



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 4th February, 2020**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Jim Glen (Chairman), David Boothroyd, James Spencer and Elizabeth Hitchcock

**Also Present:** Councillor Mark Shearer (Item 4)

#### 1 MEMBERSHIP

- 1.1 It was noted that Councillors Jim Glen and David Boothroyd had replaced Councillors Robert Rigby and Matt Noble respectively.
- 1.2 **RESOLVED:** That Councillor Jim Glen be elected as chairman for the meeting.

#### 2 DECLARATIONS OF INTEREST

- 2.1 Councillor David Boothroyd advised that he is the Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. No current schemes are in Westminster; if there were he would be precluded from working on them under the company's code of conduct.
- 2.2 He further stated that some Thorncliffe clients have also engaged planning consultants who are separately representing the applicants with applications on the agenda: CBRE on item 3 and DP9 on item 4. However he declared that he does not deal directly with clients or other members of project teams, and planning consultants are not themselves clients.
- 2.3 On item 1 he declared that he was a member of the committee which granted the original application in January 2017.

#### 3 MINUTES

- 3.1 **RESOLVED:** That the minutes of the meeting held on 7<sup>th</sup> January 2020 be signed by the Chairman as a correct record of proceedings.

## **4 PLANNING APPLICATIONS**

- 4.1 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.

### **1 VARIOUS LOCATIONS NW8, NW6, W9 WITHIN NORTH WESTMINSTER INCLUDING PRINCE ALBERT ROAD LONDON**

Variation of condition 1 (approved plans) and condition 2 (relocation of poles) of planning permission dated 06 December 2017 (RN: 16/04837/FULL) for: Erection of 26 sets ( 1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6. Namely, to allow the relocation of poles in locations 10, (Carlton Vale) and 11 (Kilburn Park Road) and 12 (Oxford Road) and revised pole design, size and material (from tapered 110>38mm diameter steel pole to 114>38 mm diameter colour coated aluminium pole).

#### **RESOLVED UNANIMOUSLY:**

1. That permission be granted subject to the completion of a legal agreement under the highway, planning and local government legislative provisions, to secure all the previous obligations pursuant to the legal agreement dated 6th December 2017 in connection with permission under reference 16/04837/FULL and the additional obligation set out below:
  - a) the removal of the existing parking sign pole and the replacement of the parking plates onto the new Eruv poles at locations 11 and 12, at the applicant's cost.
  
2. If the agreement has not been completed within 3 months from the date of the Committee's 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 an appropriate timescale, and that the proposals are unacceptable in the absence of 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.

## **2 FRASER LODGE INNER CIRCLE REGENTS PARK LONDON NW1 4NX**

Installation of mechanical plant within acoustic enclosure sited in excavated area to northern elevation of Fraser Lodge with additional planted screening

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

### **Additional condition 5**

Noise from the plant within the enclosure hereby approved shall not exceed 45dB(A) at the boundary to Regents Park.

#### **Reason**

To safeguard the tranquil setting of the park and the area generally as set out in S11 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

### **RESOLVED UNANIMOUSLY:**

That conditional permission be granted subject to the additional condition as tabled and set out above.

## **3 15-16 BEDFORD STREET LONDON WC2E 9HE**

Use of part basement as restaurant (Class A3) accessed via new ground floor entrance on Bedford Court and associated internal and external alterations including installation of full height ventilation duct in lightwell.

An additional representation in the form of a brochure on the proposed change of use was submitted by the applicant.

Mark O'Mullane, applicant and Gordon Kerr, the proposed operator for the restaurant, spoke in support of the application.

Aine Bourke, a planning consultant acting on behalf of the residents of 8 Bedford Court, spoke in objection to the application.

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

### Additional Condition:

21.

The restaurant (Class A3) use allowed by this permission must not begin until you have fitted self-closing doors at Bedford Court. You must not leave these doors open except in an emergency or to carry out maintenance. (C13EC)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

### Additional Informatives:

4.

Under the Clean Air Act 1993 the whole of the City of Westminster is an Air Quality Management Area (AQMA). In an AQMA, if solid fuel is used (e.g. wood, charcoal etc) emitting smoke via a fixed chimney in commercial premises, e.g. in kitchens, then only 'Authorised Fuels' and/or 'Exempt Appliances' are permitted. Further information can be found at the following government website:

<https://www.gov.uk/smoke-control-area-rules>

5.

In relation to condition 15:

- The kitchen extract duct should be designed to discharge vertically
- All cookline equipment must be placed under the extraction canopy
- The kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance, at approximately 2-3 metre intervals or in compliance with the Building & Engineering Services Association document TR19 for cleaning and maintenance
- Any cladding must be made of non-flammable materials approved by Building Control and/or Fire Brigade and still allow access to the cleaning and maintenance doors/hatches.
- Access to the ducting must comply with the Health & Safety safe access standards

### Clarifications to Conditions

8.

You must carry out the restaurant (Class A3) use in accordance with the approved Operational Management Plan received 22 January 2020 at all times, unless a revised Operational Management Plan is submitted for approval by the City Council. The approved Operational Management Plan must thereafter be followed by the occupants for the life of the development.

9.

You must not allow more than 125 customers into the restaurant (Class A3) at any one time. (C05HA)

10.

You must carry out the development in accordance with the approved Delivery and Servicing Plan dated October 2019 at all times that the restaurant (Class A3) and retail unit (Class A1) are in use, unless a revised Delivery and Servicing Plan is submitted for approval by the City Council. The approved Delivery and Servicing Plan must thereafter be followed by the occupants for the life of the development.

**RESOLVED UNANIMOUSLY:**

1. That conditional permission and conditional listed building consent be granted subject to the additional conditions/informatives as tabled and set out above and an additional informative to make it clear that any other restaurant operator will need to submit a new operational management plan and servicing and delivery plan for approval by the council.
2. That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

**4 195 PICCADILLY LONDON W1J 9LN**

Display of non- illuminated shroud advertisements measuring 23.49m x 39.02m and 12.79m x 8.15m for a temporary period between 01 February 2020 and 31 December 2021 (site includes 190- 195 Piccadilly).

Additional representations were received from Councillor Mark Shearer on behalf of all three St James's ward councillors (28/1/20) and Councillor Jonathan Glanz (30/1/20).

Late representations were received from Royal Academy of Arts (31/1/20), Atkins Public Realm on behalf of the St James's Conservation Trust (4/2/20), a brochure of the temporary fabric scaffolding wrap and hoarding from the applicant (3/2/20), Councillor Tim Barnes (4/2/20) and Councillor Mark Shearer (4/2/20).

Amanda Berry, on behalf of BAFTA, spoke in support of the application.

Councillor Mark Shearer spoke in support of the application on behalf of the St James's ward councillors as well as Councillors Barnes and Glanz, West End ward.

**RESOLVED UNANIMOUSLY:**

That contrary to the officer recommendation the Sub-Committee agreed to grant temporary advertisement consent for the revised design, which was presented to members. The Committee considered that the applicant had demonstrated exceptional circumstances in that the proposal would not cause harm to the visual amenity of the area and in light of the charitable aims of the applicant.

That the draft decision notice setting out the conditions and the reasons for them be agreed by officers under delegated powers.

The Meeting ended at 8.00 pm

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

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