



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 21st January, 2020**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Robert Rigby (Chairman), Peter Freeman, Guthrie McKie and Mark Shearer.

**Also Present:** Councillor Jonathan Glanz (Item 3) addressed the Sub-Committee in his capacity as Ward Councillor in support of the application.

**Apologies:** Councillor Tim Roca.

#### 1 MEMBERSHIP

- 1.1 It was noted that Councillor Robert Rigby replaced Councillor Melvyn Caplan and that Councillor Guthrie McKie replaced Councillor Tim Roca.

#### 2 DECLARATIONS OF INTEREST

- 2.1 The Chairman explained that a week before the meeting, all six 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 will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Mark Shearer declared that, in respect of Planning Application Item 2 (50 Eastbourne Terrace), he had a personal relationship with one of the co-founders of Yard Nine. Whilst legal officers had advised that there was no conflict of interests, Councillor Shearer made the declaration in the interests of transparency.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on the 19<sup>th</sup> November 2019 be signed by the Chairman as a correct record of the proceedings.

### **4 TREE PRESERVATION ORDER TPO 654 (2019) LAND TO THE REAR OF ALBANY COURT, PALMER STREET, LONDON SW1H 0AA**

4.1 On 2nd October 2019, the City Council made a provisional Tree Preservation Order (TPO) to protect one cherry tree (labelled T1 on the TPO plan) and one honey locust tree (labelled T2 on the TPO plan) located on land to the rear of Albany Court, Palmer Street, London, SW1H 0AA. The TPO was provisionally effective for a period of six months from the date it was made (2nd October 2019) during which time it could be confirmed with or without modification. If not confirmed, the TPO would lapse after 2nd April 2020.

4.2 The TPO was made because the trees have high amenity value and make a positive contribution to the character and appearance of Palmer Street. The City Council, having been made aware of the potential to prune or remove the trees for redevelopment works, considered it expedient in the interests of amenity that a TPO be made, in order to safeguard their preservation and future management.

4.3 Confirmation of the TPO would not preclude the appropriate management or removal of the trees in the future, subject to the merits of any future application.

4.4 Objection to the TPO had been received from Wagama Estates Limited, Zetland House, 5/25 Scrutton Street, London EC2A 4HJ.

4.5 The City Council's Arboricultural Officer had responded to the objection.

#### **RESOLVED UNANIMOUSLY:**

That the Sub-Committee confirm Tree Preservation Order No. 654 (2019) without modification with permanent effect.

### **5 PLANNING APPLICATIONS**

#### **1 55 REGENT STREET LONDON W1B 4DY**

Use of part ground floor, part mezzanine and part basement level as a food court (sui generis).

Late representations were received from Councillor Tim Barnes in his capacity as Ward Councillor in support of the application (17.01.2020) and Mr Bob Dawson (The Crown Estate) in support of the application (16.01.2020). The Presenting Officer submitted the following amendments to Conditions 2 and 3:

**Condition 2**

Customers shall not be permitted within the food court at basement and ground floor levels before 07.00 hours or after ~~23.00~~ **00.00 hours (midnight)** on Sundays to Thursdays and before 07.00 hours or after ~~00.00 (midnight)~~ 01.00 hours the following morning on Fridays and Saturdays.

**Condition 3**

You must not allow more than ~~40~~ **20** seated customers within the ground floor area nor more than 330 customers into the basement food court at any one time.

Ms Leanne Catterall addressed the Sub-Committee in support of the application.

The Sub-Committee discussed the application and noted their support of the officer's recommendation. The Sub-Committee particularly discussed their unanimous support in view of the entrance being on Piccadilly, not Regent Street, the re-opening of a former underground entrance and the challenges being faced by the retail sector. The Sub-Committee considered that, subject to a number of safeguarding conditions as outlined, the change of use was acceptable.

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

**2 50 EASTBOURNE TERRACE LONDON W2 6LG**

Variation of condition 1 of planning permission dated 10 July 2019 (RN: 18/09733/FULL) which itself varied condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop)/ A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews. NAMELY, to allow the relocation of cycle and refuse storages into defensible zone landscaping along Chilworth Mews; party wall adjustments to incorporate services; amendment to unit mix increasing the provision of family sized dwellings; amendments to facade and roof; and changes to the ground floor office reception layout and the introduction of a retail café unit.

Additional representations were received from the South East Bayswater Residents Association (SEBRA) (12.01.2020) and from Yard Nine (15.01.2020).

Late representations were received from Councillor Antonia Cox in her capacity as Ward Councillor (16.01.2020), 5 Chilworth Mews (17.01.2020) and Gerald Eve (12.11.2019 and 20.01.2020). The Presenting Officer provided the Sub-Committee with an officer memorandum (21.01.2020), which set out the following revisions to the report and draft decision notice:

**1. Clarifications on land use mix floorspace and ancillary café.**

- For the avoidance of doubt the proposed café to ground floor of Eastbourne Terrace is to remain ancillary to the office accommodation as per condition 34. Therefore, whilst for all intents and purposes will appear as a café, it will remain ancillary to the office use. As such the floorspace figures in the table on page 52 of the Officer's report has been revised as below:

Land use M2 GIA	Pre-existing	2016 permission	2019 permission	Proposed m2 GIA
Office	6,529	8,476	10,103	<del>10,040</del> 10,092
Retail A1/A2/A3	1,092	1,165	988	<del>1,040</del> 988
Residential	Nil	853	961	974
<b>Total</b>	<b>7,652</b>	<b>10,494</b>	<b>12,052</b>	<b>12,054</b>

The description of development on the first page of the report and on the draft decision letter is also tweaked to reflect the following.

*Variation of condition 1 of planning permission dated 10 July 2019 (RN: 18/09733/FULL) which itself varied condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop)/ A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews. NAMELY, to allow the relocation of cycle and refuse storages into defensible zone landscaping along Chilworth Mews; party wall adjustments to incorporate services; amendment to unit mix increasing the provision of family sized dwellings; amendments to facade and roof; to the mews buildings and changes to the ground floor office reception layout and the introduction of an **ancillary** retail cafe unit*

**2. Amendment to condition 3 to reflect that granted under a Non -Material Amendment on 26.07.2019 (19/05689/FULL) and following the approval of condition 3B(i) on 28.11.2019 (19/09181/ADFULL)**

*A. All demolition and earthwork and piling phases shall be carried out in accordance with the documents and details approved as part of the completed Appendix A of the Code of Construction Practice signed by relevant parties on 05.06.2019, which constitutes an agreement to comply with the code and requirements contained therein.*

*B (Part i). Construction of the*

*a. Office substructure;*

*b. Office Concrete Cores to roof level;*

*c. Residential foundations and superstructure comprising piled foundations, blockwork and pre-cast concrete plants (up to level 2);*

*(excluding demolition and earthwork and piling phases), shall be carried out in accordance with the documents and details approved as part of the completed Appendix A of the Code of Construction Practice signed by relevant parties on 25.11.2019, which constitutes an agreement to comply with the code and requirements contained therein.*

*B (Part ii). Prior to any construction works on site (excluding demolition and earthwork and piling phases and the works approved under part (i) of this condition), the applicant shall provide evidence 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 a completed Appendix A of the Code of Construction Practice for construction, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein.*

**3. Amendment to Condition 21 to reflect that granted under a Non-Material Amendment on 14.01.2020 reference 19/09883/NMA.**

*Any structure including canopies and awnings over the footway shall maintain 2.6m vertical clearance from the footway surface at all time and not extend any closer than 1m to the kerb edge, with the exception of the scheme of public art approved on 31.12.2019 under reference: 19/09886/ADFULL.*

**4. Amendment to Condition 31 (as already set out in blue bundle) to reflect agreed servicing hours at 40 Eastbourne Terrace.**

*All servicing must take place from the loading bay shown on the drawings (whether enclosed in a structure or not) and this area shall only be used for this purpose and servicing must only take place between 07.00-20.00 on Monday to Saturday and 10.00-16.00 on Sunday and Bank Holidays. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.*

**5. Amendment to Condition 34**

*The ancillary cafe to ground floor level accessed from Eastbourne Terrace, shall only be operated in accordance with the following requirements:*

- a) *The cafe shall remain ancillary to the office use and shall not be used as a separate planning unit.*
- b) *The cafe shall not undertake primary cooking.*
- c) *The cafe shall not operate a delivery service.*
- d) *The cafe shall not accept deliveries from Eastbourne Terrace, all deliveries shall be made using the loading bay to the rear of the site.*
- e) *The cafe shall operate between the hours of 07.00-22.00 hours daily.*

**6. Additional condition 35 - Tree protection recommended- due to activity in proximity of trees on site during current site works. Wording of condition to reflect Condition 3 and outstanding Cosp requirements.**

*Prior to any construction works on site (excluding demolition and earthwork and piling phases and the works already approved as set out under condition 3 (Construction of the*

- a. *Office substructure;*
- b. *Office Concrete Cores to roof level;*
- c. *Residential foundations and superstructure comprising piled foundations, blockwork and pre-cast concrete plants (up to level 2).*

*You must apply to us for approval of detailed drawings of how you will protect any trees within the site. This includes the design of permanent tree guards. You must not carry out the outstanding construction work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings and details.*

Mr Mark Younger of Yard Nine (Invesco) addressed the Sub-Committee in support of the application.

Ms Amy Rogers addressed the Sub-Committee in objection to the application.

Mr John Zamit addressed the Sub-Committee in his capacity as Chairman of SEBRA in objection to the application.

The Design Officer addressed the Sub-Committee on the contemporary scheme and the suite of details to accompany that scheme.

**RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted, subject to a Deed of Variation of the earlier Deed of Variation dated 10 July 2019, which itself varied the original S106 agreement dated 15 November 2016, to secure all the previously secured obligations in connection with this permission.
2. That if the Deed of Variation had not been completed within three (3) months from the date of the Committee's 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 were possible and appropriate, the Director of Place Shaping and Town Planning be

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 agreement within an appropriate timescale, and that the proposals were unacceptable in the absence of benefits that would have been secured; if so, the Director of Place Shaping and Town Planning be authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

### **3 26 CHARLES STREET LONDON W1J 5DT**

Amalgamation of two flats into a single dwelling-house (Class C3).

Late representations were received from Councillor Jonathan Glanz in his capacity as Ward Councillor in support of the application (16.10.2020) and Councillor Tim Barnes in his capacity as Ward Councillor in support of the application (17.01.2020).

Mr Godfrey Barker addressed the Sub-Committee in support of the application.

Councillor Jonathan Glanz addressed the Sub-Committee in his capacity as Ward Councillor in support of the application.

The Sub-Committee discussed the application and noted the adopted City Plan Policy S14, the adopted Mayfair Neighbourhood Plan and the desirability of keeping families within Westminster. The Sub-Committee particularly discussed that, whilst the application would result in the loss of a residential unit, the application would return a Grade II listed building to its single dwelling house origins. In reversing Officers' recommendations, the Sub-Committee considered that:

- there were heritage reasons why this application was appropriate and why that outweighed the policy considerations in the Mayfair Neighbourhood Plan Policy MRU 2.3 concerning the resistance to net loss of residential units in Mayfair;
- the building was originally built as a Georgian villa and it was heritage policy that the best use of a listed building was the use for which it was originally built; and
- therefore amalgamating these two units into the single dwelling purpose for which the building was originally built constituted material consideration to outweigh the conflict with Policy MRU 2.3 of the Mayfair Neighbourhood Plan (adopted in December 2019), the policy basis on which Officers' recommendation for refusal had been based.

#### **RESOLVED UNANIMOUSLY:**

That conditional planning permission be granted.

**4 CERVANTES COURT INVERNESS TERRACE LONDON W2 6JE**

Use of part of lower ground floor (garages 9,10 and 11) and associated land as two (2) self-contained flats (Class C3) and associated external alterations, including erection of lower ground floor rear extension and creation lightwell to front elevation with staircase access, cycle and refuse stores.

The Planning Officer submitted additional informatives as set out in the Environmental Health Consultation Team Memo of 09.01.2020.

A late representation was received from SEBRA (19.01.2020).

Mr Jeremy Biggin of Wentworth Andersen addressed the Sub-Committee in support of the application.

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted, subject to a Grampian condition to secure car club membership for the two flats for a period of 25 years prior to occupation.

**5 SAXON HALL PALACE COURT LONDON W2 4JA**

Rationalisation and reduction of the existing parking in the rear yard to provide three vehicle spaces.

A late representation was received from Thomas Darwall-Smith of Keystone Planning (21.01.2020).

**RESOLVED UNANIMOUSLY:**

That conditional planning permission be granted, subject to an additional informative on greening.

The Meeting ended at 20:25.

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

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