doors pursuant to Condition 5 of planning permission and listed building consent dated 10 July 2019 (RN: 19/03591/COFUL and 19/03592/COLBC).

A late representation was received from WWC Growth, Planning and Housing Service (27.04.21), local resident (26.04.21) and local resident (23.04.21)

Jane Opher addressed the Sub-Committee in objection to the application.

Councillor Jim Glen in his capacity as Ward Councillor addressed the Sub-Committee in objection to the application.

**RESOLVED UNANIMOUSLY:**

That the approval of details applications be deferred to allow to negotiate a better-quality detailed design of the front door which is more appropriate for the Grade II\* listed block and better consultation with the residents and for the Housing Cabinet Member to be briefed.

## PART 2 (CONFIDENTIAL)

The Chair moved and it was

RESOLVED: That under Section 100 (a) (4) and Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), the public and press be excluded from the meeting for the following Item of Business because it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) and it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **7 OPEN SPACE AT REAR OF 115-137 SUTHERLAND AVENUE LONDON W9 2QJ**

T5 1x London Plane: Fell

TG1 2x London Planes: Fell

The presenting officer tabled the following updated conditions and reasons for refusal and decision notice.

PLANNING APPLICATIONS SUB-COMMITTEE – 27.04.2021

ITEM 7 - OPEN SPACE AT REAR OF, 115-137 SUTHERLAND AVENUE, LONDON, W9 2QJ

Since the Sub-Committee reports were published, the new City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city. As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The new City Plan 2019-2040 has replaced the Unitary Development Plan 2007 and 2016 City Plan, and as a result the reasons for conditions/reasons for refusal have been updated in the attached draft decision notice to reflect the adoption of the City Plan.

Recommendation: Refuse consent

Reasons for refusal:

1. Removal of T5 and TG1 on the grounds of damage to the property at 119 Sutherland Avenue is not considered to be justified. Insufficient evidence has been provided to demonstrate that T5 and TG1 are the cause of the damage.
2. The removal of the trees which are protected by a Tree Preservation Order would be detrimental to amenity, and would have an adverse effect on the character and appearance of the Maida Vale Conservation Area, thereby contrary to policies S25 and S38 of Westminster's City Plan (November 2016), and ENV 16 and DES 9 of our Unitary Development Plan that we adopted in January 2007 and Policies 34 and 38 of the City Plan 2019-2040 (April 2021).

**RESOLVED UNANIMOUSLY:**

Agreed to refuse permission on the amended reasons for refusal as set out above with the following amendment to remove reference to the UDP and 2016 City Plan.

1. Reason: Removal of T5 and TG1 on the grounds of damage to the property at 119 Sutherland Avenue is not considered to be justified. Insufficient evidence has been provided to demonstrate that T5 and TG1 are the cause of the damage.
2. Reason: The removal of the trees which are protected by a Tree Preservation Order would be detrimental to amenity, and would have an adverse effect on the character and appearance of the Maida Vale Conservation Area, thereby contrary to Policies 34 and 38 of the City Plan 2019-2040 (April 2021).

The Meeting ended at 10.40 pm

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

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