



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 26th January, 2016**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

Members Present: Councillors Robert Davis (Chairman), Susie Burbridge, Tim Mitchell, David Boothroyd and Glenys Roberts

Also Present: Councillor Glenys Roberts

Apologies for Absence: None

1 MEMBERSHIP

There were no changes.

2 DECLARATIONS OF INTEREST

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.

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.

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.

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, CBRE, Rolfe Judd Planning

Councillor Davis made the following further declarations as they related to the specific applications on the agenda:

Item 1: He knew the Directors of the Crown Estate and had received hospitality from them. He had also attended meetings with the Crown Estate regarding the development and had visited the site. He also knew the Directors of CBRE.

Item 2: He knew the Directors of Qatari DIAR, had held meetings with the applicants and knew the applicants representative Gerald Eve LLP.

Item 3: He knew the Directors of Lodha Developers and DP9, had sat on the Committee with respect to the site on a different application. He had held meetings with the applicant in respect of the application. He also knew the architect Eric Parry and the Italian Ambassador (objector).

Item 4: In respect of the application he knew the applicant, their representative and had held meetings with them.

Item 5: He knew the Directors of the applicant's representative Jones Lang, had held meetings with the applicant and knew the architect Fred Pilbrow.

Item 6: He knew the Directors of Shaftesbury PLC and had received hospitality from them. He knew the Directors of the applicant's representative Rolfe Judd Planning and had held meetings relating to the application. He knew the Directors of Nimax Theatres who had raised concerns over the application and had also received hospitality from them.

Item 7: He knew the Directors of DP9 and the architect Mike Stiff.

Item 8: He had held meetings with the applicants and knew the architect.

Item 9: He had sat on the Committee which had considered application on this site previously and had also visited the site when it had first opened.

Councillor Mitchell 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 advised that in his capacity as Councillor for St James's Ward and Cabinet Member with responsibility for the Council's property he regularly met with members of the planning and property industry as well as residents' associations and amenity groups. He had previously met with representatives of Four Communications, CBRE, Belgrave, Jones Lang and DP9.

Councillor Mitchell made the following further declarations as they related to the specific applications on the agenda:

Item 1: The application was situated within his ward. He had received a presentation from the Crown Estate on the application and knew members of their senior management.

Item 2: The application was situated within his ward. He had received a presentation from the applicant and knew some of the objectors.

Item 3: He knew senior management of Lodha Developers.

Item 4: Site 2 was situated in his ward and he knew senior management of Shaftesbury PLC.

Councillor Burbridge declared that any Members of the Majority Party who had or would make representations on the applications on the agenda were her friends. She advised that she is Deputy Cabinet Member for Housing, Business and Economic Regeneration. She declared that she had met representatives of the Crown Estate and Shaftesbury PLC previously but not regarding any matters on the agenda for this meeting.

Councillor David Boothroyd declared that he was Head of Research and Psephology for Thorncliffe, whose clients companies were applying for planning permission from various local authorities. No current clients were in Westminster; if there were he would be precluded from working on them under the company's code of conduct.

Some Thorncliffe clients had engaged planning consultants who were also representing applicants tonight: CBRE on item 1, Gerald Eve on item 2, DP9 on items 3, 4 and 7, JLL on item 5, Rolfe Judd on item 6. However he did not deal directly with clients or other members of project teams, and there was no financial link between the planning consultants and his employers.

In relation to item 1, he was a member of the London Library which owned property in Mason's Yard and on Duke Street St James's.

He was also a member of previous committees considering redevelopment schemes on the sites of items 3 and 7.

3 MINUTES

The minutes of the meeting held on 8 December 2015 were approved and signed by the Chairman as a true and correct record.

4 PLANNING APPLICATIONS

1 DEVELOPMENT SITE AT 77-79 JERMYN STREET AND 34 - 36 DUKE STREET, ST JAMES'S, LONDON

Complete demolition of 77-79 Jermyn Street and 34-36 Duke Street and erection of new 7 storey retail (A1 & A3) and office (B1) building with additional basement levels and roof top plant.

An additional representation detailing a revised recommendation 1 was received from the presenting officer (22/01/2016).

Late representations were received from residents of Jermyn Street (25/01/2016).

RESOLVED:

1. That the planning benefits in the scheme are sufficient to outweigh the loss of the existing buildings in their entirety;
2. That conditional permission be granted subject to:
 - i. the views of the Mayor;
 - ii. deletion of Condition 20 and the addition of a condition requiring the A3 retail unit to be a seated restaurant with no takeaway and any bar to make up less than 15% of the floor area; and
 - iii. a S106 legal agreement to secure the following:
 - a. The provision of 980m² of residential floorspace to be made ready for occupation at 33 Bury Street prior to the occupation of any part of the development.
 - b. A payment of £1.46m towards the Council's affordable housing fund (payable on commencement of development and index linked).
 - c. A payment towards Crossrail of £230,580.
 - d. 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 £30,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
 - e. Employment and Training Strategy for the construction and operational phase of the development.
3. That 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.

2 32-34 GREAT PETER STREET, LONDON, SW1P 2DB

Demolition of the existing building and redevelopment of the site to provide 21 residential units (15 x private residential units and 6 x affordable residential units) (Class C3) in a new eight storey building (basement with sub-basement, ground plus seven upper floors) with the provision of car parking, plant and associated works.

An additional representation was received from Westminster City Council's Area Planning Officer (South) (22/01/2016).

RESOLVED:

1. That conditional permission be granted subject to a S106 legal agreement to secure the following:
 - i. Provision of affordable housing on-site;
 - ii. 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 £26,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
 - iii. Unallocated parking;
 - iv. Free lifetime (25 years) car club membership for residents of the development;
 - iv. Costs of monitoring the S106 agreement;
 - v. S106 funding to secure public realm improvements to St. Anne's Lane; and
 - vi. The Environmental Management Plan required in accordance with (ii) above to secure public access through and sufficient lighting of St Anne's Lane throughout the construction period.
2. That if the S106 legal agreement has not been completed within three months of the date of this resolution then:
 - a) The Director of 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 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 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 MACDONALD HOUSE, 1 - 3 GROSVENOR SQUARE, LONDON, W1K 4BN

Demolition and redevelopment to provide three basement levels, lower ground, ground and first to seventh floor levels to provide between 43-48 residential units (Class C3) with associated ancillary leisure facilities, car parking, cycle parking, mechanical plant and associated works within the basement levels. Creation of terraces and balconies at various levels and installation of photovoltaic panels and plant with associated screening at main roof level. Use of part of the lower ground and ground floor levels as a restaurant unit fronting Grosvenor Street (Class A3).

An additional representation was received from Lodha Developers (20/01/2016).

Late representations were received from DP9 Ltd (21/01/2016) and (26/01/2016), The Mayfair Residents Group (20/01/2016), Grosvenor Britain and Ireland (25/01/2016), a resident of Grosvenor Square (26/01/2016), Westminster District Surveyors' Service (15/01/2016) and Mischon de Reya LLP (25/01/2016).

RESOLVED:

That conditional permission be granted subject to the views of the Mayor of London and a S106 agreement to secure the following:

- i) Not to occupy the residential units at Grosvenor Square until the 10 Affordable Housing Units at Dorset Close have been completed and have been transferred to a Registered Provider.
 - ii) A financial contribution of £14.5million towards the Council's affordable housing fund with £6 million to be paid on commencement and the remainder on first occupation of the residential units.
 - iii) £2.5 million towards public realm within the vicinity of the site.
 - iv) All highway works around the site for the development to occur including vehicle crossovers, including the costs of any necessary Traffic Management Orders, changes to on-street restrictions and footway repaving.
 - v) Compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cap of £35,000.
 - vi) Unallocated car parking.
 - vii) Costs of monitoring S106 agreement.
2. The Construction Management Plan required by condition 26 shall be subject to consultation with the Italian Embassy and determined under delegated powers in consultation with the Chairman of Planning Committee (1).

3. Condition 28 to be amended to require the Oval Room to be relocated to the ground floor reception if practicable or if not an alternative location to be agreed.
4. That 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 will be possible or 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.
5. 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.
6. That the City Commissioner for Transportation 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.

4 HARCOURT HOUSE, 19 CAVENDISH SQUARE, LONDON, W1G 0PL

Refurbishment of existing building, including demolition works and alterations to the rear, installation of services at new basement level, removal of roof plant and erection of roof extension at main roof level in connection with the use of part lower ground and part ground floor levels for Class D1 use and 25 residential apartments (Class C3) at part lower ground to seventh floor levels. Balconies from third to sixth floor level to the rear with terraces and plant located within an acoustic enclosure at seventh floor level and other minor external alterations to the front façade.

An additional representation was received from Centreland Limited (20/01/2016).

A late representation was received from DP9 Ltd (25/01/2016).

RESOLVED:

That contrary to the officers' recommendation the Committee considered that the alterations were not harmful to the heritage asset and granted conditional permission subject to:

1. A S106 agreement to secure the following:

- i) A financial contribution of £1,000,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development).
 - ii) Lifetime car club membership (minimum 25 years) for occupants of the new flats.
 - iii) A parking fund of £153,000.
 - iv) £120,000 towards funding of a public realm study and possible fountain in Cavendish Square.
 - v) Monitoring costs.
2. A condition requiring a redesign of the proposed roof alterations to ensure it is more sympathetic to the existing building.
 3. The Decision Notice be approved by officers under delegated powers in consultation with the Chairman of Planning Committee (1).

Councillor Boothroyd requested that his vote against the decision to grant the application be recorded.

5 NIGHTINGALE HOUSE, 65 CURZON STREET, LONDON, W1J 8PE

Demolition of existing building and redevelopment, including excavation, to create up to three basement storeys, ground and eight storeys to be used for up to 32 residential flats, creation of a ground floor arcade link between Stratton Street and Curzon Street for use as retail and/or restaurant uses (Classes A1 and A3). Provision of up to 21 car parking spaces over the basement level, basement and rooftop plant areas. Creation of terrace/balcony areas on both elevations.

An additional representation was received from DTZ Investors (20/01/2016).

A late representation was received from the Heart of London Business Alliance (22/01/2016).

RESOLVED:

1. That conditional permission be granted, subject to a S106 legal agreement to secure the following:
 - a) Provision of £32,000 per annum (index linked) towards monitoring the construction project by the City Council's Environmental Inspectorate;
 - b) Unallocated car parking;
 - c) Car Club Membership for 25 years for all the flats;
 - d) Walkway Agreement;
 - e) Car Lift Maintenance;
 - f) Highways alterations required for the development to occur (at no cost to the City Council); and
 - g) The costs of monitoring the S106 agreement.
2. That 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.

6 SITE 1: 57 BROADWICK STREET, LONDON, W1F 9QS AND SITE 2: SHAFTESBURY MANSIONS, 52 SHAFTESBURY AVENUE, LONDON, W1D 6LP

Site 1: Alterations and extensions to the existing building including erection of single storey extension at roof level to enlarge fourth floor level and extensions at ground, first, second and third floor levels on north (Broadwick Street), south and west (Marshall Street) elevations to provide ancillary car / cycle parking, ancillary plant and retail (Class A1) at basement level; part retail (Class A1), part dual / alternative retail (Class A1) and / or cafe / restaurant (Class A3), part office entrance (Class B1) and part residential entrance (Class C3) at ground floor level; dual / alternative office (Class B1) and / or retail (Class A1) use at first floor level and installation of plant at rear first floor level; office (Class B1) with rear terraces at second and third floor level; part office (Class B1) with front terraces and two flats (Class C3) with terraces at fourth floor level and installation of kitchen extract plant to fourth floor roof.

Site 2: Use of part ground and first to fourth floors as seven residential flats (Class C3).

Additional representations were received from Rolfe Judd Planning (22/01/2016), Shaftesbury Carnaby (20/01/2016), Gil Reid (15/01/2016) and Angus Turvill (19/01/2016).

Late representations were received from Cllr Roberts (25/01/2016), Cllr Church (25/01/2016), a resident of Broadwick Street (26/01/2016), a resident of Stirling Court (25/01/2016) and Matthew Bennett (Chairman of the Soho Society Planning Committee – 26/01/2016).

Councillor Glenys Roberts addressed the Committee as a Ward Member.

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

‘The addition of an informative setting out environmental health requirements to meet Condition 20 (odour management plan) including an automatic cut out if the mitigation system failed.’

RESOLVED:

Site 1:

1. That conditional planning consent be granted subject to
 - (i) The addition of the extra informative as set out above; and
 - (ii) the completion of a S106 legal agreement to secure:
 - a. The residential use at 52 Shaftesbury Avenue to be provided prior to the occupation of the office/retail/restaurant accommodation on site;
 - b. Works to the highway including the removal of street trees, phone box and other street furniture items prior to the commencement of development;
 - c. Replacement of street trees in vicinity of the site;
 - d. All relevant costs for the stopping up of parts of Marshall Street and Broadwick Street
 - e. The costs of monitoring the S106 legal agreement;
3. That if the S106 legal agreement has not been completed within 6 weeks, 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.
4.
 - a. That Sub-Committee authorises the making of a draft order pursuant to S247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.
 - b. That the City Commissioner of Transportation 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. (The applicant will be required to cover all costs of the Council in progressing the stopping up order).

Site 2:

1. Grant conditional permission subject to an amending condition requiring the provision of one family sized flat and subject to the completion of a S106 legal agreement to secure:

- a. Car club membership for each flat for 25 years;
 - b. The costs of monitoring the S106 legal agreement;
- 2. That if the S106 legal agreement has not been completed within 6 weeks, 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.

7 SITE 1: 2 STANHOPE ROW; 16 STANHOPE ROW, 36 AND 37 HERTFORD STREET, 16A, 16B AND 17 MARKET MEWS, LONDON, W1J 7BT AND SITE 2: 46 HERTFORD STREET, LONDON, W1J 7DP

Site 1: Demolition of 2-6 Stanhope Row and 16-17a Market Mews, excavation of sub-basement beneath 2-6 Stanhope Row and excavation of basement beneath 17a Market Mews and erection of replacement building over sub-basement, basement, ground - fifth floors (with plant above) (2-6 Stanhope Row) and three-storey building to Market Mews to provide a 29 bedroom hotel (Class C1) with ancillary casino. Demolition of 37 Hertford Street and rear third floor mansard roof of 36 Hertford Street and erection of replacement building over basement, ground to third plus mansard roof to provide 13 residential units (Class C3) provision for cycle parking, refuse storage and rooftop plant, together with other associated works.

Site 2: Use of the first to fourth floors as four flats (Class C3) and internal alterations.

An additional representation was received from Genting UK (20/01/2016).

RESOLVED:

Site 1:

- 1. Conditional permission be granted.
- 2. Conditional listed building consent be granted.
- 3. The reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

Site 2:

- 1. Conditional permission be granted.

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

8 ST JOHNS WOOD DELIVERY OFFICE, 30 LODGE ROAD, LONDON, NW8 8LA

Development of existing vacant sorting office and associated hardstanding on site. Erection of 10 storey building comprising 49 residential units and ancillary floorspace (Class C3), provision of 54 car parking spaces, waste management areas, cycle parking and chp facility within basement, public realm works and access to car lifts from Lodge Road.

Additional representations were received from Environmental Health (15/01/2016), Regal Homes (20/01/2016) and Planning (22/01/2016).

A late representation was received from Simon Bowden (26/01/2016).

RESOLVED:

1. That subject to the concurrence of the Mayor of London, conditional permission be granted subject to a S106 legal agreement to secure:
 - i) A financial contribution of £5,446,560 towards the City Councils affordable housing fund (index linked and payable upon commencement of development).
 - ii) Payment for the cost of highways works necessary to facilitate the development including the reinstatement of pedestrian highway.
 - iii) Provision of basement car parking on an un-allocated basis.
 - iv) To carry out the development in accordance with a car stacker maintenance and management plan to be submitted.
 - v) Replacement street tree in the event that it is not retained.
2. That if within six weeks of the resolution to grant conditional permission the S106 planning obligation has not been completed or there is no immediate prospect of the planning obligation being completed, then
 - a) The Strategic Director shall consider whether it would be possible and appropriate to issue permission with additional conditions attached to secure the benefits listed above. If so, the Strategic Director is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Strategic Director shall consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 planning obligation within an appropriate timescale, and that the proposal is unacceptable in the absence of the benefits which would have been secured; if so, the Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

**9 COUNTY CROWN COURT, 179 - 181 MARYLEBONE ROAD, LONDON,
W1H 4PT**

Details of public art, pursuant to Condition 7 of appeal decision dated 13 March 2008 (RN: APP/X5990/E/07/2052937).

RESOLVED:

That the details be approved.

The Meeting ended at 10.02 pm

CHAIRMAN: _____

DATE _____