



CITY OF WESTMINSTER

MINUTES

Planning (Major Applications) Sub-Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 21st March, 2023**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Ruth Bush (Chair), Paul Fisher, Mark Shearer, Nafsika Butler-Thalassis, Jason Williams and Jim Glen

Also Present: Councillors Louise Hyams and Patrick Lilley

1 MEMBERSHIP

That Councillor Jim Glen was substituting for Councillor Robert Rigby.

There were no other changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Ruth Bush 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 would have read about the issue and comments made by correspondents in the papers read prior to the meeting. The Sub-Committee would be adjourned to allow Members to read late representations that had been submitted prior to the meeting.

2.2 Councillor Ruth Bush declared an interest in Item 1 and advised that she previously sat on a Planning Sub-Committee which considered a prior application. Councillor Bush advised that all considerations which had been made at that meeting would be dismissed and would approach the Application with a 'fresh mind' and was able to consider the item without predetermination as required.

- 2.3 Councillor Bush declared an interest for all the Items and advised that she was a Trustee of Westminster Tree Trust.
- 2.4 Councillor Jason Williams declared an interest in Item 1 and advised that he previously sat on a Planning Sub-Committee which considered a prior application and would consider the application with an open mind and without any pre-determination. Councillor Williams informed that he was previously a member of Covent Garden Area Trust (CGAT) and knew one of the objectors. He advised that he had not discussed the application with the individual.
- 2.5 Councillor Williams also declared that in respect of Item 2, he and Councillor Patrick Lilley were both members of the Majority Group. He advised that the application had not been discussed with Councillor Lilley.
- 2.6 Councillor Paul Fisher declared an interest in Items 2 and 3, he advised that the applications site was located within his Ward. He advised that in relation to Item 2, he personally knew some of the objectors. The applications were not discussed.
- 2.7 Councillor Fisher also declared an interest in Item 1 and advised that discussions had been held with residents on the merits of the original application. Councillor Fisher advised that he would withdraw from the meeting whilst the Item was being discussed to ensure that the Planning Sub-Committee decision is unimpeachable.
- 2.8 Councillor Nafsika Butler-Thalassis declared an interest in Item 1 and advised that she previously sat on a Planning Sub-Committee which considered a prior application and would consider the application with an open mind and without any pre-determined view.
- 2.9 Councillor Jim Glan declared an interest and advised that he knew some of the objectors and informed that no discussions had been held regarding the Applications.
- 2.10 Councillor Glen declared an interest for all the Items and advised that he was a Trustee of Westminster Tree Trust and would consider all applications with an open mind.
- 2.11 Councillor Mark Shearer declared an interest in Item 4 and advised that he had received a presentation alongside his Ward colleagues from the Applicant. Councillor Shearer informed that he would approach the Item with an open mind.
- 2.12 Councillor Shearer declared an interest in Item 1 and informed that a Ward colleague had previously sent an email which advised that all three Ward colleagues were in support of the Application. He advised that it was previously not intended for him to be part of a Planning Sub-Committee which was to consider the Application. Councillor Shearer advised that

following legal advice, he would withdraw from the meeting whilst the Item was being considered.

3 PLANNING APPLICATIONS

The Chair advised that the Items on the Agenda would be considered in the following order Items 1,2,4 & 3.

1 28-32 SHELTON STREET, LONDON, WC2H 9JE

Application 1: Mixed-use development at Old Brewer's Yard including: at 28-32 Shelton Street, the erection of a single storey roof extension, a rooftop plant enclosure and other external alterations (including shopfront alterations, new rear access to the Yard, and plant) in connection with the use of the building as a restaurant (Class E(b)); at 1 Mercer Walk, the installation of ancillary plant & servicing equipment, external alterations including opening up of blind windows on east elevation and the installation of PV panels at main roof level, all in connection with the use of the building as a microbrewery and visitor attraction with ancillary retail, bar and training space (Sui Generis); at 15A Neal Street (ground floor only), external alterations including installation of full-height glazed rear wall and installation of a new shopfront; at 5 Langley Street (basement, part-ground floor and part[1]roof only) alterations to north and west facade and installation of new plant, all in connection with the flexible mixed-use of the basement and part-ground floor as entertainment/events/community space with ancillary storage areas (Sui Generis); at the rear of 7 Langley Street, installation of plant at roof level and the use of the former bin store as a bar area servicing the Yard (Sui Generis); at Old Brewer's Yard, the erection of a new high-level glazed canopy structure and semi[1]permanent external seating, installation of new entrance gates fronting Shelton Street, placement of planters and associated street furniture, for use of the Yard as a flexible entertainment/dining/events/ community outdoor space (Sui Generis). (Site includes Old Brewer's Yard, 28-32 Shelton Street, 15A Neal Street, 5, 6 and 7 Langley Street, 1 and 3 Mercers Walk and 107-115 Long Acre).

Application 2: Works to rear-part of 7 Langley Street comprising the part-demolition of external walls and construction of new walls, openings, and associated fixtures including canopy fixtures pertaining to the yard, the complete demolition of internal structures and installation of new internal structures including replacement staircase and new mezzanine level for use as a bar and ancillary storage, and installation of plant at roof level; together with works at 28-32 Shelton Street comprising the installation of entrance gates fronting the undercroft shared with listed building 34 Shelton Street. [Site includes 6, 7-8 Langley Street and 34 Shelton Street]

An additional representation was received from the Seven Dials Area (16.03.23).

Late representations were received from Edward Stanford Group (20.03.23), Seven Dials Area (20.03.23) and Covent Garden Area Association (20.03.23).

The Presenting Officer tabled the following amended conditions and an additional condition.

Item No. 1

28-32 Shelton Street, London, WC2H 9JE

Revised condition 13

No amplified sound or live music shall be played which is audible outside the site premises (which the site premises for the avoidance of doubt includes Old Brewer's Yard).

Revise condition 26

You must apply to us for approval of detailed drawings of the following parts of the development: , ,

- i. Canopy details: including fixings to no. 7 and 8 Langley Street and 28-32 Shelton Street and column/supports and beam details.(see informative 8),
- ii. New shopfronts and entrance doors to Shelton Street (scaled 1:10);
- iii. New frontage to 15A Neal Street (scaled 1:10);
- iv. All new external doors and windows to 1 Mercer Walk;
- v. **The canopies over Old Brewers Yard**

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Additional condition 41

You must not use any part of the approved roof extension at 28-32 Shelton Street until the following elements of the proposed development, which are considered to be public benefits of the scheme, have been provided:

- A public route through Old Brewer's Yard in accordance with the terms set out in the Walkways Agreement.
- The use of the basement of 5 Langley Street as a community space in accordance with details secured as part of a s106 agreement.
- Provision of the micro-brewery.

Tom Johnson addressed the Sub-Committee in support of the application.

Vicky Landy addressed the Sub-Committee in support of the application.

The Clerk read out a statement submitted by Margaret Crowe from the Odhams Walk Residents Association who wrote in objection to the application.

David Bieda from The Seven Dials Trust addressed the Sub-Committee in objection to the application.

Amanda Rigby from the Covent Garden Community Association addressed the Sub-Committee in objection to the application.

Paul Velluet from the (Covent Garden Area Trust) addressed the Sub-Committee in objection to the application.

Councillor Louise Hyams addressed the Sub-Committee in her capacity as Ward Councillor in support of the Application.

UNANIMOUSLY RESOLVED

1. Application 1

1. That conditional permission as amended and additional conditions, be granted subject to a S106 legal agreement to secure the following:

- i. The relocation of the residential use at second and third floor level at 23 Neal Street and third floor level at 17-19 Neal Street as part of a separate land use swap. The applicant not to occupy the development until the land use swap has been physically completed in all material respects to a standard ready for residential occupation and evidence has been submitted to the City Council to confirm completion of such works.
- ii. Details of a community strategy for use of the Event Space at 5 Langley Street.
- iii. To secure a Community Liaison Group during construction and during the operation life of the development.
- iv. Walkways Agreement to secure access to Langley Passage and Old Brewer's Yard.
- v. Monitoring costs.

If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:

a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers, however, if not

b) The Director of Town Planning and Building Control shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

2. That additional conditions be added which requires the following: -

- I. Security scheme including lighting for Langley Passage.
- II. Waste storage to minimise bin storage in Langley Passage
- III. Lighting scheme for the proposed extension to 28 – 32 Sheldon Street

3. That Condition 10 be amended to include requirement for a residents' Liaison Scheme.

4. The operational management plan to return to the Sub-Committee for approval.

2. Application 2

1. That conditional listed building consent be granted.
2. That the reasons for granting conditional listed building consent as set out in Informative 1 be agreed.
3. Committee specified that officers be given delegated authority to correct the decision drawing numbers on the FULL and LBC draft decision notices.

2 11-15 FARM STREET, LONDON, W1J 5RS

Demolition of the existing building, and redevelopment to provide a building of basement, ground and five upper storeys with plant enclosure at roof level for use as office (Class E).

Alex Morgan addressed the Sub-Committee in support of the application.

Mark Kelly addressed the Sub-Committee in support of the application.

David Cooper addressed the Sub-Committee in objection to the application.

Belinda Harley representing The Residents' Society of Mayfair & St James addressed the Sub-Committee in objection to the application.

Cllr. Patrick Lilley in his capacity as Ward Councillor addressed the Sub-Committee in objection to the application.

RESOLVED Refuse: Councillors Ruth Bush, Jim Glen, Paul Fisher and Jason Williams: Approve: Councillors Nafsika Butler-Thalassis and Mark Shearer.

That the Application be refused.

Reason:

Excessive height and bulk: unacceptable impact on the conservation area

3 7 BURLINGTON GARDENS, LONDON, W1S 3QG

Partial change of use to facilitate the use of the buildings as a retail gallery and restaurant(s) with ancillary wine and champagne and caviar bar (Class E); replacement roof structure at 7 Burlington Gardens; minor extension to the rear of 2 Old Burlington Street; installation of plant and new external roof terrace and a series of associated external and internal works to reconfigure and refurbish the fabric of the buildings.

The Presenting Officer tabled the following amendments to Conditions 3, 4, 14, 16 and 21

Amendments to Conditions 3, 4, 14, 16 and 21 on Planning Application

22/02155/FULL

3) You must apply to us for approval of samples of the facing materials you will use, including glazing. You must also apply for any proposed restoration works to any façades (excluding any 'like for like' repair). Any application should include elevations and roof plans annotated to show where the materials / works are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

4) You must apply to us for approval of full details of the following parts of the development;

- i) The new roof above the main eighteenth century house, including the glazed central section, the rebuilt chimney stack and all interfaces with retained fabric;
- ii) Any modifications to existing windows (including any internal safety works), any new windows and / or external doors;
- iii) The new rooflight to the rear infill of no.2 Old Burlington Street;
- iv) Rooftop access and any other maintenance interventions including any walkways, platforms or railings;
- v) All new plant equipment and any associated plant screens and their finishes;
- vi) External lighting;
- vii) External CCTV cameras;
- viii) Ventilation, extraction and other services, terminations and routes at façade and roof.
- ix) Internal lighting at third floor level nearby the roof skylight at level 03
- x) Any other new technical roofs;
- xi) Any works proposed to cap or open existing chimneys, and
- xii) Works to facilitate the installation of new UKPN infrastructure (including any revised floor levels)

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

14 The use of the premises hereby approved shall only be open to visiting members of the public between the following hours:

- 08:00 - 23:00 (Monday to Wednesday),
- 08:00 - 00:30 (Thursday to Saturday) and,
- 09:00 - 23:00 (Sunday).

Outside of these hours, visiting members of the public are not permitted to be in the retail gallery.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

16) You must not allow more than 80 customers onto the external terrace on L02 at any one time.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

21) The publicly accessible internal floorspace used directly for provision of cafe/restaurant, wine bar and champagne and caviar bar purposes within the building should not exceed a cumulative total of more 650 sqm (GIA).

Reason:

We cannot grant planning permission for unrestricted Class E use because it would have the potential to harm the character and function of the Mayfair and harm the amenity of neighbouring occupiers. This would not meet Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05IA)

Amendments to Condition 3, of Listed Building Consent 22/02174/LBC

3) You must apply to us for approval of full details of the following parts of the development (other than where works are 'like for like' repairs):

- i) The new roof above the main eighteenth century house (7 Burlington Gardens), including the glazed central section, the rebuilt chimney stack and all interfaces with retained fabric;
- ii) Modifications to existing windows (including any internal safety works), any new windows or doors;
- iii) The new rooflight to the rear infill of no.2 Old Burlington Street;
- iv) The interior treatment of the new roof space above the main eighteenth century house including the glazed toplight above the Leoni staircase;
- v) The new feature lift through the main eighteenth century former house;
- vi) Modifications and / or restoration works to existing stairs;
- vii) The new mezzanine fixings, finishes and shadow gap detail to the floor and the new partitions associated with the new mezzanine at ground and first floor;
- viii) Strategy and methodologies for any proposed restoration works to / installations on facades;
- xix) Works to existing interiors: ceilings, cornices, plasterwork, joinery and fireplaces;
- x) Interior fit-out and finishes to interiors at lower ground, ground and

first floors, including fixed joinery;
xi) Services routes, associated modifications and their appearance;
xii) Fire strategy installations;
xiii) Rooftop access and any other maintenance interventions including any walkways, platforms or railings;
xiv) All new plant equipment and any associated plant screens and their finishes;
xv) Internal and external lighting;
xvi) Any Secondary glazing (if proposed);
xvii) CCTV cameras and all other 'fixed' small electricals and infrastructure associated with security and utilities.
xviii) Ventilation, extraction and other services terminations and routes at façade and roof.
xix) Details of any new 'technical roofs' or proposals to cap or open existing chimneys.
You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Tim Price addressed the Sub-Committee in support of the application.

UNANIMOUSLY RESOLVED

1. That conditional planning permission, as amended, be granted subject to a legal agreement to secure the following:
 - a) Contribution of £3,000,000 (three million pounds) towards the City Council's Affordable Housing Fund.
 - b) 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 Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Planning shall consider whether the 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 the benefits that would have been secured; if

so the Director of Place Shaping and 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 the reasons for granting listed building consent as set out within informative 1 of the draft decision letter be granted.

4 7 NORTHUMBERLAND STREET, LONDON, WC2N 5DA

Partial demolition and rebuilding of the front and rear facades, demolition and rebuilding of the third floor level, erection of a part single, part two storey upward extension, rear extensions at ground and first floor level and part rear extensions from second to fifth floors to provide additional office (E(g)) floorspace, plant with enclosure at roof level, roof terrace at 5th floor level, new lift core, internal alterations and new street elevation lightwell.

Additional representations were received from a resident (16.03.20), resident (15.03.23),(14.03.23), (14.03.23) and (08.03.23)

Late representations were received from a resident (17.03.23), a resident (17.03.23), (15.03.23) & (20.03.23), Savils (20.03.23) & Hollis Global (20.03.23),

Marek Wojciechowshi addressed the Sub-Committee in support of the application. Richard Brown addressed the Sub-Committee in objection to the application.

Helen Brown addressed the Sub-Committee in objection to the application.

Councillor Louise Hyams in her capacity as Ward Councillor addressed the Sub-Committee in objection to the application.

RESOLVED Approve: Councillors Ruth Bush, Paul Fisher, Nafsika Butler-Thalassis, Jason Williams and Jim Glen; Defer to a site visit Councillor Mark Shearer

That conditional permission be granted subject to a S106 legal agreement to secure the following:

- i. Cost of any highway works associated with the development.
- ii. The cost of monitoring this agreement.

If the S106 legal agreement has not been completed within 3 months from the date of the date Committee's resolution, then:

- a) The Director of Town Planning and Building Control 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 Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Town Planning and Building Control 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 the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

The Meeting ended at 11.30 pm

CHAIRMAN: _____

DATE _____