



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** Committee held on **Tuesday 3rd September, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Robert Rigby (Chairman), Louise Hyams, James Spencer and Matt Noble

Also Present: Councillor Jonathan Glanz (Item 1)

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 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 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 Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Rigby declared in respect of Item 3 that he had previously sat on the Sub-Committee when it had considered the original application. He declared in respect of Item 4 that the site is located in his ward. He further declared that as he had discussed the application with developers previously, he would not participate in the consideration of the application and would leave the room during its discussion.

2.3 Councillor Hyams declared in respect of Item 1 that she had received email correspondence from some of the objectors but had not expressed a view on the application. She declared in respect of Items 5 and 6 that the site is

located in her ward. She further declared that she knows the applicant and some of the objectors in her capacity as one of the local ward councillors but had not expressed a view on either of the applications. In respect of items 2 and 3 she declared that she had sat on the Sub-Committee when it had previously considered previous applications.

3 MINUTES

3.1 Resolved

That the minutes of the meeting held on the 6 August 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 41 - 43 BROOK STREET, MAYFAIR, LONDON W1K 4HJ

Demolition of the upper floors of 48-49 Brook's Mews and erection of building comprising ground and first to eighth floor levels; alterations to the basement and roof structure of 41-43 Brook Street; use of ground and first floors of 48-49 Brooks Mews as restaurant floorspace, use of lower ground and ground floors of 41-43 Brook Street as retail and use of the remainder of both buildings as hotel guestrooms in connection with the adjoining Claridge's hotel. (SITE INCLUDES 48-49 BROOK'S MEWS AND CLARIDGE'S HOTEL).

Late representations were received from the occupier of Flat 1, 50 Brooks Mews (3.9.2019), the occupier of Flat 5, 50 Brooks Mews (2.9.2019), the occupier of Flat 2, 50 Brooks Mews (3.9.2019), the occupier of Flat 7, Huguenot House, 19 Oxendon Street, London (3.9.2019), Innovate Planning (2.9.2019), Claridges (30.8.2019) and Four Communications (3.9.2019).

Paul Jackson spoke in support of the application.

Lady Michele Michels spoke in objection to the application.

Richard Cutt of the Residents' Society of Mayfair and St James's spoke in support of the application.

Councillor Jonathan Glanz spoke in objection to the application in his capacity as Ward Councillor.

RESOLVED: (for: Councillors Rigby, Spencer and Hyams; Against: Councillor Noble)

1. That conditional permission be granted, subject to:
 - (A) the completion of a S106 agreement to secure the following planning obligations:
 - i. A financial contribution of £116,880 (index linked and payable on commencement) to the Carbon Off-Setting Fund.

- ii. All highway works on Brooks Mews relating to the removal of the redundant vehicle crossover and associated works (legal, administrative and physical) prior to occupation of the new restaurants on Brooks Mews.
- iii. The costs of monitoring the agreement.

(B) The following changes to the draft decision letter:

- i. An additional condition requiring obscure glass to the eight bedroom windows in the east facing side elevation to a height of 1.6m and obscured glass to the bathroom windows to these bedrooms.
 - ii. Amending condition 11 so that the doors to Brooks Mews serving the two restaurant premises are to be shut between 21:00 and 07:00 hours daily and are not to be used by staff or patrons except in case of emergency.
 - iii. Amending condition 22 so that the access to the external courtyard for staff and guests is between 09:00 hours to 20:00 hours daily to mitigate the impact on the residents in Brooks Mews.
 - iv. Amending condition 18 reserving the approval of an operational management plan (OMP) for the extended hotel and restaurant uses which should include revised hours of access to the external courtyard as per B(iii) above. The OMP, in respect of the use of the external courtyard to be reviewed, in terms of its effectiveness, six months post occupation.
 - v. Additional minor changes to existing conditions and the reasons for them.
 - vi. An additional informative that the committee is keen to see no smoking in the external courtyard and that the applicant should seek to address this in the OMP. An additional informative regarding how Claridges intends to liaise with residents during construction works.
 - vii. The revised draft decision letters to be determined by officers under delegated powers subject to consultation and agreement with the Chairman.
2. If the legal agreement has not been completed within 6 weeks of the date of the Sub-Committee meeting then:
- a) The Director of Place Shaping and Town Planning 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 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 the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

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

2 WILLIAM COURT, 6 HALL ROAD, LONDON, NW8 9PA

Erection of a two-storey 4-bedroom single family dwelling.

Matt Richards (Agent – Savills) spoke in support of the application.

Additional representations were received from 14 William Court (26.8.2019), 15 William Court (28.8.2019), 92 William Court (25.8.2019), 105 William Court (28.8.2019), 105 William Court (26.8.2019), 25 Hamilton Gardens (22.8.2019), 27 Hamilton Gardens (25.8.2019) and Flat 5, 46 Hamilton Gardens (24.8.2019).

Late representations were received from the Waste Project Officer, Highways Planning (21.8.2019), St John's Wood Society (2.9.2019), 11 William Court (1.9.2019), 13 William Court (x2) (2.9.2019), 14 and 15 William Court (3.9.2019), 16 William Court (30.8.2019), 19 Hamilton Gardens (3.9.2019), 22 Hamilton Gardens (3.9.2019), Top flat, 25 Hamilton Gardens (x2) 29.8.2019, 27 Hamilton Gardens (29.8.2019) and Flat 5, 46 Hamilton Gardens (3.9.2019) and Hamilton Gardens (2.9.2019).

The presenting officer tabled the following changes to the report and draft decision letter:

1.Revised statement in report: -

Section 8.1 – Final Paragraph

The proposed house would comprise 298m² (GEA) over ~~basement~~ lower ground and ground floor levels (ground floor is at the base of the ramp level (lower than street level as the site slopes down and away from Hall Road) and would provide four-bedroom accommodation. It would be independently accessed with kitchen, dining, living areas and study at ground level with bedroom and bathroom accommodation below. It would be lit with natural light from front and rear windows ~~and rooflights at ground floor~~ and lightwells to allow natural light to reach the basement.

Section 8.7 – p.68 – Trees

The proposal should not have a direct impact on trees. ~~subject to tree protection during construction and this is proposed to be controlled by condition~~

2. Revised wording to condition 8

You must apply to us for approval of detailed drawings of a soft landscaping and planting scheme for the green/sedum roof which includes the number, size, species and position of shrubs and also details of the volumes of soil provided within the scheme. 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 1 year of completing the development (or within any other time limit we agree to in writing) and retain (and maintain) it thereafter.,

3. Additional informative No.8

The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an [Assumption of Liability Form](#) immediately. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a [Commencement Form](#)

CIL forms are available from the planning on the planning portal: <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

4. Revised wording to Informative No.3

Your sedum/green roof (condition 8) and landscaping and tree planting proposals (condition 9) must have sufficient soil volumes to be sustainable and must incorporate low water demand species.

RESOLVED UNANIMOUSLY:

That the application be deferred for a site visit.

**3 BASEMENT AND GROUND FLOOR, 108 WESTBOURNE GROVE,
LONDON, W2 5RU**

Variation of Condition 6 (servicing hours and numbers) of planning permission dated 16 October 2018 (RN: 18/02532/FULL) Use of basement and ground floors as a retail unit (Class A1) for a period of 15 years, and installation of air conditioning units on roof of 110 Westbourne Grove. NAMELY, to allow servicing and deliveries to take place between 08:00 and 18:00 Monday to Friday and between 08:00 and 13:00 Saturday.

An additional representation was received from SEBRA (19.8.2019).

The presenting officer tabled the following changes to the draft decision letter:

Amend condition 3 (new text in **bold**)

The retail use allowed by this permission can continue **until 16 October 2033** ~~for 15 years from the date of this permission~~. After that, this unit must return to its previous use.

Amend condition 4 (new text in **bold**)

You must apply to us for approval of details of how waste is going to be stored on the site **within three months of the date of this decision**. ~~You must not start work on the relevant part of the development until we have approved what you have sent us.~~ You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the retail use. You must not use the waste store for any other purpose. (C14CD)

Amend condition 5 (new text in **bold**)

You must apply to us for approval of details of secure cycle storage for the retail use **within three months of the date of this decision**. ~~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.

Amend condition 8 (new text in **bold**)

~~The retail use shall not open for trading until~~ **Within three months of the date of this permission, you must submit** a Servicing and Delivery Management Plan ~~has been to be submitted to and approved in writing by the City Council.~~ You must then carry out the development in accordance with the approved details.

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to the changes to the draft decision letter as tabled and set out above.

4 KINGS COURT, 31 PRINCE ALBERT ROAD, LONDON, NW8 7LT

Erection of single storey extension at eighth floor level and use of part of flat roof as a terrace with associated balustrade.

Having declared a prejudicial interest Councillor Robert Rigby left the room during the consideration of the application.

RESOLVED: That Councillor Louise Hyams be elected to Chair the item.

The presenting officer tabled the following amendments to the committee report:

8.2 Townscape and Design

Objections have been received in relation to the design and appearance of the extension and the existing seventh floor level of the building having a negative impact on the townscape.

~~Whilst it is located outside of a conservation area, it is located in a highly sensitive location adjacent to Primrose Hill and Regents Park Conservation Area, and the building is readily visible from both those vantage points.~~ **Whilst the site is located outside of a conservation area, it is recognised that the building is sited adjoining two notably sensitive heritage locations, namely Regent's Park and Primrose Hill. Regents Park is included in Historic England's Register of Parks and Gardens of Special Historic Interest in England at Grade 1, with Primrose Hill included at Grade 2. In addition, Regent's Park is included within a conservation area. Whilst recognising this sensitive setting, the proposals within this application are not considered to adversely affect the setting of these parks. The south-west corner of Primrose Hill includes an unlisted though attractive gothic style lodge building and to the north side of the application site are a series of altered historic terraced properties which retain some sense of their original form, however the extension proposed to the roof level of the application building is not considered to adversely affect these heritage assets.**

It is of relevance that a matching scheme was approved previously on 02 February 2016 under application referenced 15/11197/FULL. It is recognised that the City Plan has been adopted and the NPPF issued since that time, however these policies and guidance are not considered to give weight to a differing determination from the previous decision.

It is recognised that Unitary Development Plan policy DES 12 sets out a series of criteria to consider proposals for development adjoining parks and gardens, including that permission will only be granted for proposals which safeguard their appearance and setting, preserve their historic integrity, protect views into and out of these spaces, and will not project above existing tree or building lines. For the reasons set out elsewhere in this report, and mindful of the previous approval, it is not considered that the proposals would be contrary to the aims and objectives of this policy.

No alterations are proposed to the existing façade at seventh floor level. The extension is shown with a consistent rhythm of aluminium framing subdividing the main elevations of the extension into a series of bays responding to the width and

location of the bays of the elevation below. The white framing will help integrate the structure into the character of the building which has a white rendered top floor, with the brickwork facing to the rear picking up on its use in the lower floors of the building. Overall, the extension is considered neatly detailed. A series of 'look a like' spandrel panels are being used to screen views from the extension on the western elevation, and the appropriate detailing of these will be secured by condition. **Given the above, the extension is considered acceptable in design terms.**

Objectors state that the extension and existing seventh floor have a negative impact on the area. Officers consider that though the extension is readily visible from both relatively short and long views from the surrounding area, including the parks, it is not considered to harm the character and appearance of the building or townscape, nor harm the setting of the parks and in the context of the surrounding townscape does not appear excessively large to the roof of the building.

Given the above, **the proposals are not considered to harm the character and appearance of the building, surrounding townscape, and this includes a consideration that harm is not considered to be caused to the setting of the adjoining Regent's Park and Primrose Hill. As such, the proposals are considered acceptable in design, townscape and heritage terms. The recommendation for approval is considered in line with the statutory duties set out in s. 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

~~The recommendation is considered in line with relevant policies and guidance, and with the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.~~

RESOLVED UNANIMOUSLY: (Councillors Hyams, Spencer and Noble)

That conditional permission be granted.

5 DEVELOPMENT SITE BOUNDED BY 10 TO 18 NEWPORT PLACE 28 TO 35 NEWPORT COURT AND 51-79, CHARING CROSS ROAD, LONDON, WC2H 0NE

Use of the public highway within an area measuring 11m x 4m for the placing of 8 tables, 32 chairs and 17 barriers on Newport Place in connection with the restaurant at Unit 14 Newport Sandringham.

Sean Tickle (Agent – Rolfe Judd) spoke in support of the application.

Henry Shelford (Vale Royal House Residents Association) spoke in objection to the application.

Additional representations were received from Rolfe Judd (28.8.2019) and Shaftesbury (22.8.2019).

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to amending condition 3 so that the tables and chairs can only be put on the pavement between 12:00 and 20:00 hours daily and amending condition 7 so that the management plan reflects the amended hours.

6 DEVELOPMENT SITE BOUNDED BY 10 TO 18 NEWPORT PLACE 28 TO 35 NEWPORT COURT AND 51-79 CHARING CROSS ROAD, LONDON, WC2H 0NE

Use of the public highway measuring 13.9m x 4.0m for the placing of 11 barriers, 14 tables and 28 chairs to Newport Place in connection with the restaurant unit at Unit 15 Newport Sandringham.

Sean Tickle (Agent – Rolfe Judd) spoke in support of the application.

Henry Shelford (Vale Royal House Residents Association) spoke in objection of the application.

Additional representations were received from Rolfe Judd (28.8.2019) and Shaftesbury (22.8.2019).

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to amending condition 3 so that the tables and chairs can only be put on the pavement between 12:00 and 20:00 hours daily and amending condition 7 so that the management plan reflects the amended hours.

The Meeting ended at 8.39 pm

CHAIRMAN: _____

DATE _____