



CITY OF WESTMINSTER

# MINUTES

## Planning Applications Committee (1)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 19th July, 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, Barbara Grahame and Tim Mitchell

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

2.1 Councillor Robert 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 JLL, Gerald Eve, Four Communications, Belgrave, Rolfe Judd, DP9 and Montagu Evans.

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

Item 1 - he has had meetings with the applicants, knows the agent, Guy Bransby, Directors of JLL and the Architect.

Item 2 - he knows the directors of the Grosvenor Estate and had meetings with them concerning this property. He also knows the Directors of Gerald Eve. A previous application relating to this property had been considered by the committee.

Item 3 – the application had been considered by the Committee previously. He has had various meetings with the applicants and knows Directors of Rolfe Judd and Berners Allsopp Estate.

Item 4 - the application had been considered by the Committee previously. He has had meetings with the applicants on previous applications for the site. He knows Directors of DP9 and the developers, CIT and Sir Stuart Lipton.

Item 5 – the site is located in his ward. He has had meetings with the applicants about the wider re-development of their estate. He knows the Directors of Montagu Evans and Ben Bourne.

Item 7 - the application had been considered by the Committee previously and at the time the Committee attended a site visit. He has had meetings with the applicants prior to the previous application being submitted. He knows the Directors of Land Securities which own the site but may have sold it.

Item 8 - the application had been considered by the Committee previously and at the time the Committee attended a site visit. He has had meetings with the applicants prior to the previous application. He knows some of the partners of Brecher solicitors and Directors of Enstar Capital Ltd.

- 2.6 Councillor Tim 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. He also knew planning consultancy companies that were representing the applicants on a number of items on the current agenda, including JLL, Gerald Eve, Four Communications, Belgrave, Rolfe Judd, DP9 and Montagu Evans.
- 2.7 Councillor Mitchell then made the following further declarations as they related to the specific applications on the agenda:
- Item 1: the site is located in his ward and he had been in correspondence with the objectors regarding the earlier scheme.
- Item 4: that he had sat on the Committee that had considered the previous application.
- Item 7: the site is located in his ward and he had been in correspondence with the objectors regarding the earlier scheme.
- Item 8: that he had sat on the Committee that had considered the previous application.
- 2.8 Councillor Susie 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.
- 2.9 Councillor Burbridge made the following further declarations as they related to the specific applications on the agenda:
- Items 2, 3, 4, 7 & 8: That she had sat on the committee that had considered the previous applications.
- Item 5: The site was located in her ward.
- Items 7 & 8: That she had attended committee site visits when the committee considered the original applications.
- 2.10 Councillor Barbara Grahame declared in respect of Items 4 & 7 that she had sat on the committee when it had considered the previous applications but had not attended the related site visits. She declared a Prejudicial Interest in respect of Item 6 in that she lived close to the property in question. She therefore advised that she would not take part in the consideration of the application and would leave the room during the item.

### **3 MINUTES**

3.1 **RESOLVED:** That the minutes of the meeting held on 14 June 2016 be agreed as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 DEAN BRADLEY HOUSE, 52 HORSEFERRY ROAD, LONDON, SW1P 2AF**

Demolition of Dean Bradley House and redevelopment to provide a building of double basement, ground, and nine upper floors accommodating 252 sqm of retail floorspace (Class A1/A3) at ground floor level, 1051 sqm of office floorspace (Use Class B1) at first floor level and 45 residential units (Class C3) at second to ninth floor levels (14 x 1 bed units; 18 x 2 bed units; 12 x 3 bed units; and 1 x 4 bed unit) with balconies, with car and cycle parking at basement level. Creation of a separate gatehouse building comprising 3 residential units (Class C3) at first and second floors (2 x 1 bed units and 1 x 2 bed duplex unit) accessed from Romney Street. Installation of plant at ninth floor level. Landscaped communal areas and servicing area.

An additional representation was received from Edward Seckerson (13.7.2016).

Late representations were received from Belgrave (15.7.2016) and Annie Johnston (18.7.2016)

The presenting officer tabled the following changes to the draft decision letter:

Condition 36 is updated to include first floor office windows facing the courtyard to be obscure glazed and fixed shut.

Condition 39 will be updated to refer to the offices achieving BREEAM excellent.

#### **RESOLVED:**

That conditional permission be granted subject to the views of the Mayor and

(a) a S106 legal agreement to secure the following:

i. Provision of 3 affordable housing units on-site (social rented tenure unless otherwise agreed)

ii. Payment of £1,875,000 to the City Council's affordable housing fund;

iii. 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 £32,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.

iv. To ensure that 100% parking is unallocated and is available to all residents;

- v. Car club membership for residents of the development;
- vi. Car lift maintenance and management plan;
- vii. Highway works surrounding the site required for the development to occur;
- viii. Costs of monitoring the S106 agreement.

- (b) The changes to conditions as tabled and set out above.
- (c) Top floor finishing materials to be agreed in consultation with the Chairman.

2. 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.

Councillor Grahame dissented to the decision on the grounds that the financial contribution to the Affordable Housing Fund was not policy compliant.

## **2 22 GROSVENOR SQUARE, 43 NORTH AUDLEY STREET AND 1 LEES PLACE, LONDON, W1K 6DT**

The use of 22 Grosvenor Square, 43 North Audley Street and 1 Lees Place as a hotel, restaurant and private members club/bar (Sui Generis), with works including the infilling of the alleyway to the rear of 43 North Audley Street, partial demolition and rebuilding of 43 North Audley Street to provide a building of two storeys plus mansard, erection of a two storey extension to the rear facade of 1 Lees Place, including the extension of the basement floor to the front facade; installation of plant, the creation of a terrace at roof level of 22 Grosvenor Square and associated internal and external alterations.

### **RESOLVED:**

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

### **3 18 WELLS STREET, LONDON, W1T 3PG**

Demolition of the existing building and erection of a building comprising lower ground, ground and first to sixth floor levels. Use of the part basement and ground floor levels as retail accommodation (Class A1), first to fourth floors as office (Class B1) and two residential units (Class C3) over fifth and sixth floors. Installation of plant at rear ground floor levels and at main roof level with associated screening. Creation of terraces/balconies at first to sixth floor levels.

The presenting officer tabled the following recommended changes to the draft decision letter.

Deletion of condition 11

The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

#### **RESOLVED:**

1. That conditional permission be granted subject to:
  - A. a S106 legal agreement to secure the following:
    - a) Provision of £941,000 towards public realm improvements in the vicinity of the site;
    - b) Highways works
    - c) The costs of monitoring the S106 agreement.
  - B. The deletion of Condition 11 tabled and set out above.
2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
  - (a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - (b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

**4 16, 18-25 & 26 PARK CRESCENT & 77-81 PORTLAND PLACE, LONDON, W1B 1PE**

DEVELOPMENT SITE AT 16, 18-25 & 26 PARK CRESCENT & 77-81 PORTLAND PLACE- Demolition and redevelopment of 16 Park Crescent, 18-25 Park Crescent, 26 Park Crescent and partial demolition of 77-81 Portland Place including reinstatement of Grade I listed Park Crescent facade to create [76] residential units and [1910 sqm] D1 floorspace. Creation of [9] new mews properties within rear courtyard at Park Crescent Mews. Car parking and associated servicing, access and landscaping.

Late representations were received from DP9 (13.7.2016, 15.7.2016, 18.7.2016).

The presenting officer presented the following recommended changes:

Amended recommendation:

Revised contribution towards affordable housing of £9,345,710

Amendment to Condition 39:

Each stage of the development hereby permitted (principally, 'foundations', 'basement', 'basement and ground floor structures', or any other structure below ground level including piling) shall not be commenced until detailed design statements and method statements for each of these stages of development have been submitted to the local planning authority.

These detailed design statements and method statements must be accompanied by written confirmation from London Underground Limited [LUL], confirming that LUL has previously reviewed and approved these details. Providing that LUL have confirmed approval of these detailed design statements and method statements, there will be no requirement for the Council to further review/approve these details.

These detailed design and method statement will:

- i. provide details on all structures
- ii. accommodate the location of the existing London Underground structures and tunnels
- iii. accommodate ground movement arising from the construction thereof
- iv. and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design statements and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

## RESOLVED:

1. The Committee agreed that a financial contribution of £8,986,710 in lieu of on-site affordable housing provision is acceptable.
2. Subject to 1. above, the Committee agreed to a phased payment of the affordable housing contribution, with one third of this sum being payable on commencement of development, one third after 18 months and one third on first occupation.
3. Subject to 1. and 2. above, and subject to the views of the Mayor, conditional permission be granted, subject to:
  - A. a Section 106 legal agreement to secure the following:
    - i. Provision of £8,986,710 towards the City Council's affordable housing fund (index linked and payable in phased payments);
    - ii. The community space to be fully fitted out and ready for occupation prior to the occupation of the residential floorspace, and thereafter provided at a peppercorn rent for a minimum period of 35 years;
    - iii. £30,000 per annum for the City Council's Environmental Inspectorate to oversee the construction phase;
    - iv. The cost of reinstating the Park Crescent facade (in the event that the applicant fails to complete the development);
    - v. Provision of the on-site play space;
    - vi. Public access to the ice house;
    - vii. Highway works associated with the development;
    - viii. Unallocated parking;
    - ix. Monitoring costs.
    - x. additional controls to ensure that 100% parking is unallocated and is available for all residents
    - xi. £359,000 towards public realm (any unspent sum can be put towards the affordable housing fund)
    - xii. removal of the rubble from the ice house if found to be structurally feasible on advice from an independent expert consultant (paid for by the applicant)



- B. The amendment to Condition 39 as tabled and set out above.
2. If the S106 legal agreement has not been completed within six weeks from the date of the Committee's 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.
4. That conditional listed building consent be granted.
5. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

Councillor Grahame dissented to the decision on the grounds that the financial contribution to the affordable housing fund was not policy compliant.

Councillor Burbridge dissented to the decision to agree to a phased payment of the affordable housing contribution.

## **5 7-11 QUEENSWAY, LONDON, W2 4QJ**

Use of basement and ground floors as two Class A1 retail units at ground floor level and a Class D2 gym at basement level, installation of new shopfronts and entrance doors and associated alterations at ground floor level

Additional representations were received from Pinsent Masons (11.7.2016, 13.7.2016); Planning Resolution (13.7.2016, 14.7.2016) and Montagu Evans (2.6.2016, 14.7.2016, 15.7.2016).

Late representations were received from Councillor Andrew Smith (17.7.2016), SEBRA (17.7.2016) and Planning Resolution (18.7.2016, 19.7.2016)

The presenting officer tabled a revised draft decision letter which set out the following amendments:

- Revised condition 8 – servicing hours included
- Revised condition 11 - waste
- Revised condition 14 – reworded noise
- Additional condition 15- not to obscure shop front
- Additional condition 16 – vibration

**RESOLVED:**

That conditional permission be granted subject to the revised draft decision letter containing the above mentioned changes and to ensure that the revision to Condition 11 relates to all refuse.

**6 27 CLIFTON HILL, LONDON, NW8 0QE**

Demolition of existing 3 storey dwellinghouse and erection of replacement dwellinghouse comprising basement, ground and two upper floors with associated works.

Late representations were received from Councillor Barbara Grahame (18.7.2016, 19.7.2016).

Having declared a prejudicial interest, Councillor Grahame left the room during the consideration of the application.

**RESOLVED:** That conditional permission be granted subject to an additional condition requiring the use of the forecourt to be restricted to car parking only.

**7 DEVELOPMENT SITE AT FORMER WESTMINSTER COLLEGE, CASTLE LANE, LONDON**

Variation of Condition 1 of planning permission dated 05 January 2015 (RN: 14/02489) for the demolition of existing building and redevelopment comprising erection of a new six storey residential building plus basement level (Class C3) and three townhouses fronting Wilfred Street (Class C3) (31 units in total), namely to allow for minor material amendments including to reduce height of the main building by 900mm, provide residential accommodation and private terrace at 6th floor level, increased depth of part of basement level, use of photovoltaic glass at 6th floor level and alterations to town house entrances.

**RESOLVED:**

1. That conditional permission be granted subject to:

A. a deed of variation to the S106 agreement dated 5 January 2015 to secure:

i) A financial contribution towards affordable housing of £2.5m payable on commencement of development;

ii) Lifetime car club membership (25 years) for each residential unit;

iii) The applicant to sign up to the Council's Code of Construction Practice and to pay up to £16,000 annually for cost of monitoring by Environmental Inspectorate and up to £8,040 annually for cost of monitoring by Environmental Sciences (Index linked);

iv) Highway works to Wilfred Street

v) S106 Monitoring contribution.

B. That the materials on the PV panels cladding the top storey to be determined by officers in consultation with the Chairman.

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee's 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 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 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.

## **8 GROVE HOUSE, 88 - 94 WESTBOURNE GROVE, LONDON, W2 5RT**

To advance the front face of the subject building onto a margin of the adopted highway Westbourne Grove

Additional representations were received from Sue Semlani (9.2.2016, 6.7.2016)

### **RESOLVED:**

1. That the Committee authorised the City Transport Advisor (or other such proper officer of the City Council responsible for highway functions) to notify the Mayor of London of the unwithdrawn objections to the draft Order being made pursuant to section 247 of the Town and Country Planning Act 1990 to authorise the stopping up of a part of the highway adjacent to 88-94 Westbourne Grove in accordance with planning permission granted on 09 September 2015 (RN 14/10572/FULL), and to seek the Mayor of London's decision as to the need for a local inquiry, in the special circumstances of the case.
2. If the Mayor of London decides that the holding of such an inquiry is unnecessary, that the Committee authorised the City Transport Advisor to make the Order to stop up the part of the highway adjacent to 88-94 Westbourne Grove, with or without modification as the City Transport Advisor sees fit.
3. If the Mayor of London decides that the holding of such an inquiry is necessary and the matter is referred to the Secretary of State, that the Committee authorised the City Transport Advisor to either make or refuse the Order to stop up the part of the highway adjacent to 88-94 Westbourne Grove, with or without modification as the City Transport Advisor sees fit, taking into account the report of the Planning Inspector (or other such person who held

the inquiry on behalf of the Secretary of State) and having first obtained the consent of the Mayor of London to the making of the Order where relevant.

The Meeting ended at 8.29 pm

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

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