



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 8th December, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

Members Present: Councillors Robert Davis (Chairman), Richard Beddoe, Susie Burbridge and David Boothroyd

1 MEMBERSHIP

- 1.1 Councillor Richard Beddoe replaced Councillor Tim Mitchell.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Davis declared that any Members of the Majority Party who had or would make representations on the applications on the agenda were his friends. He also advised that in his capacity as Deputy Leader and Cabinet Member for Planning it was inevitable and part of his role that he gets to know, meet and talk to leading members of the planning and property industry including landowners and developers and their professional teams such as architects, surveyors, planning consultants, lawyers and public affairs advisers as well as residents, residents associations and amenity groups. It was his practice to make such declarations. He stated that it did not mean that they were his personal friends or that he had a pecuniary interest but that he had worked with them in his capacity as Cabinet Member for Planning.
- 2.2 Councillor Davis also explained that all four Members of the Committee were provided a week before the meeting 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 e-mails 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 the meeting in the officers presentation or by Members of the Committee, because of the need to get through a long agenda, it does not mean that Members have ignored the issue as they will have read about it and comments made by correspondents in the papers read prior to the meeting.

- 2.3 Councillor Davis also declared that in his capacity as the Cabinet Member for the Built Environment with specific responsibility for planning he regularly meets with developers as part of the City Council's pre-application engagement with applicants. This was wholly in accordance with normal protocols and the terms set out in the Localism Act 2011 and as amplified in the Communities and Local Government Act Guidance document "A Plain English Guide to the Localism Act". Councillor Davis added that the meetings held with applicants and in some case objectors too are without prejudice and all parties are advised that a final formal decision is only taken when all the facts are before him and his Committee through the normal planning application process.
- 2.4 Councillor Davis wished to declare that in his capacity as Cabinet Member he knows a number of the directors of planning consultancy companies in Westminster. The planning consultancy companies were representing the applicants on a number of items on the current agenda, including Belgrave, Four Communications, DP9, JLL, Turleys, Gerald Eve and Savills.
- 2.5 Councillor Davis made the following further declarations as they related to the specific applications on the agenda:

Item 1: He had held meetings with the applicants, he knows the directors of DP9 and also a number of objectors in respect of the application and their representatives. He also referred to the Council having an interest as the street sweeping depot was part of the application.

Item 2: The applicant is Land Securities. He knows the directors of Land Securities and had received hospitality from the company over the years. He had held meetings with them concerning the site. He also knows the directors of JLL, their representatives and a number of the objectors. He also knows the directors of Turleys.

Item 3: He had held meetings with the applicants. He also knows the directors of Gerald Eve and their representatives, the architect for the development and a number of the objectors.

Item 4: He knows the applicants, Grosvenor Estate and had received hospitality from them over the years. He had held meetings with them in respect of the current application. He also knows the directors of The Goring Hotel who were objecting to the application.

Item 5: He had held meetings with the applicants, Grosvenor Estate and had received hospitality from them over the years. He also knows the directors of Gerald Eve and their representatives.

Item 6: The applicant is Land Securities. He knows the directors of Land Securities and had received hospitality from the company over the years. The Council would have an interest in the event the application was granted as it would benefit from a new library on the site.

Item 7: The application is located in Councillor Davis' ward. He had chaired the Committee that had deferred consideration of the application in October 2015. He had held meetings with the applicants and knows the applicants' representatives, Belgrave and Savills. He also knows a number of the objectors.

Item 8: He knows the applicants' representatives, Turleys.

Item 9: He knows Mr Ferguson of Lancer Property Asset Management Ltd. The company acts for Berkeley Square Holdings Ltd, the freeholder of the property.

Item 11: A previous application for the premises had been considered by the committee chaired by Councillor Davis. He knows the directors of the applicants' representatives, Belgrave.

Item 12: He knows Councillor Roberts and also the architect, Michael Blair.

- 2.6 Councillor Richard Beddoe declared that any Members of the Majority Party who had or would make representations in respect of the applications on the agenda were his friends. He also knows a number of the directors of planning consultancy companies in Westminster, including some of the companies which were representing the applicants in respect of applications on the current agenda.
- 2.7 Councillor Susie Burbridge declared that any Members of the Majority Party who had or would make representations in respect of the applications on the agenda were her friends. She advised that she is Deputy Cabinet Member for Housing, Business, Regeneration and Economic Growth. She also declared that in respect of item 7, 34 Palace Court is located in her ward. In respect of item 11, she believed that she had been a Member of the Committee which had considered an application for the premises before. In respect of item 12, she knows Councillor Roberts.
- 2.8 Councillor David Boothroyd declared that he is Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. No current clients are in Westminster; if there were he would be precluded from working on them under the company's code of conduct.
- 2.9 Councillor Boothroyd also declared that some Thorncliffe clients had hired planning consultants who were also representing applicants on items being considered at the meeting. These were DP9 on item 1, Jones Lang Lasalle on item 2, Gerald Eve on items 3, 5 and 6, Savills on item 7, and Turley on item 8. However he added that he does not deal directly with clients or other members of project teams, and there is no financial link between the planning consultants and my employers. The applicants in respect of items 2 and 6 are Land Securities, who are clients of Thorncliffe in respect of a scheme in Worcester. Councillor Boothroyd declared he was a Member of the Committee which previously deferred

item 7, and of the Committee that made a decision on the original application for item 11. In respect of item 7, he declared he is a friend of Karen Buck MP who made representations in respect of the previous application.

3 MINUTES

3.1 The minutes of the meeting held on 17 November 2015 were approved and signed by the Chairman as a true and correct record.

4 PLANNING APPLICATIONS

1 AUDLEY SQUARE GARAGE, 5 AUDLEY SQUARE, W1K 1DS

Demolition of existing buildings (with the exception of 4 Red Lion Yard which is to be retained with external alterations) and the erection of new building of eight/nine storeys (plus lower ground floor and four basement levels) to provide 30 residential units with swimming pool and gymnasium, creation of roof terraces, car parking and cycle parking; vehicular access from Waverton Street; hard and soft landscaping; and plant at roof level.

A draft decision letter was submitted as an additional representation.

A late representation was received from Anstey Horne (04.12.15).

The Presenting Officer referred at the meeting to the revised recommendation to include:

‘1. Grant conditional permission, subject to a S106 legal agreement to secure the following:

a) i. The implementation of a planning permission, should it be granted, for the redevelopment of the City Council’s street-sweeping depot at 21-23 Farm Street for mixed use purposes comprising a new depot and affordable housing;

or ii, if planning permission is not granted for i. above, the refurbishment/rebuilding of the Council’s street-sweeping depot at 21-23 Farm Street together with a contribution of £9.4M towards the City Council’s affordable housing fund (index linked and payable upon commencement of development);

b) Highways works associated with the development;

c) Communal on-site parking spaces to be unallocated;

d) Public art provision;

e) Provision of £30,000 per annum (index linked) towards monitoring the construction project by the City Council’s Environmental Inspectorate and Environmental Health officers;

f) Costs of the stopping up order and the Dedication Agreement; and

g) The costs of monitoring the S106 agreement.’

RESOLVED:

1. That conditional permission be granted subject to a S106 legal agreement to secure the following:
 - a) i. The implementation of a planning permission, should it be granted, for the redevelopment of the City Council's street-sweeping depot at 21-23 Farm Street for mixed use purposes comprising a new depot and affordable housing;

or ii, if planning permission is not granted for i. above, the refurbishment/rebuilding of the Council's street-sweeping depot at 21-23 Farm Street together with a contribution of £9.4M towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
 - b) Highways works associated with the development;
 - c) All on-site parking spaces to be unallocated;
 - d) Public art provision;
 - e) Provision of £30,000 per annum (index linked) towards monitoring the construction project by the City Council's Environmental Inspectorate and Environmental Health officers;
 - f) Costs of the stopping up order and the Dedication Agreement; and
 - g) The costs of monitoring the S106 agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
 - a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of that area of highway required to enable the development to take place.
4. That the City Transport Advisor be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order.

2 DEVELOPMENT SITE AT 1-23 SHAFTESBURY AVENUE, 19-26 DENMAN STREET, 44-48 REGENT STREET, 4-8 GLASSHOUSE STREET AND 1-4 SHERWOOD STREET, W1D 7EA

Demolition of existing buildings and demolition behind retained facades of 19 and 20 Denman Street facades; realignment of 4-6 Glasshouse Street, 1 Sherwood Street, 8 Glasshouse Street and 11-17 Shaftesbury Avenue facades and retention of Piccadilly Lights. Construction of a replacement six storey building (plus 6th floor mezzanine office) with three basement levels to create a mixed use scheme comprising office (Class B1) at part ground to sixth storey mezzanine; retail (Classes A1 retail, A2 financial and professional services and A3 restaurant) at part basement 1, part ground and part first floor; up to seven residential units (Class C3) at part first floor, part second floor and part third floor; and plant and cycle storage within the basement. Associated works including mechanical plant within roof enclosure and loading facilities. (REVISED DESCRIPTION OF DEVELOPMENT).

Additional representations were received from the Designing Out Crime Officer, North East Area (02.12.15 and 22.07.15), the Counter Terrorism Security Adviser (17.07.15), Regent Street Association (30.11.15), Westminster Kingsway College (02.12.15) and Mrs Liz Callingham (29.11.15).

Late representations were received from Jones Lang LaSalle Ltd (04.12.15 and 07.12.15), Land Securities (04.12.15), Fergus Coleman (Head of Affordable & Private Sector Housing – 07.12.15), Hotel Café Royal (07.12.15), New West End Company (07.12.15), Sanctuary Group (08.12.15) and Andrew Barber (Area Design and Conservation Officer – South – 07.12.15).

The Presenting Officer at the meeting referred to the amended recommendation, which was now set out as follows:

‘1. Does the Committee consider that:

- i) the case made by the applicant for not providing on site residential is acceptable?
- ii) a financial contribution of £3,466,263 towards the Council’s affordable housing fund in lieu of on-site residential is acceptable in this case?
- iii) the proposed provision of the replacement affordable residential accommodation in the vicinity of the site rather than within the site is acceptable?
- iv) the loss of retail (Class A1) floorspace is acceptable?

2. Subject to 1 above and the views of the Mayor of London, grant conditional permission, subject to the completion of a S106 legal agreement to secure the following:

- i) a contribution of £3,466,263 towards the City Council’s affordable housing fund (index linked and payable upon commencement of development);
- ii) compliance with the City Council’s Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cap of £41,000;
- iii) a Crossrail contribution of £1,719,217 (subject to agreement with TfL);
- iv) payment for the cost of necessary highway works including relocation of the bus stop on Shaftesbury Avenue;

- v) to submit an application for the provision of a minimum of 830m2 (GEA) of residential floorspace in the vicinity of the site prior to commencement of development;
- vi) to provide the off-site residential floorspace prior to first occupation of any part of the development and thereafter not to occupy the residential floorspace other than as Affordable Housing;
- vii) local employment and training initiatives; and
- viii) monitoring costs.'

RESOLVED:

1. The Committee decided:
 - (a) the case made by the applicant for not providing on site residential is acceptable in this case.
 - (b) a financial contribution of £3,466,263 towards the Council's affordable housing fund in lieu of on-site residential is acceptable in this case.
 - (c) the proposed provision of the replacement affordable residential accommodation in the vicinity of the site rather than within the site is acceptable in this case.
 - (d) the loss of retail (Class A1) floorspace is acceptable in this case.
 - (e) That an informative is to be added to the decision letter that Members will accept an office conversion to affordable housing nearby to replace the lost affordable housing on site.
2. Subject to 1 above and the views of the Mayor of London, that conditional permission be granted subject to the completion of a S106 legal agreement to secure the following:
 - i) a contribution of £3,466,263 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
 - ii) compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cap of £41,000;
 - iii) a Crossrail contribution of £1,719,217 (subject to agreement with TfL);
 - iv) payment for the cost of necessary highway works including relocation of the bus stop on Shaftesbury Avenue;
 - v) to submit an application for the provision of a minimum of 830m2 (GEA) of residential floorspace in the vicinity of the site prior to commencement of development;

- vi) to provide the off-site residential floorspace prior to first occupation of any part of the development and thereafter not to occupy the residential floorspace other than as Affordable Housing;
- vii) local employment and training initiatives; and
- viii) monitoring costs.'

3. If the S106 legal agreement has not been completed within six weeks of the date of this decision then:
- a) The Director of 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 Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director of 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 the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3 FIRST CHICAGO HOUSE, 90 LONG ACRE, WC2E 9RA

Demolition of existing office building (forming whole street block with frontages to Long Acre, Endell Street, Shelton Street and Arne Street) and redevelopment to provide two new buildings comprising two basements, ground and part 7 to part 12 upper floors to provide a mix of uses comprising office (Class B1), 119 residential units (Class C3), retail (Class A1/A3), rehearsal space (sui generis), car parking for 30 cars accessed from Shelton Street together with new kiosk, publically accessible courtyard, landscaping works, public realm improvements, plant, cycle parking and other ancillary works.

An additional representation was received from Gerald Eve LLP (04.12.15).

Late representations were received from Councillor Louise Hyams (08.12.15), Fergus Coleman (Head of Affordable & Private Sector Housing – 08.12.15) and Gerald Eve LLP (08.12.15).

The Presenting Officer referred to an additional paragraph to the committee report at the meeting, which is set out as follows:

'In considering these proposals the City Council has a duty to take in account Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the preservation of the setting of listed buildings. This is supported by national policy in the NPPF that requires that 'great weight' be given to the preservation of listed buildings, including their setting. Where harm is found to be caused by a development proposal affecting the setting of a listed building,

planning permission should only be approved if that development's public benefits would significantly and demonstrably outweigh that harm.

Similarly, Section 72 of the Act requires that for development proposals within conservation areas, special attention be paid to the preservation or enhancement of the character or appearance of that conservation area. This requirement does not extend to development affecting the setting of a conservation area, although as with listed buildings, the NPPF requires that 'great weight' be given to the preservation of conservation areas, including their setting.

The officer report advises that there is some harm caused to the setting of a number of listed buildings. This therefore triggers Section 66. Section 72 is not triggered as the site is not within a conservation area.

The officer report advises that, whilst some elements of the proposals would cause harm to the setting of a number of adjacent and nearby listed buildings, this is adequately countered by the social, economic and environmental benefits of the proposals.'

RESOLVED:

1. That conditional permission be granted subject to the views of the Mayor and the completion of a S106 legal agreement to secure:
 - a) 11 affordable/intermediate rented housing units;
 - b) A financial contribution of £89,000 towards the Council's affordable housing fund;
 - c) The Council's Code of Construction Practice and a financial contribution of £42,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
 - d) Car club membership for each residential flat for 25 years;
 - e) Car Parking Management Plan to include measures to ensure that no space is individually sold or allocated specifically to a unit or user and car parking spaces are on a first come first served basis to residents only;
 - f) The provision of a cultural rehearsal space at a sub market rent, fully fitted out and made ready for occupation prior to the occupation of the residential and office uses, with user to be agreed by the City Council,;
 - g) Public realm works;
 - h) Highway works to Long Acre, Endell Street, Shelton Street and Arne Street, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical)

- i) Car Lift Management Strategy to ensure downtime is kept to an absolute minimum;
 - j) Monitoring costs.
2. If the agreement has not been completed within six weeks of the date of the Committee resolution then:
- a) The Director of 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 Planning is authorised to determine and issue such a decision under Delegated Powers.
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

4 32 BUCKINGHAM PALACE ROAD, SW1W 0RE

Construction of mansard roof extension at fourth floor level and use of first, second, third and new fourth floor to provide 23 intermediate affordable housing units (Class C3). Use of the ground and basement floors for retail (Class A1/A3) including replacement shopfronts. External works to the front, rear and side elevations and other associated works. (Site includes 32-42 Buckingham Palace Road) (Part of land use swap with development site at 1-5 Grosvenor Place RN 15/06448/FULL).

An additional representation was received from Environmental Health (03.12.15).

A late representation was received from The Goring Hotel (07.12.15).

RESOLVED:

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

- i) Notification to all prospective residents of the proximity of the development to the garden of the Goring Hotel and of the use of the garden for events;
- ii) Residents of the development to agree not to object to the use of the garden through either a complaint of statutory nuisance or an objection to any licencing applications relating to either the hotel or garden;
- iii) Residents of the development to agree not to object to the proximity of the trees between the garden and the development;

- iv) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of up to £35,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
 - v) All residents to be entitled to free membership of a car club scheme. Developer to undertake to pay annual access charge for 25 years from first occupation;
 - vi) The provision of 23 residential units for intermediate rent to be managed by a registered provider to be agreed with the City Council. The rents charged on all the intermediate units to be linked to the median household incomes of those registered for intermediate housing opportunities in Westminster.
2. If the S106 legal agreement has not been completed within three months of the date of the Sub-Committee resolution, then:
- a) The Director of 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 Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director of 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 the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

5 DEVELOPMENT SITE AT 1-5 GROSVENOR PLACE, SW1X 7HJ

Demolition of all existing buildings and comprehensive redevelopment to provide a mixed use development accommodated in a single building arranged around a central courtyard of lower ground, ground, eight upper floors, rooftop plant and basements. Use of new building for hotel comprising up to 190 guest rooms, restaurants/bars, ballroom, function rooms, hotel leisure/spa facilities, ancillary and back of house spaces (Class C1), 24-28 residential dwellings including ancillary residential leisure and amenity facilities (Class C3) and retail (Class A1) car and cycle parking with access from Grosvenor Crescent and Halkin Street, refuse, delivery and circulation spaces within basements and other associated works. (Site includes Yorkshire House, Grosvenor Crescent, 3, 4, 5 and 8 Pembroke Close and 12 Halkin Street London SW1).

Additional representations were received from Gerald Eve LLP (residential accommodation schedule) and Peter Emerson (29.11.15).

Late representations were received from Simon Pennock and Councillor Rachael Robathan (08.12.15).

The Presenting Officer referred to an additional paragraph to the committee report at the meeting, which is set out as follows:

‘In considering these proposals the City Council has a duty to take into account Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the preservation of the setting of listed buildings. This is supported by national policy in the NPPF that requires that ‘great weight’ be given to the preservation of listed buildings, including their setting. Where harm is found to be caused by a development proposal affecting the setting of a listed building, planning permission should only be approved if that development’s public benefits would significantly and demonstrably outweigh that harm.

Similarly, Section 72 of the Act requires that for development proposals within conservation areas, special attention be paid to the preservation or enhancement of the character or appearance of that conservation area. This requirement does not extend to development affecting the setting of a conservation area, although as with listed buildings, the NPPF requires that ‘great weight’ be given to the preservation of conservation areas, including their setting.

The officer report advises that, whilst some elements of the proposals would cause harm to the setting of a number of adjacent and nearby listed buildings and to the character and appearance of the Belgravia Conservation Area, within which the site partly falls, this is adequately countered by the social, economic and environmental benefits of the proposals, such that overall no harm would be caused.’

The Presenting Officer also referred to an amended condition 22 of the draft decision letter, which is set out as follows:

‘You must apply to us for approval details of the following:

- i) a final Operational Management Plan for the hotel and its ancillary facilities (based upon the draft Operational Management Plan submitted within the application).
- ii) a final Delivery and Servicing Plan (based upon the draft Delivery and Servicing Plan submitted within the application).

You must not occupy any part of the hotel until we have approved what you have sent us. You must then operate the hotel in accordance with the approved details.’

An additional condition was also tabled by the Presenting Officer, as follows:

‘You must not accept any bookings from coach tour operators.’

RESOLVED:

1. That conditional permission be granted subject to the views of the Mayor, the amended condition set out above and subject to a S106 legal agreement to secure:
 - i) The provision of affordable housing for intermediate rent at 32-42 Buckingham Palace Road to be provided prior to the occupation of the market housing;

- ii) Highway works around the site including works to footways and crossovers;
 - iii) A financial contribution of £1,057,260 towards public realm improvements within the site boundary;
 - iv) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £35,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
 - v) Employment and Training Strategy for the construction phase and the operational phase of the development;
 - vi) £40,000 to Transport for London towards a grade pedestrian crossing on Grosvenor Place;
 - vii) £30,000 to Transport for London towards an improved crossing at Grosvenor Crescent;
 - viii) Unallocated car parking.
2. If the S106 legal agreement has not been completed within three months of the date of the Committee resolution, then:
- a) The Director of 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 Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of 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 the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That the applicant be required to submit details to the Director of Planning of the windows to the front of Grosvenor Place and the window on the first floor corner of Grosvenor Place and Halkin Street.
4. That the Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of that area of highway necessary to enable the development to take place.

5. That the City Transport Advisor be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order.

6 DEVELOPMENT SITE AT BRESSENDEN PLACE, VICTORIA STREET, ALLINGTON STREET AND BUCKINGHAM PALACE ROAD, SW1E 5EF

Construction of a part six, part seven and part 10 storey building (Building 7b/7c) with new basement fronting Allington Street, Bressenden Place and Victoria Street for use as offices (Class B1), flexible retail (Classes A1-A5), flexible library/retail (Class D1/A1-5), flexible library/office (Class D1/B1), 42 residential units and associated works, including hard landscaping, highway, utilities and ancillary works with servicing from Bressenden Place. Reinstating elements of the retained facade and interiors of Sutton House (previously at 156-158 Victoria Street) on Allington Street. The application is accompanied by an Environmental Statement (ES) which may be viewed with the application documents. (Site also known as Nova Place).

Additional representations were received from Lynch Architects (schedule of residential apartments), Victoria Interchange Group Ltd (02.12.15 and 03.12.15), Councillor David Harvey (02.12.15 and 03.12.15), Environmental Health (27.11.15). The additional representations also included a revised recommendation for the application, as follows (04.12.15):

'Site 1

1. Grant conditional permission subject to a Deed of Variation to the original S106 legal agreement dated 9 October 2009 and to secure the following additional measures:

- i) The provision of the library space at a peppercorn rent for a period of 25 years; and
- ii) The provision of nine affordable housing units on site for social rent purposes.

2. If the S106 legal agreement has not been completed within three months of the date of the Committee resolution, then:

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

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

Site 2

1. Grant conditional permission subject to a deed of variation to the original S106 legal agreement dated 9 October 2009 to secure the following:

- i) A payment of £11,834,196 (index linked) to the Council's affordable housing fund. The payment to be reduced to £4,795,352 (index linked) if Nova East and Nova Place are both implemented; and,
- ii) Payment of £1,991,445 towards Crossrail.

2. If the S106 legal agreement has not been completed within three months of the date of the Planning Applications Committee resolution, then:

- a) The Director of 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 Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
- b) The Director of 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 the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Late representations were received from Victoria Interchange Group Limited (03.12.15 and 08.12.15).

The Presenting Officer referred to an additional paragraph to the committee report at the meeting, which is set out as follows:

'In considering these proposals the City Council has a duty to take into account Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the preservation of the setting of listed buildings. This is supported by national policy in the NPPF that requires that 'great weight' be given to the preservation of listed buildings, including their setting. Where harm is found to be caused by a development proposal affecting the setting of a listed building, planning permission should only be approved if that development's public benefits would significantly and demonstrably outweigh that harm.

Similarly, Section 72 of the Act requires that for development proposals within conservation areas, special attention be paid to the preservation or enhancement of the character or appearance of that conservation area. This requirement does not extend to development affecting the setting of a conservation area, although as with listed buildings, the NPPF requires that 'great weight' be given to the preservation of conservation areas, including their setting.

The officer report advises that there is some harm caused by the Nova East proposals to the setting of Buckingham Palace (a collection of Grade I listed buildings) and some effect on the setting of the Victoria Palace Theatre (a Grade II* listed building) resulting from the Nova Place proposals. This therefore triggers Section 66. Section 72 is not triggered as the site is not within a conservation area. However it is considered that there are significant public benefits within the scheme that outweigh this harm.'

The Presenting Officer also referred to an amended condition 10 of the draft decision letter for Site 1, which is set out as follows:

‘You must provide 33 parking spaces for use by the private residential units and 9 car parking spaces for use by the affordable housing units within the basement of Permission 1 (reference 13/00090/FULL). The parking spaces must be provided prior to occupation of the residential units and thereafter made permanently available for use.’

RESOLVED:

That conditional permission be granted subject to:

1. The revised recommendation and additional condition above;
2. An additional condition that a smart parking system is introduced, the final details of which are to be delegated to the Director of Planning in consultation with the Cabinet Member for Planning; and,
3. No residential parking permits being incorporated into the Section 106 agreement.

7 ESCA HOUSE, 34 PALACE COURT, W2 4HZ (ADDENDUM REPORT)

Demolition of Esca House, 34 Palace Court and demolition behind the retained facade of 1-4 Chapel Side. Redevelopment and change of use from office to provide up to 24 residential units over floors of basement, ground, first, second, third and fourth floor levels, including the accommodation of 18 car parking spaces, 24 cycle spaces and plant at basement level.

Additional representations were received from Savills (30.11.15, 01.12.15, 02.12.15, 03.12.15 and 04.12.15), Norman and Leah Sherwood (11.11.15 and 23.11.15), South East Bayswater Residents’ Association (22.11.15), Gerald Kay (22.11.15), Justina Burnett (22.11.15), Dr Peter Atkins (23.11.15), Benedetta Steffens (23.11.15), Considerate Hoteliers (23.11.15), Mark Diamond (23.11.15), Joanna Bamford (23.11.15), Lord John Scott (23.11.15), TP Bennett (23.11.15), Professor Peter Atkins (23.11.15 and 26.11.15), Mary Enright (24.11.15), Justin Mayall (23.11.15), Mo Nimba (25.11.15), Oenone Baillie (28.11.15), Ron Tannenbaum (27.11.15, 30.11.15, 01.12.15 and 02.12.15), Councillor Andrew Smith (29.11.15), Mariella Edgerly (30.11.15) and Joseph Daley (01.12.15).

Late representations were received from Residents of 52-85 Palace Court (06.12.15), Berrin Torolsan (08.12.15), Peter Tallboys (07.12.15), Patrick Hooks (07.12.15), Councillor Andrew Smith (06.12.15), Clare Peploe and Bernardo Bertolucci (06.12.15), Sally Sampson (05.12.15), Mr and Mrs Edgley (04.12.15 and 06.12.15), Nicola Egan (04.12.15) and Charlotte-Anne de Castellane (04.12.15)

RESOLVED:

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

- a) Provision of £750,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
 - b) A contribution of £10,000 (index linked and payable upon commencement of development) towards new tree planting in the vicinity of the site;
 - c) Provision of lifetime car club membership (minimum 25 years) for all 24 units;
 - d) All 18 off street residential parking spaces must be unallocated;
 - e) Provision of maintenance and management plan for the car lift prior to occupation and maintained for life of development;
 - f) A contribution of £28,000 per annum towards Environmental Monitoring for the demolition and construction phase of the development (index linked);
 - g) The costs of monitoring the S106 agreement;
 - h) Highways works to facilitate development including alteration to Chapel Side; and,
 - i) Dedication of highway on Moscow Road prior to occupation.
2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
- (a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - (b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That an addition condition be attached to the draft decision letter that the railings on the existing block on Palace Court be restored.

Councillor Boothroyd requested that his vote against the decision to grant the application be recorded due to the loss of Esca House, the proposed design of the redevelopment and the level of the financial contribution to the Affordable Housing Fund.

8 DENISON HOUSE, 292 VAUXHALL BRIDGE ROAD, SW1V 1AE

Use of part ground and part first floors for flexible alternative retail (Class A1), financial and professional services (Class A2) or restaurant (Class A3) use, part ground, part first floor and the second to ninth floors to provide 26 residential flats (Class C3) and basement for car and cycle parking and other associated works. Erection of a roof extension and plant room and installation of photovoltaic panels at roof level. Associated external alterations to the facade and installation of inset balconies at second to ninth floors levels.

An additional representation was received from Turley (01.12.15)

RESOLVED:

1. That conditional permission be granted subject to completion of a S106 legal agreement to secure the following:
 - a) A financial contribution of £2,150,000 (index linked and payable on commencement of development) towards the Council's affordable housing fund;
 - b) Free lifetime (25 years) car club membership for residents of the development;
 - c) Unallocated parking.
 - d) The costs of monitoring the S106 legal agreement
2. That if the legal agreement has not been completed within six weeks of the date of the Committee resolution then:
 - a) The Director of 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 Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

9 45 BERKELEY SQUARE, W1J 5AS

Alterations including the excavation of a part one, part two storey basement extension and erection of a single storey glazed extension within the central courtyard, creation of external terraces at first, third and fourth floors. Associated

internal alterations all in connection with use of the buildings as a private members club (sui generis). (Site includes 45 Hays Mews).

A late representation was received from Lancer Property Asset Management Ltd (08.12.15).

RESOLVED:

That permission be refused on the grounds that any basement extension is unacceptable at this Grade 1 listed building.

10 48 A LEDBURY ROAD, W11 2AS

Amalgamation of flats 7, 9 and 10 (4th and 5th floor) into 1 flat.

Additional representations were received from Jonathan Clark Architects Ltd (30.11.15) and Edward Horner (01.12.15).

A late representation was received from Savills (07.12.15).

RESOLVED:

That permission be granted on the grounds that there is the same number of bedrooms (four) being provided as under the existing scheme.

11 THE ADELPHI, 1-11 JOHN ADAM STREET, WC2N 6HT

Variation of Condition 23 of planning permission dated 30 July 2014 (RN:14/03021/FULL) to allow the restaurant to operate between the hours of 08.00 to 00.00 Monday to Thursday, 08.00 to 00.30 Friday to Saturday (not including bank holidays and public holidays), and 08.00 to 23.30 Sundays, bank holidays or public holidays.

An additional representation was received from Alun Jones (22.11.15).

RESOLVED:

That conditional permission be granted.

12 CONNAUGHT HOTEL, CARLOS PLACE, W1K 2AL

Installation of Christmas tree on public highway adjacent to the Connaught Hotel at the junction of Mount Street and Carlos Place for a temporary period between 18 November 2015 and 4 January 2016.

Additional representations were received from Scott McCombe (04.12.15), Miroma Ventures (03.12.15), Prime Real Estate Partners (03.12.15), Samantha Hill (03.12.15), Grant Aitken (03.12.15), Jeremy Maxfield (03.12.15), Maureen Bennett (03.12.15), Paul Marks (03.12.15), Cheryl Gordon (03.12.15), Annabel Treon

(03.12.15), Digby Leighton-Squires (03.12.15), Michael Hughes (03.12.15), Grant Wellbelove (03.12.15), Andrew Wells (03.12.15), Anders Alm (03.12.15), Richard Thirlby (03.12.15), Andrew Howes (03.12.15), Julie Wetherell (03.12.15), Malcolm Atkins (03.12.15), Sunil Daswani (03.12.15), Alessandro Cockman (03.12.15), Aldine Honey (03.12.15), Bridget Rokeby-Johnson (03.12.15), Craig Marks (03.12.15), Teresa Folkierska (03.12.15), Philip Yea (03.12.15), Pierre Lagrange (03.12.15), Michael Shain (03.12.15), Phillip John (03.12.15), Andreas Karides (03.12.15), Ken Clark (03.12.15), Elizabeth Dougherty-Marriott (03.12.15), Neil Mitchenall (03.12.15), Deborah and George Javor (03.12.15), Charles Pankow (03.12.15), Beth Smith (04.12.15), Julia Stephenson (04.12.15), Raju Israni (04.12.15), Emily Pile (04.12.15), Shruti Kumari (04.12.15), Silvina Paz (04.12.15) and Councillor Glenys Roberts (02.12.15).

Late representations were received from Rev Dominic Robinson (20.11.15, 23.11.15 and 04.12.15), Eugenie Young (05.12.15), Steven and Alessandra Rich (05.12.15), Mike and Nancy Marchesani (05.12.15), Sabrini Javor and Robert Galas (06.12.15), Belinda Lehrell (07.12.15), Susan Barnes (07.12.15), Kim Pattie (07.12.15) and Lisa Evans (07.12.15).

RESOLVED:

That conditional advertisement consent be granted, subject to an additional condition that the Christmas tree is removed from the location by no later than 6 January 2016.

The Meeting ended at 10.15 pm

CHAIRMAN: _____

DATE _____