



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

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

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

Also Present: Councillors Paul Church and Glenys Roberts

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 got 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 did not mean that Members had 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 were without prejudice and all parties were advised that a final formal decision was only taken when all the facts were 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 and Gerald Eve.

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 applicant in respect of the development, he knew the Directors of Soho Estates and also knew the Directors of Gerald Eve.

Item 2: He knew the Directors of the Royal Parks, he knew the Directors of TfL and applications for other cycle superhighway proposals had been before the Committee previously.

Item 3: He had been a guest, and spoken at, London Real Estate Forum events in previous years, the land was owned by Westminster City Council and previous applications on the site had been to the Committee before.

Item 4: The land was owned by Westminster City Council, he had attended the event in previous years and previous applications on the site had been to the Committee before.

Item 5: He knew the Directors of the Grosvenor Estate; he knew the Directors of Gerald Eve and had sat on the Committee which had heard previous applications on the site.

Item 6: He had held meetings with the applicant, he knew the architect and he also knew the Directors of Metrus.

Item 7: He knew the Directors of Gerald Eve and also knew one of the objectors who was a Councillor.

Item 8: He knew the Directors of Grosvenor and he knew a number of the objectors. The application had been to a previous Committee and he had attended a site visit to the application site.

- 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: He knew the applicants, the Soho Estate and the applicant's agent, Hugh Bullock.
- Item 2: The application was situated within his ward, he knew the Directors of TfL and he knew the Directors of the Royal Parks.
- Item 5: He knew the Directors of Grosvenor.
- Item 8: He knew the Directors of Grosvenor, the application had been to a previous Committee and he had attended a site visit to the application.
- 2.8 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 was Deputy Cabinet Member for Housing, Business and Economic Regeneration. She had sat on previous Committees with regards to Items 2, 3, 4, 5 and 8. She had also attended a site visit with regard to Item 8.
- 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 Gerald Eve as planning consultants who were also representing the applicants on items 1, 5 and 7. He did not deal directly with clients or other members of project teams, and there was no financial link between Gerald Eve and his employers.
- 2.11 Councillor Boothroyd made the following further declarations as they related to the specific applications on the agenda:
- Item 2: He was a member of the committee which considered the West Carriage Drive application mentioned in the report.
- Item 3: It was likely that representatives of Thorncliffe would seek to attend the London Real Estate Forum, wherever it was held. Also, he was a member of the Committee on 11 March 2014.
- Item 8: He was a member of the committee on 23 February, and attended the site visit last week.

- 2.12 Councillor Church declared that he knew the applicants and objectors for Item 8.
- 2.13 Councillor Roberts declared that she knew the applicants and objectors for Item 8.

3 MINUTES

That the Minutes of the meeting held on 12 April 2016 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 DEVELOPMENT SITE AT 111-119 CHARING CROSS ROAD, WC2; 1-12 MANETTE STREET, 1-4 WEDGWOOD MEWS AND 12-14 GREEK STREET, W1

1. Substantial demolition of existing buildings and redevelopment of the site to provide a mixed-use scheme accommodating a new building comprising basements, ground floor and part eight upper storeys plus rooftop plant with frontages to Charing Cross Road and Manette Street; refurbishment of buildings on Greek Street; in connection with use of the buildings for offices, retail, restaurants, art gallery/art education use, nightclub and eight residential dwellings; provision within basements of plant equipment, waste rooms and cycle parking; new public realm and pedestrian route through the site from Manette Street to Greek Street; and associated external works.
2. Partial demolition to the rear of the building; rebuild of the rear facade and erection of single storey rear extension; internal and external works; all in connection with use of the building as an art gallery/art education use (14 Greek Street).

Late representations were received from Soho Estates (11/05/16), a local resident (undated) and Transport for London (13/05/16).

The presenting officer tabled the following additional conditions for the draft decision letter:

Condition 37. You must only use the floorspace we have approved at 14 Greek Street as a gallery/education use (Class D1) for that purpose only. You must not use it for any other purposes, including any within Class D1 of the Town and Country Planning (use Classes) Order 1987 as amended April 2005 (or any equivalent class in order that may replace it).

Reason

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC1 of our Unitary Development Plan that we adopted in January 2007.

Condition 38. You must apply to us for approval of details of the following parts of the development – a means of treating the office windows in the south elevation of the

new building to prevent overlooking to the residential accommodation at 107-109 Charing Cross Road. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

RESOLVED:

1. That conditional permission be granted subject to:
 - a) Condition 36 being revised to allow the nightclub's terminal hour to be 03:00 Friday to Saturday and the addition of an extra condition requiring the residents entrance to be located further along the northern frontage of the building;
 - a) the views of the Mayor; and
 - b) a Section 106 legal agreement to secure the following:
 - i) The provision of affordable housing (intermediate rent) at 12-13 Greek Street for successive occupants in perpetuity at agreed rent levels and transferred to a Registered Provider (minimum 125 year lease) prior to first occupation. The housing to be allocated in line with the City Council's nominations criteria. The housing to be made ready for occupation prior to the first occupation of the office and restaurant units.
 - ii) Payment of £2.3m to the City Council's affordable housing fund.
 - iii) Public art - a programme of public art to be implemented within 12 months of occupation of the offices.
 - iv) Necessary highways works.
 - v) Dedication (or alternative means of securing public access) of the widened area of footway on Charing Cross Road and Manette Street.
 - vi) Walkways agreement to allow public access to the privately owned passageway and square linking Manette Street and Greek Street. Public access to be between 07.00 to 01.00 daily.
 - vii) Provision of new public courtyard and access.
 - viii) Crossrail payment.

- ix) 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 £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
 - x) Employment and Training Strategy for the construction and operational phase of the development.
 - xi) Monitoring costs.
2. That if the S106 legal agreement has not been completed within 3 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. That conditional listed building consent be granted.
4. That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

2 1. CONSTITUTION HILL, SW1 2. ST JAMES'S PARK, SW1 3. SOUTH CARRIAGE DRIVE, SW1

- 1. Creation of a segregated cycle route running through Constitution Hill as part of the East-West Cycle Superhighway and associated works.
- 2. Creation of a segregated cycle route running alongside St. James's Park as part of the East-West Cycle Superhighway and associated works. (Site includes Birdcage Walk and The Mall).
- 3. Creation of a segregated cycle route running through South Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works.

RESOLVED:

- 1. That conditional permission for Application 1 be granted subject to an additional condition requiring the north facing middle lane on Constitution Hill be open to traffic; and

2. That conditional permission be granted for Applications 2 and 3.

3 BERKELEY SQUARE, W1J 6DB

Erection of 19 marquees on the north side of Berkeley Square for a temporary period for the Glamour Awards and the London Real Estate Forum between 1 June 2017 and 19 June 2017 and for unspecified dates in future years.

RESOLVED: That the Committee considered that there were exceptional circumstances in the case to permit an unlimited permission for the proposed use on a temporary basis.

4 BERKELEY SQUARE, W1J 6DB

Erection of seven marquees on the north side of Berkeley Square Gardens for a temporary period for antiques and art fairs between 31 August 2016 and 15 October 2016 and for unspecified dates in years 2017 to 2020.

RESOLVED: That the application be deferred in order to allow discussions to take place with the applicant to reduce the timeframe for which the marquees would be vacant between events. The application would return to the Committee for decision.

5 ST MARK'S CHURCH, NORTH AUDLEY STREET, W1K 6DP

Use of the property for sui generis purposes, comprising a mix of retail (Class A1) on the ground floor, first floor/balcony as restaurant (Class A3, including external roof terrace at front first/balcony level), part of basement for ancillary back of house functions for both the retail and restaurant uses, and part use of basement as community space (Class D1) with access from Balderton Street; single storey extension to north west part of building, extension to south east corner and corridor and duct void extension to the rear; installation of various items of mechanical plant including kitchen extract; internal alterations throughout.

Late representations were received from the Save St Mark's Campaign (12/05/16), Holy trinity Brompton (12/05/16) and The Victorian Society (13/05/26).

RESOLVED:

1. That the Committee considered that the benefits of restoring the building and the applicant's offer for a community space in part of the basement, and arrangements for running and financing it, were sufficient to overcome the loss of most of the lawful Class D1 social and community use;
2. That Subject to 1. above, and referral to the Secretary of State for Communities and Local Government, conditional permission and conditional listed building consent be granted subject to a legal agreement to secure the following:
 - i) complete restoration and refurbishment of the building before any of the approved uses commence;

- ii) setting up of a committee to manage the community space and guarantee its long-term running costs on behalf of local groups/residents at nil cost in perpetuity; and
 - iii) Monitoring costs of £500 for each of the above clauses.
3. That if the S106 legal agreement had not been completed within two months, 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. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

6 53-55 FRITH STREET AND 8-11 BATEMAN STREET, W1D 4SJ

Erection of a single storey extension at main roof level including a new external screened plant area; infilling of lightwells at first to fourth floor level and the creation of terraces at third, fourth and new fifth floor level. Installation of new shopfronts and the re-configuration of uses including the retail, restaurant, office and residential layouts.

An additional representation was received from Metrus (11/05/16).

RESOLVED: That against the recommendation permission be granted with the conditions to be agreed under the Director's delegated powers following consultation with the Chairman of Planning Applications Committee (1).

7 44-48 GREAT CUMBERLAND PLACE, W1H 7BS

Erection of a mansard roof extension to 44-48 Great Cumberland Place; plant enclosure to the roof of 16 Brunswick Mews; a pergola on a 1st floor rear terrace and landscaping; alterations to the front facade including new doors, windows, balconies and railings and associated works, and internal alterations.

Additional representations were received from Home House (11/05/16), Murhead International Limited (06/05/16), Gerald Eve (13/05/16) and Councillor Heather Acton (12/05/16).

The presenting officer tabled the following revised and additional conditions:

Revised Condition 8:

Customers and guests shall not be permitted on the rear terrace before 08:00 or after 22:00 Monday to Sunday. Staff shall not be permitted in this area between 22:00 and 08:00 except in an emergency.

Revised Condition 9:

Customers and guests shall not be permitted on the balconies and rear ground floor lightwell before 08:00 or after 22:00 Monday to Sunday. Staff shall not be permitted in this area between 22:00 and 08:00 except in an emergency.

Revised Condition 14:

You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace, except those shown on the approved drawings.

Revised Condition 18:

The proposals must be completed in their entirety within 2 years of the commencement of the mansard roof extension.

Additional Condition 19:

You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

Revised Condition 5 (of 15/10587/LBC):

Before the works hereby approved are commenced on site, the roofs to be demolished shall be recorded, by an appropriately qualified professional and the findings shall be reported to the City Council as local planning authority within six months of the commencement of works. The recording shall include measured drawings and photographs of the roofs, their detailed construction and materials used.

Late representations were received from a resident (14/05/16), Councillor Richard Beddoe (13/05/16) and Gerald Eve (17/05/16).

RESOLVED:

1. That conditional permission and conditional listed building consent be granted subject to an additional condition precluding the use of the rear terrace area except for maintenance or emergency use.
2. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

8 12 BOURDON STREET, W1K 3PG

Use of the ground floor as a retail unit (Class A1) and alterations to the ground floor front elevation.

Additional representations were received from eight local residents (28/04/16, 29/04/16, 03/05/16, 05/05/16, 06/05/16, 09/05/16, 10/05/16, 11/05/16, 12/05/16 and 13/05/16) and a petition with sixty-seven signatures from Residents and Friends of Bourdon Street and Grosvenor Hill (10/05/16 and 11/05/16).

Late representations were received from Councillor Glenys Roberts (16/05/16), Councillor Jonathan Glanz (13/05/16), four local residents (16/05/16, 17/05/16), an updated petition (11/15/16)

Councillors Paul Church and Glenys Roberts addressed the Committee in their capacity as ward members.

RESOLVED: That against the recommendation the application be refused due to the loss of amenity to the residents, the harmful effect an increase in traffic would have on the surrounding location, adverse impact on the character of the street and the undesirable precedent it would set for the area.

The Meeting ended at 8.52 pm

CHAIRMAN: _____

DATE _____