



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (3)** Committee held on **Tuesday 17th September, 2024**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Nafsika Butler-Thalassis (Chair), Ryan Jude, Patrick Lilley and Laila Cunningham

Also Present: Councillor Louise Hyams (Item 2)

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 The Chair explained that a week before the meeting, all 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.

2.2 Councillor Lilley declared a non-pecuniary interest in agenda items 2 and 3 as both application sites were in his Ward. He also declared that he knew the applicant for agenda item 6 but they had not discussed the application.

2.3 Councillor Jude declared a non-pecuniary interest in agenda item 6 in that he knew the applicant but had not discussed the application.

2.4 Councillor Cunningham declared a non-pecuniary interest in agenda item 6 in that she knew the applicant but had not discussed the application.

3 MINUTES

RESOLVED:

3.1 That the minutes of the meeting held on 23 July 2024 be signed by the Chair as a correct record of proceedings.

4 TREE PRESERVATION ORDER: TPO: 24/01083/TPO - 92 CLIFTON HILL, LONDON, NW8 0JT

1 x London plane (T1, rear): fell

RESOLVED UNANIMOUSLY:

That consent be granted for the removal of T1, on the condition that the tree was replaced.

5 PLANNING APPLICATIONS

5.1 The applications were taken in the following order: 2, 1, 3, 4, 5, 6.

1 27B THE MARKET, COVENT GARDEN, LONDON, WC2E 8RD

Variation of Conditions 3 and 5 of planning permission dated 24 March 2022 (RN 21/03975/FULL) for the use of 3 areas of public highway measuring 7.1m x 7.1m, 7.3m x 8.8m and 6.3m x 8.8m for the placing of 108 chairs, 24 tables, planters, windscreens, 5 parasol bases and new services below existing cobbles, installation of external service station, placement of waiter stations, external alterations to existing window in south elevation, and associated works to allow the use to continue and works to remain in place for a further temporary two year period.

Andrew Hicks, from Shaftesbury Capital, addressed the Sub-Committee in support of the application.

Ozgur Karakas, from NaNa, addressed the Sub-Committee in support of the application.

Miriam Holland, speaking on behalf of Covent Garden Area Trust, addressed the Sub-Committee in objection to the application.

RESOLVED: (Grant: Councillors Nafsika Butler-Thalassis, Ryan Jude and Cunningham. Refuse: Councillor Patrick Lilley)

That contrary to the officers' recommendation the application be granted.

REASON:

Members granted a further 2 year temporary planning permission as they considered there was limited highway obstruction, recognised there is currently a difficult economic situation for businesses and that the public benefits of al fresco dining in Covent Garden outweigh the less than substantial harm to heritage assets.

2 35 THE MARKET, COVENT GARDEN, LONDON, WC2E 8RF

Use of an area of public highway measuring 6.5m x 10.5m for the placing of 28 tables, 56 chairs, 3 stools, 13 planters, 2 parasols, two external bars and associated works in connection with Sushi Samba.

The presenting officer tabled the following revision to the officer report and revised reason for refusal:

Replace the following paragraph with the text in bold below:

The proposal is, therefore considered unjustifiable and would have an unacceptable impact on the setting of this important building, the townscape qualities of the Piazza and the Covent Garden Conservation Area, contrary to Policies 38, 39, 40 and 43 of the City Plan. It would also be inconsistent with the vision set out in the Covent Garden Public Realm Framework which seeks to reinforce the East Piazza as an open public space where a balance is found between alfresco demand, movement and views of the Market Building.

The harm to the setting of the grade II* listed Market Building and to the Covent Garden Conservation Area caused by the development is 'less than substantial'. Because it is a permanent presence and because of the importance and sensitivity of this location, the harm is considered to be within the middle range of the 'less than substantial' harm spectrum.

Paragraph 208 of the National Planning Policy Framework (NPPF) states that where a proposal would lead to less than substantial harm to the significance of a heritage asset(s), this harm should be weighed against the public benefits of the proposal. In this instance, the potential economic benefits of allowing an all-year-round seating area for the commercial unit would not offset the multiple harms arising from the appearance and permanency of the outdoor furniture on this corner of the East Piazza.

The proposal is, therefore considered unjustifiable and would have an unacceptable impact on the setting of this important building, the townscape qualities of the Piazza and the Covent Garden Conservation Area, contrary to Policies 38, 39, 40 and 43 of the City Plan. It would also be inconsistent with the vision set out in the Covent Garden Public Realm Framework which seeks to reinforce the East Piazza as an open public space where a balance is found between alfresco demand, movement and views of the Market Building. Permission should therefore be refused.

In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, notably Section 72 and the requirements set out in Chapters 12 and 16 of the NPPF. The aspects of the proposal that harm the relevant heritage assets are the same as those that compromise the openness of the Piazza, set out in the Land Use section of this report. Hence, these combine to form a single reason for refusing the application on open space, heritage and townscape grounds.

Revised Reason for Refusal: Because of the size, location and design of the parasols, windscreens, planters, service station and bar, the proposals would: harm the setting of the Grade II* listed Covent Garden Market Building; compromise the quality, heritage and amenity value of the Covent Garden Piazza as an open space; clutter this area of public realm; and, fail to maintain or improve (preserve or enhance) the character and appearance of the Covent Garden Conservation Area. This would not meet Policies 34, 38, 39, 40 and 43 of the City Plan 2019 - 2040 (April 2021).

Councillor Louise Hyams addressed the Sub-Committee in support of the application.

Andrew Hicks, from Shaftesbury Capital, addressed the Sub-Committee in support of the application.

Sophie Hardy, from Hybrid Planning and Development, addressed the Sub-Committee in support of the application.

Miriam Holland, speaking on behalf of Covent Garden Area Trust, addressed the Sub-Committee in objection to the application.

RESOLVED:(Grant: Councillors Nafsika Butler-Thalassis, Ryan Jude and Cunningham. Refuse: Councillor Patrick Lilley)

That contrary to the officers' recommendation the application be granted.

REASON:

Members granted a further 2 year temporary planning permission as they considered there was limited highway obstruction, recognised there is currently a difficult economic situation for businesses and that the public benefits of al fresco dining in Covent Garden outweigh the less than substantial harm to heritage assets.

3 17-19 FOLEY STREET, LONDON, W1W 6DW

Alterations including the erection of a roof extension at fourth floor level to provide additional office space (Class E) with a plant enclosure above and creation of a terrace along the Ogle Street and Foley Street frontages with access from additional accommodation.

A late representation was received from the applicant (16.09.24)

Will Kumar, from Newmark Properties, addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional planning permission be granted with amended condition 7 to allow for the use of the terrace between 08.00-20.00 Mon-Fri only.

4 22 - 24 BRUTON PLACE, LONDON, W1J 6NE

Erection of an extension at rear second floor level and erection of a single storey roof extension to provide additional office (Class E) floorspace at third floor level with terrace fronting Bruton Place and with roof plant above.

External alterations including the reconfiguration of the ground floor frontage, installation of replacement/additional/enlarged windows and door on the front and rear elevation and installation of canopy within rear lightwell. Use of part ground floor as retail accommodation (Class E).

A late representation was received from the applicant (16.09.24)

Peter Pulford, from BEAM, addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional planning permission be granted with amended condition 7 to allow for the use of the terrace between 08.00-20.00 Mon-Fri only; with a condition requiring soft landscaping to be maintained in the proposed planters; with informative requesting no pop-up events or launches that would disturb neighbouring residents and subject to a legal agreement to secure the following:

- a) Undertaking of highways works within the vicinity of the site include the re-instatement of footway in place of redundant vehicle crossover.**
- b) The costs of monitoring the 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 Town Planning and Building Control 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 Town Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;**
- b) The Director of Town Planning and Building Control 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 Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.**

5 8 WESTBOURNE PARK ROAD, LONDON, W2 5PH

Demolition and replacement of existing building behind retained facade, including side infill extension at ground, first and second floor levels; replacement of front windows; and installation of air source heat pumps within enclosure in rear garden and photovoltaic panels to the side elevation of the hipped roof and the second-floor flat roof.

Lucy Wood, from Lucy Wood Architects, addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional planning permission be granted.

6 27 HUXLEY STREET, LONDON, W10 4QQ

Replacement of existing single glazed sash windows with double glazed sash windows using applied glazing bars.

RESOLVED UNANIMOUSLY:

That conditional planning permission be granted.

The Meeting ended at 9.15 pm

CHAIR: _____

DATE: _____