



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 7th December, 2021**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Louise Hyams (Chairman), Devenish, Antonia Cox and Nafsika Butler-Thalassis

Also Present: Councillor Elizabeth Hitchcock addressed the Sub-Committee on Item 1 in her capacity as Ward Councillor.

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Hyams 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 Hyams declared that in respect of Item 2 the site was located within her ward, and she had previously received a briefing on the proposals, but she had offered no opinion on the application and held no discussions regarding it with any parties.

2.3 Councillor Butler-Thalassis declared that in respect of Item 4 the site was located within her ward, but she had held no discussions regarding it with any parties.

- 2.4 Councillor Cox declared that in respect of Item 6 the site was located within her ward, but she had held no discussions regarding it with any parties.
- 2.5 Councillor Devenish declared that in respect of Item 1 he had submitted an email regarding the application and would therefore step down from the Sub-Committee and leave the room during consideration of this item.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 26 October 2021 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 SITE 38 BELGRAVE SQUARE AND 28A CHAPEL STREET BELGRAVE SQUARE LONDON SW1X 8NT

Application 1 (Planning): Alterations and extensions to the buildings, including installation of an external lift to an existing lightwell of the main building and plant enclosures, in connection with their use as a members wellness club (sui generis).

Application 2 (Listed building): Internal and external alterations, including installation of an external lift to an existing lightwell of the main building, installation of plant enclosures, and associated works.

Councillor Devenish declared that he had a prejudicial interest in the application and therefore left the room during the consideration of this item.

A late representation was received from THIS Planning (07.12.21).

The planning officer tabled the following addition to the report:

- 1) ADDITION to section 8.1 'Land use' on page 22 of the agenda, to include the following after second to last paragraph on that page:

The applicant has also offered to pay a financial contribution of £2 million towards Westminster's Affordable Housing Fund in lieu of retaining the single family dwellinghouse. The applicant suggests Westminster City Council secures this through a legal agreement. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms, but they may only constitute a reason for granting planning permission if they meet the relevant tests. They must be:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*

- *fairly and reasonably related in scale and kind to the development.*

These tests are set out as statutory tests in regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. In this case, the applicant's suggested planning obligation would not accord with these tests. The financial contribution is not necessary to make the development acceptable in planning terms. The development plan does not require affordable housing contributions where there is an increase in commercial floorspace or where there would be a loss of existing residential floorspace (it is only required in circumstances as described in City Plan Policy 9). Indeed, the proposal would still be unacceptable in planning terms with the financial contribution. This is because City Plan Policy 8 does not allow the loss of existing residential units where an applicant contributes toward the Affordable Housing Fund. Because there is no policy basis for a such a contribution, it also cannot be considered to be directly related to the development nor is there a mechanism to calculate what a fair and reasonable contribution would be for this scale/ type of development. Therefore, Westminster City Council cannot entertain this offer.

Reason for addition

This addition is necessary to address the offer of an affordable housing contribution this applicant has made. The agent's email's setting out this offer is appended to this memo.

James McAllister addressed the Sub-Committee in support of the application.

Mary Regnier-Leigh, representing the Belgravia Society, addressed the Sub-Committee in objection to the application.

Councillor Elizabeth Hitchcock addressed the Sub-Committee in her capacity as Ward Councillor in objection to the application.

RESOLVED UNANIMOUSLY:

- 1) **Application 1** - That permission be refused on the grounds that the development would lead to a loss of a single-family dwelling house and the harmful impact the proposed entertainment use would have on the character and function of the area, local environmental quality, and residential amenity.
- 2) **Application 2** - That conditional listed building consent be granted.
- 3) **Application 2** - That the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter be agreed.

2 CHIMES APARTMENTS 99 - 105 HORSEFERRY ROAD LONDON SW1P 2DX

Variation of condition 1 of planning permission dated 28 July 2021 (RN 20/05512/FULL) (which varied permissions dated 1 May 2019 RN:18/09619/FULL, 1 February 2019 RN:18/00506/FULL and 29 April 2016 RN:15/11404/FULL) as amended by RN:21/03194/NMA for 'Demolition and redevelopment of the site to provide a residential complex comprising 39 units of apartments integrated with facilities including communal kitchen cafe, storage areas, wellness centre/spa, staff accommodation, staff offices, in two linked buildings of six storeys each, internal courtyard, roof terrace, excavation to create basement storage and 26 car parking spaces with access from Horseferry Road.' Namely, removal of the age restriction and alterations to the fifth-floor layout to make four 3-bedroom apartments.

RESOLVED (For: Councillors Hyams, Cox and Devenish, Against: Councillor Butler Thalassis):

- 1) That conditional permission be granted, subject to the completion of a Deed of Variation to the S106 legal agreement dated 26 October 2015 (14/09089/FULL) and subsequent deed of variations dated 29 April 2016 (15/11404/FULL), 1 February 2019 (18/00506/FULL), 1 May 2019 (RN: 18/09619/FULL) and 28 July 2021 (RN 20/05512/FULL) to secure the following in addition to the previously secured planning obligations:
 - i) £1.8 million towards the Council's affordable housing fund payable on first occupation of the development
 - ii) Removal of age restriction on occupants of the development.
- 2) That if the deed of variation had not been completed within eight weeks of the committee resolution, then:
 - a) The Director of Place Shaping and Town Planning should consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Place Shaping and Town Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Town Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an undertaking within the appropriate timescale, and that the proposals were unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3 28 HARLEY PLACE LONDON W1G 8LZ

Use of the building as a dentist (Class E) for a temporary period of ten years.

An additional representation was received from Councillor Iain Bott (29.11.21).

A late representation was received from Councillor Karen Scarborough (06.12.21).

Harry Shiers addressed the Sub-Committee in support of the application.

Lorenzo Pandolfi addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

- 1) That contrary to the officers' recommendation the Sub-Committee granted the application on the grounds that the continued use of a valuable medical use for a temporary period of 10 years would be justified due to the community service it provided, so long as the building returned to residential use after that time.
- 2) That the Decision Notice be approved by officers under delegated powers in consultation with the Chair of Planning Committee (2).

4 BASEMENT FLAT 172 RANDOLPH AVENUE LONDON W9 1PE

Erection of a single storey rear extension with green roof and a glass side enclosure spanning the alleyway on the boundary with Elgin Mews North in connection with enlarging existing lower ground floor flat.

Fabian Blaicher addressed the Sub-Committee in support of the application.

The Committee Clerk read out Christina Anderson's representation to the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

5 GROVE END HOUSE GROVE END ROAD LONDON NW8 9HP

Conversion and extension of existing porters lodge and storage facilities into a one-bedroom self-contained residential dwelling. Conversion of the remaining storage shed block into a new staff facility with kitchenette and WC, and associated works.

Peter Costello addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

6 9 ALBION CLOSE LONDON W2 2AT

Erection of a mansard roof extension and enclosed terrace.

An additional representation was received from HGH Consulting (17.08.21).

A late representation was received from one local resident (05.12.21).

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

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.

7 134 WESTBOURNE GROVE LONDON W11 2RR

Consent was sought to remove two London plane trees (T2 and T3) from the rear garden of 134 Westbourne Grove on the grounds of alleged subsidence damage to 23 Artesian Road.

RESOLVED (Grant: Councillors Hyams, Butler-Thalassis and Devenish, Refuse: Councillor Cox):

- 1) That contrary to the officers' recommendation the Sub-Committee granted consent to remove the trees on the grounds of subsidence damage to 23 Artesian Road.
- 2) That the Decision Notice be approved by officers under delegated powers in consultation with the Chair of Planning Committee (2).

The Meeting ended at 8.38 pm

CHAIRMAN: _____

DATE _____