



CITY OF WESTMINSTER

# MINUTES

## Planning Applications Committee (1)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 12th April, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

**Members Present:** Councillors Robert Davis MBE DL (Chairman), Susie Burbridge, Tim Mitchell and David Boothroyd

**Also Present:** Councillors Melvyn Caplan (Item 1) and Adam Hug (Item 1).

#### 1 MEMBERSHIP

There were no changes to the membership.

#### 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 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 knew 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 Four Communications, Belgrave, Gerald Eve, Turley, and DP9.
- 2.5 Councillor Davis made the following further declarations as they related to the specific applications on the agenda:

Item 1: He had taken legal advice in respect of the application and that advice was that he did not have an interest to declare under the Council's Code of Conduct other than he knew a number of the Directors of Berkley Homes in his capacity as Cabinet Member for the Built Environment and had received hospitality from them.

However, in the interest of transparency he mentioned that Mr Tony Pidgley who was Chairman of the Berkley Group was a trustee of the Sir Simon Milton Foundation and had been involved in building a statue in memory of his late partner, Sir Simon Milton.

The statue was not in the Westminster area but in Southwark near the Greater London Authority's City Hall where Sir Simon used to work as Deputy Mayor of London. This had no bearing on the Berkeley Homes application in relation to West End Green, which was on the agenda.

The legal advice obtained from Westminster City Council's Director of Legal Services was that he should make the declaration but as he had no pecuniary interest, he could continue to chair the meeting and participate in the decision making process.

He had held meetings with the applicant regarding the application and had spoken to some of the objectors. He also knew the applicant's agent Turleys and the applicants architect, Michael Squire.

Item 2: The application was sited in his ward, he had held meetings with the applicant in respect of the application, knew the applicant's architect, Lee Polisano and also the representatives of the applicant, Bell Pottinger.

Item 4: He had held meetings with the applicants in respect of the application; he knew the Directors of the applicant and of DP9 and the applicant's architect, John MacAslan.

Item 5: The application had been considered by Committee on previous occasions, he had held meetings with the applicant, had met the proposed operator Peter Wilson, had discussed the application with representatives of the Theatre Trust and he knew Julian Bird the Chief Executive of the Society of London Theatres.

Item 6: He had held meetings with the applicants and some of the objectors in respect of the application. He knew the Directors of the applicants representatives Four Communications, he knew the Directors of the Mercers Company, the Donmar Theatre and DP9.

Item 7: He had received hospitality from the Directors of the Birley Group and he knew the Directors of the applicants and their agents Four Communications.

Item 8: He knew the applicants representatives DP9 and the application had been before the Committee previously.

Item 9: He had held meetings with the applicant in respect of the application and knew the applicants representative, Jones Lang Lasalle.

Item 10: He had held meetings with the applicant in respect of the application; he knew the architect Tony Dyson and also knew the artist, Paul Day.

Item 11: He knew the Directors of NIMAX, had received hospitality from Nica Burns, he knew and had received hospitality from John Burns who was the Director of the developer Derwent London. He also knew the architect Simon Alford, had held meetings with the applicants, the application had been before the Committee previously and he knew the applicants advisers, Gerald Eve.

Item 12: The application had come before the Committee previously, he knew the Director of the Royal Parks, the Mayor of London and the Directors of TFL.

Item 13: He had held meetings with the applicants, he knew the applicants representatives Jon Dingle and also knew the Directors of the Soho Housing Association.

- 2.6 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 a Councillor for St James's Ward, and as Cabinet Member for Finance responsible for the City

Council's property portfolio, he regularly met with members of the planning and property industry as well as residents' associations and amenity groups.

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

Item 1 and 13: He had held meetings with the applicants in respect of the application.

Items 4, 5, 6 and 12: The applications had appeared before the Committee before on which he had sat.

Item 6: He had held meetings with the applicant and amenity groups associated with the application.

Item 9: The application was situated in his ward and he had received a presentation from the applicants.

Item 10: The application was situated in his ward.

- 2.8 Councillor Burbidge 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 was Deputy Cabinet Member for Housing, Business and Economic Regeneration. With respect to Item 12 she had held meetings with TFL regarding the application.

- 2.9 Councillor Boothroyd declared that he was Head of Research and Psephology for Thorncliffe, whose clients were companies 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.

- 2.10 Some Thorncliffe clients had engaged planning consultants who were also representing applicants tonight: Turley on item 1, Bilfinger GVA on item 2, DP9 on items 4, 6 and 8, Jones Lang LaSalle on item 9, Gerald Eve on item 11, and Jon Dingle Ltd on item 13. However he do not deal directly with clients or other members of project teams, and there was no financial link between the planning consultants and his employers.

- 2.11 Item 1: The applicants Berkeley Group have in the past been clients of Thorncliffe but their most recent project ended in 2012. He declared that Karen Buck MP and all the members of the Labour Group, including Barbara Grahame and Aziz Toki, as well as former councillor Vincenzo Rampulla, were his friends. However he had no input into the letter sent by and on behalf of the Westminster Labour Group. Although he had in the past discussed the site with Karen Buck MP it was before this application was submitted. Also, he was a signatory to the application by Notting Hill East Neighbourhood Forum for recognition, but was not involved with the running of the forum.

- 2.12 Item 6: The applicants Helical Bar had been a recent client of Thorncliffe in relation to a scheme in Islington, and past clients on other schemes. One of

the comments on this scheme was from David Bieda who was a friend and who telephoned him to confirm an email address to send late comments to.

- 2.13 He was a member of previous committees considering schemes on the sites of items 2, 5, 11, 12.

### **3 MINUTES**

That the Minutes of the meeting held on 8 March 2016 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 DEVELOPMENT SITE AT 285-329 EDGWARE ROAD, W2**

Redevelopment to provide buildings of between ground plus six storeys and ground plus 29 storeys including commercial space (Class A1, A3 and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. This application is accompanied by an Environmental Impact Assessment (EIA).

The presenting officer circulated the following amendment to Part 2 of the recommendation:

Subject to 1 above and the concurrence of the Mayor of London, grant conditional permission, subject to a S106 agreement to secure:

- a) Provision of 126 affordable units on-site comprising 49 intermediate units and 77 social rented units. The affordable units to be provided at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 14 March 2016;
- b) Provision of a financial contribution of £631,000 (index linked) for the provision of 63 school places at Paddington Green Primary School and 41 school places at King Solomon Academy;
- c) Provision of a financial contribution of £863,630 (index linked) for the St Mary's Church and Churchyard project, The Cockpit Theatre, Greenhouse Sports and Adpar Street Play Project;
- d) Provision of a financial contribution of £100,000 (index linked) for tree works, planting and lighting and furniture improvements to Paddington Green;
- e) Provision of a financial contribution of £18,000 (index linked) for improvements to bus stop EM on Edgware Road;
- f) Provision of a financial contribution of £200,000 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site;
- g) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;
- h) Provision of a financial contribution of £200,000 (index linked) toward possible road widening to be undertaken by TfL on Edgware Road;
- i) Provision of lifetime car club membership (25 years) for each residential unit in the development;

- j) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
- k) Compliance with the Council's Code of Construction Practice and a contribution of £20,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
- l) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site and its maintenance;
- m) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the CSDHS does not go ahead, installation of CHP plant on-site;
- n) Offering local employment opportunities during construction; and
- o) Payment of cost of monitoring the agreement (£15,000).

The presenting officer also circulated amendments to the following sections of the officer report:

- Paragraph 2 of section 2;
- Paragraph 6 of section 8.2.6;
- The penultimate paragraph of section 8.2.6;
- The first paragraph of section 8.3.3;
- The insertion of additional paragraphs after the final paragraph of section 8.3.5; and
- Paragraph eight of section 8.5.2.

Additional representations were received from Berkley Homes (05/04/16), Councillors Karen Scarborough and Ian Rowley (04/04/16), Westminster City Council Housing Department (14/03/16), SEBRA (08/04/16), The Belgravia Society (07/04/16), Skyline Campaign (12/04/16), twenty-three local residents (31/03/16, 01/04/16, 04/04/16, 05/04/16, 06/06/16, 07/04/16), eighteen interested parties (01/04/16, 03/04/16, 06/04/16, 07/04/16), Brentford Community Council (04/04/16) and St Helens Residents Association (05/04/16).

Late representations were received from Councillor Barbara Grahame (12/04/16), Berkeley Homes (12/04/16), Skyline Campaign (12/04/16) with updated petition with 836 signatures, four local residents (09/04/16, 11/04/16), Councillor Julia Alexander (09/04/16), four interested parties (10/04/16, 11/04/16 and 12/04/16) and Councillor Karen Scarborough (10/04/16).

Councillor Melvyn Caplan addressed the Committee in his capacity as ward member.

Councillor Adam Hug addressed the Committee in his capacity as Leader of the Opposition.

## **RESOLVED:**

1. That the Committee considered that the public benefits of the proposed development; including the regeneration of this long vacant brownfield site;

the provision of much needed housing (including 126 affordable housing units which will provide decant space assisting the Church Street regeneration); the improvements to the retail character of this part of the Edgware Road/Church Street district shopping centre and new public realm outweighed the less than substantial harm to the Paddington Green Conservation Area, the setting of nearby listed buildings (17-18 Paddington Green and the Children's Hospital) and the setting of the Maida Vale Conservation Area.

2. That subject to the concurrence of the Mayor of London, conditional permission be granted, subject to a S106 agreement to secure:
- a) Provision of 126 affordable units on-site comprising 49 intermediate units and 77 social rented units. The affordable units to be provided at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 14 March 2016;
  - b) Provision of a financial contribution of £631,000 (index linked) for the provision of 63 school places at Paddington Green Primary School and 41 school places at King Solomon Academy;
  - c) Provision of a financial contribution of £863,630 (index linked) for the St Mary's Church and Churchyard Project, The Cockpit Theatre, Greenhouse Sport and Adpar Street Play Project;
  - d) Provision of a financial contribution of £100,000 (index linked) for tree works, planting and lighting and furniture improvements to Paddington Green;
  - e) Provision of a financial contribution of £18,000 (index linked) for improvements to bus stop EM on Edgware Road;
  - f) Provision of a financial contribution of £200,000 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site;
  - g) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;
  - h) Provision of a financial contribution of £200,000 (index linked) toward possible road widening to be undertaken by TfL on Edgware Road;
  - i) Provision of lifetime car club membership (25 years) for each residential unit in the development;
  - j) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
  - k) Compliance with the Council's Code of Construction Practice and a contribution of £20,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
  - l) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site and its maintenance;
  - m) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the CSDHS does not go ahead, installation of CHP plant on-site;
  - n) Offering local employment opportunities during construction; and
  - o) Payment of cost of monitoring the agreement (£15,000).

3. If the S106 legal agreement has not been completed by 1 May 2016 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.

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

## **2 DEVELOPMENT SITE AT 117-125 BAYSWATER ROAD, 2-6 QUEENSWAY, CONSORT HOUSE AND 7 FOSBURY MEWS, W2**

Demolition and redevelopment of 117 - 125 Bayswater Road, together with 2 - 6 Queensway and 7 Fosbury Mews for a new building comprising three basements, ground and nine upper storeys to include 55 residential units and ancillary residential facilities (Class C3), together with retail (Class A1) and/or car showroom (sui generis) unit, a retail (Class A1) and/or restaurant (Class A3) unit, a dentist (Class D1) and a spa/re use (Class D2), highway works and the use of car parking within the basement of Consort House.

Additional representations were received from GVA Grimley Ltd (07/04/16), Councillor Andrew Smith (02/04/16), SEBRA (21/03/16, 31/03/16), two local residents (04/04/16) and Bayswater Residents Association (05/04/16).

Late representations were received from SEBRA (10/04/16), Councillor Andrew Smith (12/04/16), four local residents (08/04/16, 09/04/16, 10/04/16), GVA (08/04/16) and Councillor Adam Hug (12/04/16).

### **RESOLVED:**

1.
  - a) That the harm to the special architectural and historic interest to the Queensway Conservation Area and neighbouring heritage assets is less than substantial;
  - b) That the public and regeneration benefits of the scheme to the Queensway area and improvements to the public realm outweigh this less than substantial harm
  - c) The Committee did not consider that the impact on the amenities of neighbouring residents to be so severe to warrant refusal.
2. That subject to the views of the Mayor of London, conditional permission be granted subject to a S106 legal agreement to secure the following:
  - i) A contribution of £8,500,000 towards the affordable housing fund;
  - ii) A contribution of £2,500,000 towards public realm improvements;



- iii) A contribution of no less than £100,000 towards public art and a Tom Harris memorial within the site;
- iv) A contribution (sum to be agreed) towards construction monitoring costs by the Environmental Inspectorate; and
- v) S106 monitoring costs.

All financial contributions to be index linked and payable prior to the commencement of development

- 3. That the proposed car showroom at ground and basement level accessed from Bayswater Road was unacceptable and is omitted from the proposal.
- 4. That the conditions, including a modification condition regarding re-design of the ground floor treatment facing Fosbury Mews, to be agreed under the Director's delegated powers following consultation with the Chairman of Planning Committee (1).
- 5. If the legal agreement has not been completed by 1 May 2016; then
- 6. a) The Director of Planning shall consider whether 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 the proposals are unacceptable in the absence of 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 DEVELOPMENT SITE AT 111-119 CHARING CROSS ROAD, WC2; 1-12 MANETTE STREET, 1-4 WEDGWOOD MEWS AND 12-14 GREEK STREET, W1**

The item was withdrawn by the applicant.

**4 DEVELOPMENT SITE AT MILLBANK COMPLEX, 25 MILLBANK, SW1**

Refurbishment and replacement of facades and erection of 2 additional floors and plant enclosure to both Millbank Tower and 1 additional floor to the Y buildings; excavation of basement levels; demolition of rear car park in association with re-landscaping and reconfiguration of wider site; all in association with the use of the Tower as 207 private residential flats (Class C3) and Skybar (ancillary to adjacent Class C1), the south podium and part of Tower as an arts/ cultural facility (Class D1) and the north podium and Y buildings as a 150 bedroom hotel (Class C1) with restaurant, bar and cafe at ground floor level. Use of roof of podium building as a terrace with associated alterations. [EIA Development].

The presenting officer circulated an amended draft decision notice and the following amendment to condition 33:

- 33 The glass that you put in the end windows in the westernmost elevation of the Y building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

REASON: To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

Additional representations were received from DP9 Ltd (08/04/16) Historic England (05/04/16), Transport for London (06/04/16), Arup (06/04/16) and Motcomb Estates (06/04/16).

A late representation was received from Councillors David Harvey, Danny Chalkley and Steve Summers (11/04/16).

#### **RESOLVED:**

1. That subject to the views of the Mayor of London, conditional permission, as amended, be granted subject to a S106 legal agreement to secure the following:
  - i. The provision of a cultural facility on a 125 year lease with a peppercorn rent for 50 years, with the end user to be agreed by the City Council;
  - ii. A contribution of £2.5million (index linked) towards the fitting out of the cultural facility;
  - iii. The provision of a publically accessible 'Skybar' with no admission fee;
  - iv. Costs of all highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions, returning the footway on Thorney Street and footway repaving;
  - v. Provision of public art to the sum of £100K (index linked);
  - vi. Comply with the Council's Code of Construction Practice, to provide a Site Environmental Management Plan and provide a financial contribution of £110,000 (£55,000 per annum based on 2 year demolition / construction period) prior to commencement of demolition to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
  - vii. Employment and Training Strategy for the construction phase and the operational phase of the development;
  - viii. Costs of monitoring the S106 agreement;
  - ix. Unallocated parking.
2. That if the S106 legal agreement had not been completed by 1 May 2016 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. That conditional listed building consent is granted, subject to Historic England Authorisation.
  4. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision Letter be agreed.

## **5 5-9 GREAT NEWPORT STREET, WC2**

Demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible 322 seat theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (sui generis), restaurant (Class A3) on the ground floor and part lower ground floors and a 66 bedroom hotel at part ground and first to sixth floor levels (across 5-9 Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level.

Additional representations were received from Westminster City Council Environmental Sciences (07/04/16) and The Theatre Trust (06/04/16).

Late representations were received from The Arts Theatre (11/04/16, 12/04/16), twenty-one local residents (10/04/16, 11/04/16, 12/04/16) and one interested party (11/04/16).

The presenting officer tabled the following amendments to the recommendations:

5. A legal agreement must be drafted which is sufficiently robust to secure provision of the replacement theatre fitted-out to shell and core prior to occupation of the hotel and restaurant, in addition to the provision and retention of a publicly accessible curated sculpture gallery within the hotel to compensate for the loss of the photographer's gallery, and to ensure that the £600,000 being offered is only used to fit out the theatre (index linked to when this was previously agreed by committee in 2014).
- 6.(g) 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 £80,000 during demolition

and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.

7. If the agreement has not been completed by 1 May 2016 then
  - a) The Director of Planning shall consider whether 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 the proposals are unacceptable in the absence of 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.

The presenting officer also tabled additional conditions 33, 34 and 35.

**RESOLVED:**

1. That securing 'PW (Peter Wilson) Productions Ltd' as a theatre operator, would offer sufficient reassurance that a theatre would be provided, and balanced the loss of the existing D1 floorspace and increase in commercial floorspace without any residential uplift.
2. That the offer to provide the theatre at a rent level agreed between the applicant and 'PW (Peter Wilson) Productions Ltd' was sufficient to justify overturning the City Council's normal policy requirements to protect the existing D1 floorspace, and to provide residential floorspace or a financial contribution to the affordable housing fund in lieu of residential floorspace to address the uplift in commercial floorspace.
3. That the amendments to the rear elevation (reduction in height and bulk at fourth and fifth floor levels) together with the submission of an addendum Sunlight/Daylight Report, addressed concerns regarding the impact upon residents in Sandringham Flats.
4. That the opening hours of the restaurant and bar located on the basement and ground floor be extended to 0900 – 0000 hours Sunday to Wednesday and 0900 – 0100 hours Thursday to Saturday. The opening hours of the theatre be extended to 0800 – 0000 hours Sunday to Wednesday and 0800 – 0200 Thursday to Saturday. The amended hours of use of the roof top terrace and pool area to 0900 - 2200 hours (as requested by committee) were acceptable.
5. A legal agreement must be drafted which is sufficiently robust to secure provision of the replacement theatre fitted-out to shell and core prior to occupation of the hotel and restaurant, in addition to the provision and retention of a publicly accessible curated sculpture gallery within the hotel to

compensate for the loss of the photographer's gallery, and to ensure that the £600,000 being offered is only used to fit out the theatre (index linked to when this was previously agreed by committee in 2014).

6. That the amended conditions as tabled be approved including the addition of the two following conditions:
  - Condition 36 – submission of revised layout plans to increase the seating capacity of the theatre to approximately 400 seats; and
  - Condition 37 - The flat roof areas at the rear of the new building as a result of the setbacks would not be used as terraces e.
7. That subject to 1 - 6 above, resolved to grant conditional permission, as amended, subject to the completion of a s106 legal agreement to secure the following:
  - a) The provision of a replacement theatre fitted out to shell and core prior to the occupation of the hotel and restaurant.
  - b) The placing of £600,000 (index linked to when this was previously agreed by committee in 2014) into an escrow account to be released to a theatre operator to fund the fit out of the theatre.
  - c) To secure the Theatre space to be operated by 'PW (Peter Wilson) Productions Ltd' or another theatre operator with West End experience proposed by the Developer and approved by the Council or failing agreement such operator determined by a senior representative of the Theatres Trust to have West End experience.
  - d) The theatre space to be used for theatrical performances on at least 320 days a year (further details within the legal agreement).
  - e) To ensure the link between the theatre and restaurant is open before, during and after performances.
  - f) The provision and retention of a publicly accessible curated sculpture gallery within the hotel exhibiting more than piece of sculpture.
  - g) 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 £80,000 during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
  - h) s106 monitoring costs.
8. That if the agreement had not been completed by 1 May 2016 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 Strategic Director 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 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 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. That conditional listed building consent be granted.
10. That the reasons for granting listed building consent as set out in informative 1 of the draft decision letter be agreed.

## **6 DEVELOPMENT SITE AT LAND BOUNDED BY DRURY LANE, DRYDEN STREET, ARNE STREET AND SHELTON STREET, WC2**

Demolition and redevelopment of site in buildings ranging from five storeys to seven storeys (excluding roof top plant enclosures), including facade retention of 30-35 Drury Lane, 2 Dryden Street, 4-10 Dryden Street and 12 Dryden Street, in buildings to provide retail and restaurant/cafe uses at ground and basement level (Class A1/A3), 68 residential units (Class C3), cycle parking, basement car parking, associated landscaping works.

Additional representations were received from DP9 Ltd (06/04/16), Professor Robert Tavernor Consultancy (30/03/16) and Helical (06/04/16).

Late representations were received from the London Borough of Camden (14/01/16, 11/04/16), The Seven Dials Trust (08/04/16, 10/04/16, 11/04/16, 12/04/16), Councillor Louise Hyams (09/04/16), Forsters LLP (11/04/16), Deloitte (11/04/16), Garden Studios (11/04/16) and The Mercers Company (06/04/16).

The presenting officer tabled amendments to conditions 7, 18, 27 and 28, additional conditions 37, 38, 39 and 40 and additional informative 21.

### **RESOLVED:**

1. That conditional permission be granted subject to:
  - a) the amended and additional conditions tabled;
  - b) the addition of a further condition requiring the cast iron pillars, bannisters and gas lamps to be incorporated into the new building; and
  - c) a S106 legal agreement to secure the following:
    - i. a payment of £3,490,000 towards the City Council's affordable housing fund;
    - 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 £50,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
    - iii. all parking spaces to be unallocated;
    - iv. free lifetime (25 years) car club membership for residents of the development;
    - v. costs of monitoring the S106 agreement;

- vi. all highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
  - vii. Employment and Training Strategy for the construction phase and the operational phase of the development.
2. That if the S106 legal agreement has not been completed within six weeks 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.

## **7 46 BERKELEY SQUARE AND 46 HAY'S MEWS, W1**

Use of 46 Berkeley Square as a private members club (sui generis use), with internal and external alterations, including erection of Annabel's canopy to front, together with the demolition of existing mews at 46 Hay's Mews and erection of a replacement four storey building including a two storey basement for the provision of a health club (sui generis use) and associated mechanical plant and landscaping.

An additional representation was received from Councillor Jonathan Glanz (08/04/16).

Late representations were received from Councillor Paul Church (12/04/16), Lewis Silkin (11/04/16), Westminster City Council Environmental Health (12/04/16) and Bidwells (12/04/16).

The presenting officer tabled a revised recommendation 1 a) which read as follows:

- 1. Grant conditional permission, subject to a S106 legal agreement to secure the following:
  - a) Provision of £1,068,000 towards the City Council's affordable housing fund (index linked and payable upon the commencement of development).

The presenting officer also tabled amendments to conditions 11, 15, 23 and 27 and added two additional conditions 31 use of the open terrace at the rear and 32 pre-commencement condition requiring the submission of an addendum noise impact assessment

**RESOLVED:**

1. That conditional permission be granted subject to:
  - i) the amended recommendation tabled;
  - ii) the amended and additional conditions tabled with the exception of Conditions 27 and 31 that are amended as follows:
    - Condition 27 – to change the reference to 07.00 to 08.00 (Mondays to Fridays).
    - Condition 31 – to amend so that the restrictions on this area only apply between 22.30 and 08.00;
  - iii) a S106 legal agreement to secure the following:
    - a) Provision of £1,068,000 towards the City Council's affordable housing fund (index linked and payable upon the commencement of development);
    - b) A minimum of 4 days per year (1 per quarter) for members of the public to look round the building between 09.00 and 16.00 (including one of the Open House London weekend days);
    - c) 10% discounted membership for local residents of Berkeley Square and Hay's Mews (subject to them meeting the membership criteria in the same way any other member would be required to do);
    - d) Scholars able to make appointments to view the building and obtain copies of the heritage report electronically free of charge;
    - e) The applicant to apply for listed building consent for the removal of the existing canopy to the basement of Annabel's at 44 Berkeley Square and, subject to consent being granted, removal of that canopy before the erection of the approved canopy to the front of 46 Berkeley Square;
    - f) Monitoring costs of the S106 legal agreement.
2. That if the S106 legal agreement had 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 conditional listed building consent be granted.
4. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.



## **8 30 MOUNT ROW, W1**

Demolition of the existing building and the erection of a six storey building and lower ground and basement levels to provide retail/gallery (Class A1) floorspace over basement, lower ground floor and ground floor levels, and four self-contained residential units on the five upper floors.

Additional representations were received from Westminster City Council Highways Department (06/04/16), one interested party (08/04/16) and one local resident (06/04/16).

Late representations were received from Mistral Enterprises (08/04/16), one interested party (undated) and two local residents (undated).

### **RESOLVED:**

1. That conditional permission be granted, subject to a S106 legal agreement to secure the following:
  - a) Provision of £457,000 (index linked and payable prior to commencement of development) towards the affordable housing contribution fund;
  - b) A car parking space within a local car park for 25 years;
  - c) Lifetime membership to a car club for every residential unit for 25 years;
  - d) The cost of highways works (prior to occupation); and
  - e) The costs of monitoring the S106 agreement.
2. That if the S106 legal agreement had 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.

## **9 1 ALDWYCH, WC2**

Erection of seventh floor roof extension and remodelling of the top two storeys and dome, including new roof top plant enclosure, in association with the enlargement of the existing hotel to create 22 additional bedrooms.

Additional representations were received from One Aldwych (06/04/16) and JLL (06/04/16).

A late representation was received from Councillor Louise Hyams (12/04/16).

**RESOLVED:**

That conditional permission and conditional listed building consent be granted, contrary to the officers' recommendation. The proposal was considered a superior design which would enhance the existing listed building, deliver heritage benefits and result in additional hotel bedrooms of the application, subject to:

- i) The completion of a S106 agreement to secure an affordable housing contribution of £1,209,000(index linked and payable on commencement of the development subject to the hotel being removed from the rating list during the duration of the works by the Valuation Office Agency. Or if in the event the applicant failed to remove the hotel from the rating list a financial contribution to the Council's affordable housing fund of £200,000( index linked and payable on commencement of development)
- ii) section 106 monitoring costs
- iii) That the conditions and reasons for granting conditional permission and conditional listed building consent be agreed under the Director's delegated powers.
- iv) If the legal agreement has not been completed by 1 May 2016; then a)  
The Director of Planning shall consider whether 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 the proposals are unacceptable in the absence of 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.

**10 VICTORIA EMBANKMENT GARDENS AT THE REAR OF WHITEHALL COURT, VICTORIA EMBANKMENT, SW1**

Erection of memorial in recognition of British military forces and UK civilians who served/worked in Iraq and Afghanistan during the periods of conflict in Portland stone with central bronze medallion.

A late representation was received from Donald Insall Associates (12/04/16).

**RESOLVED:**

That the Committee agreed that the particular circumstances of the proposal constituted "an exceptionally good reason" to justify an exception to the Council's normal guidance approach to memorials in this part of the City and that "exceptional circumstances" existed to justify waiving the Council's normal 10 year rule on monuments, therefore it resolved:

1. That conditional permission be granted subject to the completion of a S106 legal agreement to secure on-going maintenance of the memorial.
2. That if the legal agreement had not been completed within six weeks of the date of this resolution to grant planning permission, 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.

**11 APPLICATION 1 -DEVELOPMENT SITE AT TOTTENHAM COURT ROAD STATION AND 1-23 OXFORD STREET AND 157-165 CHARING CROSS ROAD AND 1-6 FALCONBERG MEWS, APPLICATION 2 - CHARING CROSS ROAD, WC2**

Application 1 - Variation of Condition 1 of planning permission dated 12 January 2016 (RN: 11/10043/FULL) for: Demolition of 17-23 Oxford Street and erection of a building comprising part two basement levels, ground plus eight upper floors with ninth floor roof top plant for use as retail (Class A1) at part basement, ground and first floors, offices (Class B1) at part basement, ground and first to eighth floors, new public realm landscaping, servicing and access arrangements. (OSD Site A). Namely, amendments to facade design and alterations including re-alignment of south elevation, omission of colonnade on south elevation, realignment of north east corner to match the London Underground entrance, cutting back the south west corner to improve loading bay access, relocation of rooftop plant to basement, re-planning internal core (Site A).

Application 2 - Variation of Condition 1 of planning permission dated 12 January 2016 (RN: 11/10045) for erection of a building comprising part basement, ground plus nine storeys for use as a theatre (sui generis) on part basement, ground to fourth floors, and offices (Class B1) at fifth to eighth floor levels with plant at ninth floor, new public realm, landscaping servicing and access arrangements. Over site development above Crossrail operational details (Site B - site includes 12 Sutton Row and 12 Goslett Yard) : Namely amendments to facade design and alterations including, re-planning theatre auditorium to improve acoustic isolation, omission of pavilion and loading bay on north west corner, omission of stair tower and replacement with substation and cycle parking above, new staircase with theatre signage facing Charing Cross Road, enlargement of theatre foyer, re-alignment of north and east elevations. (Site B)

An additional representation was received from The Theatres Trust (14/02/16).

For Application 1 the presenting officer tabled an amendment to condition 16.

For Application 2 the presenting officer tabled an amendment to condition 16 and an additional condition 23.

**RESOLVED:**

Subject to the amended conditions for applications 1 and 2:

1. That 10 year conditional permissions be granted, subject to: A Deed of Variation to the S106 Agreement signed 12 January 2016 to tie the S73 permissions into the original S106 Agreement, including the agreed clauses regarding the timing of delivery of the theatre and residential on Sites C and D; and
- 2) That S106 obligations be revised to reflect the revised areas across Sites A and B including additional payments of –
  - a. Crossrail - £130,060
  - b. Public realm - £99,227
- 3) 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 permissions with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decisions under Delegated Powers; however, if not;
  - (b) The Director of Planning shall consider whether the permissions 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 applications and agree appropriate reasons for refusal under Delegated Powers.

**12 WEST CARRIAGE DRIVE, W2**

Segregated cycle route running through West Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works. Route also includes part of Serpentine Rd and South Carriage Drive.

**RESOLVED:**

That conditional permission be granted.

### **13     59 GREEK STREET, W1**

Use of part basement and part ground floor as two retail units (Class A1) and part basement and part ground and upper floors as residential (Class C3) to create up to 10 residential units, external alterations including infill of front lightwells and installation of pavement lights, removal of railings and new shop fronts.

An additional representation was received from the Soho Housing Association (undated).

A late representation was received from Councillor Paul Church (08/04/16).

#### **RESOLVED:**

1.     That the Committee were minded to grant conditional permission if the applicant provided 9 one bedroom units (affordable housing) in perpetuity. If an agreement could not be reached the application would be referred back to the Planning Committee.
2.     That conditions be agreed under delegated powers.

The Meeting ended at 11.54 am

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

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