



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 14th June, 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.

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 Savills, Gerald Eve, GVA and Four Communications.

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

Item 1: That he knew the Directors of Motcomb Estates, owners of the site, and the Directors of Savills and Gerald Eve.

Item 2: That he knew the Directors of the applicant and the Directors of Gerald Eve. Applications for the site site been considered by the Committee on previous occasions and he had met with the applicant and with previous applicants in relation to the site.

Item 3: That he knew the Directors of the applicant and the Directors of GVA and had meetings with the applicant and GVA.

Item 4: That he knew the Directors of the applicant, had meetings and received hospitality from them and had toured the building. He also knew the architect and had sat on the Committee that had considered the previous application.

Item 5: That he had sat on the Committee that had considered the previous application, that the site was on Westminster City Council owned land and that he had previously visited the exhibition.

Item 6 : That he knew and had met the applicant and received hospitality from them in the course of other business engagements.

Item 7: That he had sat on the Committee that had considered previous applications on the site and had acted for a previous owner of the building who has since sold the building.

Item 8: That he had sat on the Committee that had considered previous applications on the site.

- 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 Four Communications, Gerald Eve and GVA.
- 2.7 Councillor Mitchell then made the following further declarations as they related to the specific applications on the agenda:
- Item 4: That the site was in his Ward and that he had sat on the Committee that had considered the previous application.
- Item 5: 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:
- Item 4: That she had sat on the Committee that had considered the previous application.
- Item 5: That she had sat on the Committee that had considered the previous application.
- 2.10 Councillor David Boothroyd declared that he is Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. He advised that the only project in Westminster on which Thorncliffe have been engaged is a scheme for Future54 in Leinster Square and that he is precluded from working on it under the company's code of conduct.
- 2.11 Councillor Boothroyd declared that some Thorncliffe clients have engaged planning consultants who are also representing applicants tonight: Savills on item 1, Gerald Eve on items 2 and 4, and Bilfinger GVA on item 3. However, he stated that he does not deal directly with clients or other members of project teams, and there is no financial link between the planning consultants and my employers.
- 2.12 Councillor Boothroyd then made the following further declarations as they related to the specific applications on the agenda:

Item 2: The developers are Land Securities who are current clients of Thorncliffe in relation to a scheme in Worcester.

That he was a member of previous Planning Applications Committees that considered schemes on the sites of items 4, 5 and 7 respectively.

3 MINUTES

3.1 RESOLVED:

That the Minutes of the meeting held on 17 May 2016 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 100 PICCADILLY, LONDON W1J 7NH

Excavation of sub-basement and alterations and extensions to 96-100 Piccadilly and redevelopment of Nos. 5-6 Yarmouth Place, to provide a new building on basement, ground, mezzanine and first to third floors with roof level plant, to provide 28 new and reconfigured residential apartments (Class C3) (36 in total), a shop on part ground and part mezzanine floors (flexible Class A1/Class A2 use); car/cycle parking and associated plant. Internal alterations. (Site includes 96-100 Piccadilly and 5-6 Yarmouth Place).

Additional representations were received from Motcombe Estates Limited (08.06.2016), London Underground (18.08.2015 and 08.06.2016), James Laidlaw (07.06.2016), David Cooper (09.06.2016 and 28.08.2015).

Late representations were received from Councillor Glenys Roberts (08.6.2016), Dr and Mrs N. C. Molden (06.06.2016), David Cooper (28.08.2015), Patrick Burgess (09.06.2016) and Laurence Kalmin (08.06.2016).

RESOLVED:

1. That conditional planning permission be granted, subject to a Section 106 agreement to secure:
 - i) A contribution of £8.1M to the City Council's affordable housing fund (less an agreed reduction for the Westminster CIL (Community Infrastructure Levy), with the contribution currently estimated to be £7,028,000) (index-linked and payable upon the commencement of development)
 - ii) Compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cost cap of £32,000
 - iii) Costs of highways works around the site to facilitate the development (including the creation of a new crossover)

- iv) Management and Maintenance Plans for the car lift and surface turntable in Yarmouth Place
 - v) Unallocated residential parking for the 31 new/reconfigured flats
 - vi) Monitoring costs.
2. That the reasons for approval as set down in Informative 1 of the draft decision notice be agreed.
 3. That conditional listed building consent be granted.
 4. That if the Section 106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:
 - a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2 OXFORD HOUSE, 76 OXFORD STREET, LONDON W1D 1BS

Demolition of rear first floor car parking deck and associated car lift, stair and ventilation shaft. Erection of replacement two storey structure for use, together with part existing basement, as new restaurant (Class A3).

Excavation beneath part of north-west of site to enlarge existing basement level to provide cycle parking and associated facilities to serve the retained office (Class B1) floorspace over second to ninth floor level. Use of part ground as a new retail (Class A1) unit and use of first floor as retail (Class A1) floorspace to extend existing retail units at basement and ground floor levels. Removal and replacement of the existing cladding and associated façade alterations including alterations to shopfronts to create two storey retail frontage to Oxford Street. Alterations to rear courtyard and other associated works.

An additional representation was received from the Director of Planning (08.06.2016).

The presenting officer tabled the following amendments to the recommendations:

Update on revisions to Westminster's City Plan

The Basement Revision and Mixed Use Revision were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016.

Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception will apply, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document later this month.

With specific regard to Item 2 Oxford House 70-78 Oxford Street W1 the scheme results in an increase in commercial floorspace of 1,059 m². Policy S1 of the City Plan Strategic Policies adopted November 2013 required an equivalent amount of residential floorspace. To meet this requirement the applicant proposed a financial payment of £1,846,000 in lieu of on-site residential. The revised policy S1 (Mixed Use in the Central Activities Zone) requires the provision of residential to offset increases in offices (Class B1) but not in other commercial uses. The change in policy approach means that the scheme for Oxford House 70-78 Oxford Street does not require the provision of residential.

The recommendation is revised to:

Grant conditional permission

RESOLVED:

That conditional permission be granted, subject to an additional condition to secure the introduction of active fenestration to the ground floor blank façade facing Newman Street and the amended drawings to be agreed in consultation with the Chairman.

3 PARK MANSIONS, KNIGHTSBRIDGE, LONDON SW1X 7QU

Single storey extension at roof level to provide four additional residential units, including terraces and plant room. Reinstatement of the central cupola and northern and southern turrets.

Late representations were received from Councillor Rachael Robathan (14.06.2016), Roger Dunn, Chairman, Park Mansions Leaseholders (13.06.2016), Edward Davies-Gilbert, Chairman Planning and Conservation Committee, Knightsbridge Association (14.06.2016), Fadi Halabi (13.06.2016), Adele Investment Company (13.06.2016), Duer Investments Company (13.06.2016), Evangelia Eleftheriou (13.01.2016, 13.06.2016), Somerset Consult (10.06.2016), Ms E. Kono (13.06.2016), Manfred Unger (13.06.2016), Evgeni Ivanoski (undated), Chief O. Alex Duduyemi (13.06.2016), Riccardo Giraudi (undated), Mrs J. Ramos on behalf of The Saturn Lily Trust (13.06.2016), Hamad F. Sultan (13.06.2016), BSI Properties Limited (13.06.2016), M. Turker Karamizrak (12.06.2016), Sikander Zaman (12.06.2016), A. Jomaa (11.06.2016), Ms W. Wang (11.06.2016), Soheila Arefcheh Khaksari

(11.06.2016), Pauline Flach and Krister Martin (undated) and Anna Maria Theocharaki (11.06.2016).

RESOLVED:

That conditional permission be granted, subject to an amendment to condition 7 requiring the louvred screens to be permanently retained and properly maintained to ensure they serve their required purpose.

4 55 VICTORIA STREET, LONDON SW1H 0EU

Infill terrace at 11th floor level to create additional internal living space, installation of a retractable roof to provide access to new roof terrace at 12th floor level enclosed by glass balustrades, creation of additional terrace at rear 11th floor level enclosed by glass balustrade, reconfiguration of rooftop PV cells to accommodate roof terrace, increase height of CHP flue and alterations to windows and doors.

RESOLVED:

That the proposals would not harm the appearance of the building or the area generally and the development would meet the relevant policies of Westminster City Council's adopted City Plan and Unitary Development Plan and that permission therefore be granted, subject to conditions to be settled under delegated powers by officers.

5 BERKELEY SQUARE, LONDON 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.

Additional representations were received from Isolde Allen, Beaux Arts on behalf of Patricia Singh (20.05.2016), Robin Katz (03.06.2016), James C. McVittie on behalf of George Pragnell (03.06.2016), Gerardo Andriaccio on behalf of The Westbury (03.06.2016), Adrian Sassoon (04.01.2015), Lord Chadlington (03.06.2016), Raffaello Tomasso on behalf of Tomasso Brothers Fine Art (26.02.2016), Graham Southern (06.06.2016), Loic Le Gaillard (25.01.2016), Daria Manganelli of Mazzoleni Art on behalf of Luigi Mazzoleni (03.06.2016), Serena Coad (03.06.2016) and Mieka Sywak (09.06.2016).

Late representations were received from James C. McVittie on behalf of George Pragnell (03.06.2016), Julian Treger (13.06.2016), Veere Grenney (13.06.2016), Fatima Maleki (13.06.2016), Adrian Sassoon (03.06.2016) and Duncan Ferguson and Lancer Property Asset Management Ltd (13.06.2016).

RESOLVED:

That it be agreed that there are exceptional circumstances in the application to permit the proposed use on a permanent basis, subject to the applicant agreeing details of dates for the antiques and art fairs in the years subsequent to 2016.

6 11 UPPER BELGRAVE STREET, LONDON SW1X 8BD

Internal and external alterations including creation of a garage on the Wilton Street elevation with associated crossover, a rear extension at fourth floor level and enlarged roof terrace at fifth floor level in connection with the use of the property as a single family dwelling. Excavation works at lower ground floor, rebuilding of ground floor rear infill addition, rear extension at first floor and third floor levels, creation of terraces at first and roof levels, and installation of condensers at roof level.

An additional representation was received from Gerald Eve (10.06.2016).

RESOLVED:

That the proposed extension would not harm the special character of the listed building and conservation area and the development would meet the relevant policies of Westminster City Council's adopted City Plan and Unitary Development Plan and that permission and listed building consent therefore be granted, subject to conditions to be settled under delegated powers by officers.

7 THRUTCHLEY HOUSE, 1 BICKENHALL STREET LONDON W1U 6BN

Variation of condition 9 on planning permission dated 26 August 2014 (RN: 14/05948/FULL) for the 'Use as three residential units (Class C3) with a new entrance at ground floor level, roof extension, installation of plant and associated external alterations, erection of a garage in south west parking area': Namely, to reduce the amount of obscure glazing in the rear elevation.

RESOLVED:

That conditional permission be granted.

8 17 BERKELEY STREET, LONDON W1J 8EA

Approval of details pursuant to Condition 10 of planning permission dated 19 May 2015 (RN: 14/07972), namely the submission of a post-commissioning noise survey to demonstrate the plant noise levels will be compliant with.

A late representation was received from Councillor Glenys Roberts (14.06.2016).

RESOLVED:

That the details be approved.

The Meeting ended at 8.48 pm.

CHAIRMAN: _____

DATE _____

