



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** Committee held on **Tuesday 13th September, 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 Tim Roca

Also Present: Councillor Adam Hug

Apologies for Absence: Councillor David Boothroyd

1 MEMBERSHIP

- 1.1 It was noted that Councillor Tim Roca was replacing Councillor David Boothroyd.

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 including 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 generally or 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 would have read about the issue 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 met 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 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, DP9, Gerald Eve, Montagu Evans and Turley.
- 2.5 Councillor Davis then made the following further declarations as they related to the specific applications on the agenda:

Item 1: That he had met with the applicants concerning this application, and knew the Directors of London and Regional Properties. He also knew the Directors and the General Manager of Hilton Hotels, and the Directors of DP9.

Item 2: That he had met with the applicants and knew the applicants' agent Laurence Brooker, who was a former Council Officer. He also knew Mike Stiff the architect, and Turley's who were the applicant's representatives.

Item 3: The application had been to this Committee on a previous occasion, and he had met with the applicants prior to the first time it came to Committee and subsequent to the last meeting. He also knew their representatives Belgrave, and the architects Make.

Item 4: That he had sat on the Committee that had considered the principal application on a previous occasion, and that he also knew the Directors of the Howard de Walden Estate.

Item 5: That he had sat on the Committee that had considered the principal application on a previous occasion, and that he also knew the Directors of the Howard de Walden Estate.

Item 6: That he knew the Directors of Grosvenor and the Directors of Gerald Eve who were representing them, and had met with the applicants concerning this application.

Item 7: That he had met with the applicants and knew the Directors of Capital & Counties Properties (Capco), and their representative Gerald Eve and Paul Collins who represented them. He also knew the Vicar of St. Paul's who occupied the adjoining Church.

Item 8: That he had met with the applicants, and knew their representatives DP9.

Item 9: He knew the Chief Executive and other Directors of the Royal Parks Agency, and also knew the senior officers of TfL. Other parts of the Cycle Superhighway had been to this Committee on previous occasions.

Item 10: That he had sat on the Committee that had considered the application on a previous occasion. He had met with the applicants, and knew their agents, and also knew Lee Simmons who was the designer of the proposed art installation.

Item 11: He had met with the applicants and knew their representatives DP9.

Item 12: The application had been to the Committee on previous occasions. He had also met the applicants and the principle objectors. He also knew members of the Bourne family who were part of the applicants, and the applicants' agents Montagu Evans. The application site was also in his Ward.

- 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 corporate 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, Belgrave, DP9, Montagu Evans and Turley's.
- 2.7 Councillor Mitchell then made the following further declarations as they related to the specific applications on the agenda:

Items 3, 4, 5, 10 and 12: That he had sat on the Committee that had considered the previous applications.

Item 6: That he knew the Directors of Grosvenor.

Item 7: The application site was located in his Ward. He also knew the applicant Capital & Counties Properties (Capco), and knew a number of people who had made representations.

Item 9: He knew members of staff of the Royal Parks Agency, together with a Board Member. Other parts of the Cycle Superhighway had been to this Committee on previous occasions.

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 Development.

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

Items 3, 4, 5, 10 and 12: That he had sat on the Committee that had considered the previous applications.

Item 9: That she knew members of staff of the Royal Parks Agency of the Royal Parks Agency. Other parts of the Cycle Superhighway had been to this Committee on previous occasions.

Item 12: The application site was located in her Ward.

2.10 Councillor Tim Roca made no declarations.

3 MINUTES

3.1 RESOLVED:

That the Minutes of the meeting held on 16 August 2016 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 LONDON HILTON, 22 PARK LANE, LONDON, W1K 1BE

Alterations to the tower building facade and reconfiguration of the existing tower building; partial demolition and redevelopment of the existing rear ballroom podium to provide a new podium building on ground to third floors; all to provide between 350 and 448 hotel bedrooms with ancillary bars, lounges, restaurants, meeting rooms, leisure facilities and gardens (Class C1), up to 28 residential units (Class C3) on levels 23-30 and a restaurant (Class A3) on level 21; excavation to provide a total of 3 additional basement levels (7 basement levels in total) for hotel ballrooms, meeting rooms and leisure facilities (Class C1), residential leisure facilities (Class C3) and replacement casino use (Class Sui Generis) and basement car and cycle parking; erection of a new building on ground and first to fourth floors with roof top plant on Stanhope Row to provide up to 29 serviced apartments (Class C1); plant at basement and roof levels; alterations to existing accesses on Pitt's Head Mews [including access to replacement service yard], Hertford Street and to the hotel from Park Lane and associated highway works; new hard and soft landscaping around the site; and all ancillary and associated works.

An additional representation was received from Pamplona Capital Management LLP (08.09.16). An additional Summary of Proposals was also received from Hopkins Architects and DP9 Planning Consultants (08.09.16).

RESOLVED:

1. That the Committee agreed to accept the applicant's request that the affordable housing payment is phased (a third on commencement, a third after 18 months and a third on first occupation of any part of the development) rather than the normal policy requirement of full payment on commencement.
2. That conditional permission be granted subject to a legal agreement to secure the following:
 - i) A financial contribution of £20,444,000 towards the Council's affordable housing fund, index linked and payable as phased payments (a third on commencement, a third after 18 months and a third on first occupation of any part of the development);
 - ii) Unallocated residential parking available for use by the occupiers of all residential units;
 - iii) Lifetime [25 years] car club membership for the residential occupiers (one membership per residential unit);
 - iv) All associated costs for the highway works immediately surrounding the site required for the development to occur, including reinstatement of existing vehicle crossovers on Pitt's Head Mews and Hertford Street and associated work (to be implemented prior to the occupation of any part of the development);
 - v) Provision of cycle parking spaces in Pitt's Head Mews (14), Park Lane (22) and Hamilton Place (18);
 - vi) Dedication of the highway where the building line has been set back from the existing line in Pitt's Head Mews (subject to minor alterations agreed by the Council), prior to occupation of the development and at full cost to the applicant;
 - (vii) Stopping up of the highway on the Stanhope Row and Pitt's Head Mews frontages as required to implement the development, at full cost to the applicant;
 - (viii) All costs associated with the replacement of the three trees in Stanhope Row (to be planted prior to the occupation of any part of the development);
 - (ix) Payments towards Crossrail of £325,450, subject to the Mayoral CIL payment;

- (x) Monitoring costs of £500 for each of the above clauses.
3. 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 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 Committee authorises the making of a draft order pursuant to S247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.
5. That the City Transport Adviser (or other such proper officer of the City Council responsible for highway functions) be authorised to take all necessary procedural steps in conjunction with the making of the stopping up order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.
6. That approval of the design of balconies and their enclosure will be reserved for subsequent approval in order to permit the applicants to further explore the health and safety implications of open balconies.
7. That Condition 4 be revised to read:
- “You must not put any telecommunications or similar equipment on the roof without permission, or put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings.
- Reason:
Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster’s City Plan (July 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007.”
8. That Condition 26 be revised to read:

“Before any of the approved uses commence, you must submit for approval a car parking strategy (including detailed drawings) providing the following details:

- a) Location of no less than 42 unallocated residential (Class C3) car parking spaces, and no more than 28 other car parking for the non-residential uses, within the basement;
- b) Disabled access car parking spaces (for the residential and other uses within the development);
- c) Electrical vehicle charging points (minimum of 20% active and 20% passive);
- d) Access arrangements to the car parking area;
- e) a strategy for managing the car parking for the different uses within the development.

You must provide each of the 42 residential car parking spaces shown on the approved drawings, which shall only be used by the parking of vehicles of people living in the residential part of this development, on an unallocated basis without restriction for all of the residential occupiers of the building and these shall be maintained for such use for the lifetime of the development in accordance with the car parking strategy approved pursuant to this condition. You must ensure that the residents’ parking is communal and not used by the hotel.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007.”

2 HATHAWAY HOUSE, 7D WOODFIELD ROAD, LONDON, W9 2BA

Demolition of existing buildings and re-development to provide buildings of G+4 and G+13 storeys, providing a mixed use development comprising flexible office use (Class B1) and Healthcare (Class D1), and 74 residential units (including 19 affordable units) with associated basement car parking, cycle parking and hard and soft landscaping.

Additional representations were received from the Metropolitan Police (05.09.16), LB Brent (06.09.16), Miss Cleo Barbour (07.09.16) and Mrs Kathleen Winch (08.09.16 and 09.09.16).

Late representations were received from Ms Alison Sage (09.09.16), Mr Axel Michel (11.09.16), Turley Associates (12.09.16), the Metropolitan Police (12.09.16), the Westbourne Forum (12.09.16), Grand Union Residents’ Association (12.09.16), Mr Lawrence Harrault (12.09.16), Mrs Julia Finlay (12.09.16), Mrs Jacqueline Chakravorty (12.09.16), Mr Simon Jason Swerling (12.09.16), Ms Kim Dutta (12.09.16), City Fleet Networks Ltd (13.09.16), Director of Planning (13.09.16), and Licensed Taxi Drivers Association (13.09.16).

The presenting officer tabled the following amendments to part 2 of the recommendation:

1. Provision of affordable housing on-site in the form of 9x1 bedroom and 10x2 bedroom intermediate shared ownership units, with 100% nomination rights to the City Council.
2. Lifetime (25 years) car club membership for the occupiers of the residential units.
3. Car park strategy for the residential carpark spaces provided on an unallocated basis and for the NHS car park spaces.
4. Highways works associated with the development including vehicular crossovers and paving
5. Pedestrian and vehicular access along from Woodfield Road along Elmfield Way to the development site for residents and workers, and not to prevent pedestrian access from Elmfield Way through the development site to the canal side.
6. Public access to the 2m depth canal side space via a walkways agreement or other suitable mechanism.
7. A financial contribution of £205,632 as a carbon offset payment (index linked and payable on commencement of development).
8. A financial contribution of £6,298 towards improvements to existing play space provision in the vicinity of the site or towards the provision of new play space provision (index linked and payable on commencement of development).
9. A financial contribution of £200,000 towards public realm improvement works in the vicinity of the site which may include works to the waterway and towpath (index linked and payable on commencement of development).
10. A financial contribution of £50,000 towards Employment and Training (index linked and payable on commencement of development)."
11. Provision of Public Art to the value of no less than £100,000. (index linked and payable on commencement of development).
12. Compliance with Code of Construction Practice
13. Cost on Monitoring the S106 legal agreement"

Councillor Adam Hug addressed the Committee in his capacity as a Ward Councillor.

RESOLVED

1. That given the location of the site, the low townscape value of the immediate area and limited impact of the tower on the designated heritage assets (conservation areas and listed buildings) in the wider area, a high building is acceptable in this location.
2. That conditional permission be granted, subject to:
 - (a) the views of the Mayor of London
 - (b) the revised S106 legal agreement tabled at the meeting; and

- (c) to a public realm improvement payment of an additional £200,000 for improvement works to Woodfield Road.

Councillor Roca requested that his dissent against approving the application be recorded, in view of the number of objections and as he considered it to be against policy.

3 DORA HOUSE, 60 ST JOHN'S WOOD ROAD, LONDON, NW8 7HN

Demolition of the existing building and redevelopment to provide two buildings: Building 1 comprising one basement level, ground and twelve upper floors containing car parking, plant, sheltered accommodation (Class C3) and private residential accommodation and ancillary communal areas; Building 2 comprising three basement levels, ground and nine upper floors containing plant, car parking, residential accommodation (Class C3) and ancillary leisure; reconfigured vehicular and pedestrian access together with landscaping and other works in association with the development.

An additional representation was received from Montagu Evans LLP (07.09.16).

The presenting officer tabled the following amendments to the draft recommendation:

Informative 2/S106

- a)
 - i) Provision of affordable housing in the form of 139 units of sheltered accommodation for the elderly (Class C3) (3xstudio, 133x1, 3x2) within floors ground to nine of building 1, in perpetuity and at charges made to residents substantially below market levels.
 - ii) option for previous/existing residents to return to building 1 as a first option
 - iii) 100% nomination rights on first occupancy of the affordable housing units and to all true voids arising after first occupancy.
- b) Not to occupy building 2 until practical completion of building 1
- c) Highways works to Lodge Road and St John's Wood Road to facilitate the proposed development and including vehicular crossovers and paving.
- d)
 - i) Car park strategy for building 1 to provide 33 car parking spaces on an unallocated basis.
 - ii) Car park strategy for building 2 to provide 48 car parking spaces on an unallocated basis and to carry out the development in accordance with a car lift maintenance and management plan.
- e) A financial contribution of £20,000 towards tree planting to Lodge Road (index linked and payable on commencement of development).
- f) Lifetime Car club membership for the occupiers of Building 1.
- g) Provision of Public Art to a minimum value of £60,000
- h) The costs of monitoring the S106 agreement
- i) Compliance with Code of Construction Practice

RESOLVED

1. That the revised scheme has addressed the concerns of the Committee.
2. That conditional permission be granted, subject to the revised conditions tabled at the meeting and to a legal agreement to secure the following:
 - a)
 - i) Provision of affordable housing in the form of 139 units of sheltered accommodation for the elderly (Class C3) (3xstudio, 133x1, 3x2) within floors ground to nine of building 1, in perpetuity and at charges made to residents substantially below market levels.
 - ii) option for previous/existing residents to return to building 1 as a first option
 - iii) 100% nomination rights on first occupancy of the affordable housing units and to all true voids arising after first occupancy.
 - b) The phasing of the provision of affordable housing to be the subject of further negotiation by officers and settled under delegated powers in consultation with the Chairman
 - c) Highways works to Lodge Road and St John's Wood Road to facilitate the proposed development and including vehicular crossovers and paving.
 - d)
 - i) Car park strategy for building 1 to provide 33 car parking spaces on an unallocated basis.
 - ii) Car park strategy for building 2 to provide 48 car parking spaces on an unallocated basis and to carry out the development in accordance with a car lift maintenance and management plan.
 - e) A financial contribution of £20,000 towards tree planting to Lodge Road (index linked and payable on commencement of development).
 - f) Lifetime Car club membership for the occupiers of Building 1.
 - g) Provision of Public Art to a minimum value of £60,000
 - h) The costs of monitoring the S106 agreement
 - i) Compliance with Code of Construction Practice
 - j) Restriction of the occupation all units in Building 1 to people aged over 55 with no right to remain for partners under 55 years
3. If the S106 legal agreement has not been completed within six weeks from of 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 64-66 WIGMORE STREET, LONDON

Modification to S106 dated 05.09.2013 to allow the affordable housing units to be transferred from 29-30 Thayer Street (including 23 Bulstrode Street) to 12-13 Plympton Place (formally known as 25 Plympton Place) NW8 8AD

RESOLVED:

1. That permission for the Deed of Variation to the S106 agreement dated 05 September 2013 be granted, to secure the following:
 - i. 340m2 (four flats) of affordable housing at 12-13 Plympton Place (as Social Rented Housing); and
 - ii. £228,000 towards the City Council's affordable housing fund in addition to the heads of terms already secured with payment on completion of the Deed of Variation.

5 64-66 WIGMORE STREET, LONDON

Use as a hospital (Class C2) for a temporary period of 41 years and associated external alterations including an extension at fourth floor level, extension to existing plant room at roof level, installation of louvres on the Easley Mews elevation, installation of a quench pipe.

RESOLVED:

1. Conditional permission be granted, subject to a Deed of Variation to the original S106 dated 5th September 2013, to also reflect the associated authorising of a Deed of Variation under reference 16/07559/MOD106, to ensure that all the previous planning benefits are secured.
2. 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 would be possible and appropriate to issue the permission with additional conditions attached to secure the benefit 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 benefit which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

6 SITE 1: 75 - 77 BROOK STREET, MAYFAIR, LONDON, W1K 4AD SITE 2: 1 GREEN STREET, LONDON, W1K 6RG

Site 1. Demolition and redevelopment to provide an office (Class B1) building comprising of basement, ground and five upper storeys. External terraces at rear ground, fourth and roof levels and installation of plant at roof level. (Part of land use swap with 1 Green Street).

Site 2. Use of the first to fourth floors to residential (Class C3) providing four self-contained residential units (2 x 1 bed and 2 x 2 bed units). Replacement of satellite dish and aerial at roof level. Installation of new shop window and awnings to shopfront (North Audley Street) and corner entrance. Associated internal and external alterations in connection within the residential use and the retail (Class A1) use at ground and lower ground floors.

An additional representation was received from the Senior Building Control Surveyor, Department of Planning and City Development (08.09.16).

The presenting officer tabled the following changes required to the recommendation:

“Does Committee agree that the net uplift of residential accommodation hereby approved (+494 sqm GIA) can be used as a residential 'credit' subject to the following parameters:

- i) The credit would last for seven years from the date of the grant of planning permission of Site 2;
 - ii) Grosvenor West End Properties make a payment towards the funding of the development and maintenance of the credit monitoring database;
1. Grant conditional permission (for Sites 1 and 2) subject to the completion of a S106 agreement to secure:
 - a) The completion of one of the residential units at Site 2 (prior to occupation of the office accommodation at Site 1);
 - b) The completion of the office accommodation (within 18 months of the completion of the residential at Site 2);

- c) Carbon off-set payment to the value of £14,670 towards the Council's carbon offset fund (index linked and payable on commencement of development);
- d) The costs of monitoring the S106 legal agreement.

RESOLVED:

1. That conditional permission be granted (for Sites 1 and 2) subject to the acceptance of residual residential floorspace of 494 sq m as a residential credit in accordance with the revised recommendation tabled, and to the completion of a S106 agreement to secure:
 - a) The completion of one of the residential units at Site 2 (prior to occupation of the office accommodation at Site 1);
 - b) The completion of the office accommodation (within 18 months of the completion of the residential at Site 2);
 - c) Carbon off-set payment to the value of £14,670 towards the Council's carbon offset fund (index linked and payable on commencement of development);
 - d) The costs of monitoring the S106 legal agreement.
2. If the S106 legal agreement has not been completed within 6 weeks of the date of this resolution, then:
 - a) The Director of Planning shall consider whether the permissions 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.
3. That conditional listed building consent be granted for the proposal at Site 2.
4. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

7 31-32 AND 33 BEDFORD STREET, LONDON, WC2E 9ED

Use of basement, part ground and upper floors as an hotel (Use Class C1)

including ancillary cafe use and reception at ground floor level. Alterations at roof level including the erection of a single storey extension, creation of roof terraces, installation of plant equipment within an enclosure and installation of photovoltaic panels. Refurbishment and alterations of the buildings generally including re-introduction of three windows to Inigo Place façade, alterations to windows and doors and associated works.

RESOLVED

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

Councillor Roca requested that his dissent against approving the application be recorded, in view of the impact on footfall and traffic, and the loss of mixed use.

8 33 WESTBOURNE TERRACE, LONDON, W2 3UR

Internal works to the building including the installation of a new lift associated with the reconfiguration of the existing residential accommodation to provide six residential dwellings. External works to include the replacement of windows, new windows, secondary glazing, works at roof level, provision of cycle and car parking spaces and associated refuse areas.

RESOLVED

That permission and listed building consent be granted, subject to conditions to be settled under delegated powers, and with conditions to secure revised window designs to facades and the omission of the glazed balustrade to the roof.

Councillor Roca requested that his dissent against approving the application be recorded, as he considered it to be against policy.

9 NORTH CARRIAGE DRIVE, LONDON, W2 2LP

Creation of a segregated cycle route running through North Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works.

RESOLVED:

That conditional permission be granted.

10 11 KNIGHTSBRIDGE, LONDON, SW1X 7LY

Erection of glazed canopies and screens and public art installation to the front elevation.

RESOLVED:

That planning permission be granted, subject to conditions to be settled under delegated powers following consultation with the Chairman of the Committee.

Councillor Roca requested that his dissent against approving the application be recorded, as he supported the Officers' recommendation.

11 VOGUE HOUSE, 1-2 HANOVER SQUARE, LONDON, W1S 1JX

Use of part ground and basement to office accommodation (Class B1) and relocation and expansion of the retail (Class A1) from St George Street to the corner of Hanover Square and St George Street and external alterations to façade.

The presenting officer tabled the following revised recommendation:

"REVISED RECOMMENDATION:
Grant conditional permission

(Conditions to be agreed in consultation with the Chairman)

Reasons for the amended recommendation:

Subsequent to the publication of the officers' report on this agenda the applicant, Conde Nast, has provided further information in support of their application for the change of use of this bank to offices for their own use.

Conde Nast is a highly successful publishing house of international renown, under which magazines such as Vogue, Vanity Fair, Tatler, House & Garden, GQ and others are published. Their continuing success is such that they are in need of additional floorspace, which is the purpose of their planning application. In recent years Conde Nast has found acquiring additional accommodation of the right type and quality difficult, and is now in several other locations, including two which are outside of the West End in Camden and elsewhere.

It is well known that there has been a recent trend for the conversion of offices for residential purposes in the West End which has seen a significant overall reduction in West End office supply and, consequently, the City Council has recently introduced planning policy changes to address this issue. Revisions to the Westminster City Plan mixed use policy were adopted in July 2016 which reduce the amount of residential floorspace required in mixed use developments and are therefore more favourable to wholly office schemes. It will however take time before this policy approach realises its aim which is to redress the imbalance caused by the recent short term reduction in West End office accommodation.

In the meantime some office occupiers may find it difficult to find new or additional accommodation until the normal office supply and demand adjusts to the new policy. During this period some offices may through necessity be tempted to seek office accommodation outside of the West End, and whilst at no point have Conde Nast threatened to do this it is possible that since they already have offices elsewhere relocation may be attractive option for them in the future should they continue to have a pressing need that cannot be satisfied at the application site.

The headquarters of internationally important businesses such as Conde Nast are recognised as being an intrinsic part of the the Central Activities Zone, contributing significantly to its essential character. In these circumstances, officers consider that there could be sufficient justification to set aside the normal policy considerations which aim to protect this bank premises in order to allow Code Nast to expand into the ground floor of the building they occupy. It is considered that the consolidation of Conde Nast's presence in the West End achieved by this would outweigh the loss of the bank. Although service uses such as banks are themselves important to character and function in this location, the loss of this bank would not deprive the area of a scarce resource since there are many other banks within a short distance of the application site, including within Hanover Square itself.

In these circumstances it is considered that planning permission should be granted.”

RESOLVED

That permission be granted subject to conditions to be settled under delegated powers.

12 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 a new shopfronts and entrance doors and associated alterations at ground floor level.

An additional representation was received from Planning Resolution (08.09.16).

The presenting officer tabled the following amendments to conditions 14 and 16 and informative:

“Revised Criteria for Condition 14

General noise

Noise generated by the proposed new development (including noise from general operations, gym equipment, new plant and equipment, amplified sound, music etc.) in terms of $L_{Aeq,5mins}$ should be demonstrated to be 10 dB below the existing background noise level measured in terms of $L_{A90,5mins}$ inside the existing residential dwellings. The background noise level used in

the assessment should be representative of the most sensitive times (quietest) at which the new development is in operation (and generating noise).

Maximum noise levels

Maximum noise levels generated by the proposed new development in terms of L_{AFmax} should be demonstrated not to exceed the NR 15 curve inside the existing residential dwellings. This includes noise from all sources (including amplified sound, music, impact noise from gym activities, activities in the retail unit). This is based on the assumption that existing background noise levels in the properties during the most sensitive periods are approximately NR 25 (approximately equivalent to 30 dB L_{Aeq}).

Music Noise

For music noise, the design of the separating structures should be such that the received music noise level in the residential habitable spaces, with music playing, should be demonstrated to be 10 dB below the existing ambient and maximum noise levels in the residential habitable spaces when music is not playing, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of L_{eq} and L_{Fmax} in the octave bands 63 Hz and 125 Hz; The overall music noise level in terms of $L_{Aeq,5mins}$ should be at least 10 dB below the existing background noise level in terms of dB $L_{A90,5mins}$.

A Sound Limiter shall be installed and set by a competent acoustic engineer so that it maintains compliance with the above criteria. All amplification equipment within the development including music generating equipment and fitness instructor's announcement equipment shall be routed and controlled through the sound limiter. The operational panel of the noise limiter shall be secured by key or password so that only persons with management responsibility have access. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

External Noise

Any external noise generated by new plant and equipment associated with the proposed development should meet the standard Westminster City Council planning conditions C46AB(1) and C46AB(2)

Revised Wording of Condition 16

"No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.2m/s (1.75) 16 hour day-time nor 0.2 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Informative relevant to these requirements

It is possible that existing background, ambient and maximum levels within the residential dwellings could be very low for measurement and assessment

purposes. It is expected that the accuracy of results should be taken into consideration when dealing with the measurement of low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment. It is acknowledged that it is impossible to physically measure noise which is 10 dB below existing noise levels or measure NR criteria which is below existing NR levels. Therefore, it is anticipated that the assessment of Condition 14 will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the above points taken into consideration. For example; a level 10 dB below existing levels would increase existing levels by 0.4 dB. The assessment of Condition 14 might also include a calculation approach where measurement is impracticable or a combination of measurement and calculation. Measurement assessment of Condition 14 and 16 requires that residents allow the applicant access to carry out Acoustic testing to demonstrate compliance with Condition 14 and 16 through measurement. If access is not made available the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the residential properties."

RESOLVED

That conditional permission be granted, subject to revised conditions 14 and 16 tabled at the meeting, and to the amendment of condition 8 to read:

"You must apply to us for approval of a Servicing Management Plan (SMP) that includes details of the following aspects of servicing of the retail units and gym:

- (a) the location of servicing vehicles when loading/unloading on the highway;
- (b) the size of servicing vehicles and the process for transporting goods to and from the service entrance to the retail premises, including staffing in relation to servicing;
- (c) the storage location for any crates or trolleys required for servicing (which must not be on the highway);
- (d) measures to reduce noise associated with servicing activities;
- (e) schedule of deliveries and time periods during which all servicing will take place (which shall only be between the hours of 07.00 and 20.00 Mondays to Friday, 08.00 to 18.00 Saturdays and 0.900 to 13.00 on Sundays and Bank Holidays)

You must not open the two reconfigured retail shop premises to customers until we approve the SMP you send us.

You must then operate and manage the two retail shop premises and gym according to the Servicing Management Plan we approve.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29, S32 and S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV6, SS6, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007."

The Meeting ended at 21.38pm

CHAIRMAN: _____

DATE _____