



**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 18th August, 2020**, Please note that this will be a virtual meeting..

**Members Present:** Councillors James Spencer (Chairman), Matt Noble, Louise Hyams and Richard Elcho

#### **1 MEMBERSHIP**

##### **1.1 Membership**

There were no changes to the membership

##### **1.2 Election of Deputy Chairman**

The Chairmen proposed that Councillor Louise Hyams be appointed as Deputy Chairman for the duration of the Meeting. There being no other nominations it was

#### **RESOLVED**

That Councillor Louise Hyams be appointed as Deputy Chairman for the duration of the Meeting.

#### **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 Louise Hyams declared in respect of Item 8 the Application site was located in her Ward and advised that no discussions had been held with the Applicant and Objectors about the Application.
- 2.3 Officers informed the Sub-Committee that Councillor Gotz Mohindra had declared an indirect interest on Item 6. Councillor James Spencer declared that he had not held any discussions with Councillor Mohindra about the Application. The other Majority Members and Minority Member also made the same declarations.

### **3 MINUTES**

- 3.1 That the minutes of the meeting held on the 23 July 2020 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 APPLICATION 1: 2 PROVIDENCE COURT, LONDON, W1K 6PR APPLICATION 2: 8 BALDERTON STREET, LONDON, W1K 6TF**

Application 1: Redevelopment behind retained facade with three additional floors and mechanical plant within enclosure at roof level, excavation of new basement, to provide hotel use (Class C1) as an extension to the adjacent Beaumont Hotel.

Application 2: Creation of internal openings on all levels to link building to 2 Providence Court and associated works.

Additional Representations were received from Cllr Jonathan Glanz (07.08.20), Place Shaping and Town Planning WCC (06.08.20) and Richard Maung (14.08.20).

The presenting officer tabled the following amended Condition.

#### **Item 1: Application 1: 2 Providence Court, London, W1K 6PR Application 2: 8 Balderton Street, London, W1K 6TF**

##### Amended Condition

Condition 14, You must apply to us for approval of a high-resolution photo sample and manufacturers specification of the translucent glazing for the west elevation windows. You must not start any work on these parts of the development until we have approved what you have sent us and must then carry out the work according to these details. You must then maintain it in the form shown for the life of the development and keep these windows fixed shut.

Richard Maung addressed the Sub-Committee in support of the Application.

#### **RESOLVED UNANIMOUSLY:**

Application 1:

1. That conditional permission be granted subject to the amendment of Condition 14 as set out above and the completion of a S106 legal agreement to secure the following planning obligations:
  - a) Payment to economy Team of £42,846.02 ( index linked and payable on commencement of development ,
  - b) Payment to fund works to the highway at Providence Court to raise the redundant dropped kerb and reinstate pavement (prior to occupation), and
  - c) The cost of monitoring the S106 legal agreement .
- 2 If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
  - a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission and 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
3. The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that the proposal 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.

#### Application 2

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

## **2 AVERY HOUSE, 1-3 AVERY ROW LONDON W1K 4AJ**

Alterations at roof level to create a roof terrace for use in association with existing restaurant (Class A3). Removal of existing plant and installation of plant within three louvred enclosures and erection of a screen around the roof.

### **RESOLVED UNANIMOUSLY:**

That conditional permission be granted subject to Condition 4 being amended to stipulate that no live or recorded music to be played on the roof terrace.

## **3 10 SOHO STREET LONDON W1D 3DL**

Erection of an extension at the rear of the property at third, fourth and fifth floor levels and the erection of a new single storey extension at roof level with the

installation of new plant; all to alter and enlarge the Hare Krishna Centre (sui generis).

The presenting officer tabled the following additional Conditions

**Item 3: 10 Soho Street London W1D 3DL**

Conditions

Condition 6

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 5 of this permission. You must not start work on this part of the development (apart from running the plant for testing purposes) until we have approved what you have sent us and the acoustic louvres/screening have been installed.

Condition 14

You must install the high level extract ducts serving the kitchen areas as shown on the approved drawings within six months of the date of this decision and maintain them in this form in perpetuity.

Zhuobin He addressed the Sub-Committee in support of the Application.

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted subject to the additional Condition as tabled and set out above and Condition 10 being amended to require blinds to be fitted also to the side elevation of the roof top conservatory adjacent to No 10 Soho Square to protect the amenities of these residents.

**4 12 ABBEY GARDENS LONDON NW8 9AT**

The applications were withdrawn by officers prior to the meeting on the grounds that there was no Flood Risk Report with proposed basement. The basement is within a Surface Water Hotspot

**5 78 - 84 SUSSEX GARDENS LONDON W2 1UH**

Installation of one air handling unit, support structure and acoustic screen within lightwell at rear of hotel. Site includes 25 and 27 Southwick Street.

An Additional Representation was received from a local resident (Unknown).

Jon Dingle addressed the Sub-Committee in support of the Application.

**RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted.

2. That conditional listed building consent be granted.
3. That reasons for granting conditional listed building consent as set out in informative 1 of the draft decision letter be agreed.
4. That a strongly worded informative regarding the removal of the unauthorised plant to be undertaken speedily be included.

## **6 2 PARK WEST PLACE LONDON W2 2QZ**

Use of basement car park as storage and distribution (Use Class B8) (self-storage facility)

Additional Representations were received from a local resident (09.08.20), local resident (09.08.20), local resident (10.08.20) and Councillor Gotz Mohindra (13.07.20)

The presenting officer tabled the following amendment to the officer's Report and amendments to Condition 5 and Condition 6,

### **Item 6 – 2 PARK WEST PLACE, LONDON, W2 2QZ**

The description of development includes the hours that the storage facility would operate which would prejudice the applicant's ability to apply to amend them at a later date following *Finney v Welsh Ministers* [2019] EWCA Civ 186. The hours stated in that description (i.e. 0700-1900 Monday to Friday, 0700-1600 Saturdays and Sundays 1000-1600) are also longer than those consulted on and any approval given may be prejudicial to residents if permission is granted on this basis. Accordingly, the following amendments to the officer's report have been made:

1 The description of development throughout the report has been amended to the following:

*"Use of basement car park as storage and distribution (Class B8)(self-storage facility)".*

2 The first paragraph of section 7 of the officer's report (page 171) has been amended as follows:

*"Permission is sought for change of a car park to a self-storage facility (Class B8). The proposed opening hours are 07:00-19:00 Monday to Friday **and** 07:00-16:00 Saturdays" and 10:00-16:00 Sundays (and Bank Holidays).*

3 The second paragraph of section 8.3 of the officer's report (page 173) has been amended as follows:

*"The opening hours of the car park when in operation by NCP are not known. However, it is thought likely to have been 24 hours a day, like their other car parks that are still in operation in this part of the city. It is proposed that the self-storage facility will be also be open each day of the week but from 07:00-*

19:00 Monday to Friday **and** 07:00-16:00 Saturdays and 10:00-16:00 Sundays (and Bank Holidays). The hours proposed are well aligned within those of many local businesses and as such are regarded as being acceptable through not allowing for activity late at night which would be more likely to cause disturbance to residents. The applicant agreed in their revised Operation and Management Plan to state that customers will not be permitted to enter the storage facility outside of these hours. If permission is to be granted, a condition is to be included requiring that this, and the proposed hours are adhered to by the operator.”

4 Amend condition 5 on page 182 of the officer’s report to the following:

*“Customers shall not be permitted within the self-storage facility premises before 07:00 or after 19:00 on Monday to Friday, before*

*07:00 or after 16:00 on Saturdays and not at all on Sundays, bank holidays and public holidays. (C12BD)*

*Reason:*

*To protect the environment of people in neighbouring properties, as set out in 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. (R13BC)”*

Further to the amendment in your Blue bundle, condition 6 (Page 182 of your agenda) needs to be amended so that it does not conflict with the amended condition 5. As currently drafted, condition 6 requires compliance with the Operation and Management Plan dated 28th July 2020. That Operation and Management Plan refers to hours that are not consistent with the amended condition 5. To address this, it is recommended that condition 6 is amended as follows:

**6. Subject to the hours of operation set out in condition 5, the self-storage facility use hereby approved shall be carried out in accordance with the Operation and Management Plan dated 28th July 2020.**

*Reason:*

*To protect the environment of people in neighbouring properties, as set out in S32 of Westminster’s City Plan (November 2016) and ENV 6 and ENV 7 of*

#### **RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted, as amended, subject to the amended hours and there being no openings on Sunday and for the amended Condition 6 on the OMP to reflect this.
2. That an informative to require to apply for Building Control Approval and Fire Safety be included.

**7      11 GROSVENOR CRESCENT MEWS LONDON SW1X 7EU**

Excavation of single storey basement under footprint of the existing building, creation of two rooflights within rear courtyard, amendments to front and rear fenestration, replacement of part of roof to match neighbouring roofline along with three new skylights, and insertion of lightwell and green wall within the existing building.

Additional Representations were received from Leconfield (unknown), Charles Russell Speechlys LLP (14.08.20), (26.06.20) and (23.06.20).

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

**8      14 BUCKINGHAM PALACE ROAD, LONDON SW1W 0QP**

Use part ground floor as restaurant (class A3) and installation of four air condenser units at rear second floor level.

Additional Representations were received from a local resident (15.08.20) and local resident (15.08.20).

Charlotte McManus addressed the Sub-Committee in support of the Application.

**RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted subject to an additional Condition (18) which restrict the hours of use of 3 air conditioning units between 07:00hrs to 23:00hrs and 1 refrigeration unit 24.00 hours and that Officers draft the wording of the Condition
2. That conditional listed building consent be granted.
3. That reasons for granting Conditional Listed Building Consent as set out in Informative 1 of the draft Decision Letter be agreed.

The Meeting ended at 8.35 pm

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

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