



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (4)** Committee held on **Tuesday 14th March, 2017**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Andrew Smith (Chairman), Iain Bott, Jonathan Glanz and Jason Williams

Also Present: Councillors

Apologies for Absence:

1 MEMBERSHIP

- 1.1 It was noted that Councillor Andrew Smith had replaced Councillor Angela Harvey.
- 1.2 **RESOLVED:** That Councillor Smith be appointed chairman for the meeting.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Andrew Smith explained that a week before the meeting, all four Members of the Committee were provided 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 this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Smith made the following declarations in relation to items on the agenda:

Item 1 - that he is the Deputy Cabinet Member for Housing. The joint executive decision by the then Cabinet Member for Adult Services & Public Health and the Cabinet Member for Housing relating to this proposal was taken prior to his appointment to the post and he had not discussed it with the previous post holders or officers.

Item 11 - the sites are located in his Ward. Some of the objectors to the application are known to him. However, he had not discussed it with them. He had also been copied into some of the representations which had subsequently been circulated to all committee members.

Item 12 - he had received some representations on the applications directly which he had forward to officers. He had not had detailed discussions about the applications with any of the people who had contacted him.

2.2 Councillor Bott declared in respect of item 1 that he was the deputy Cabinet Member for Adults and Public Health when an executive decision was taken by the then Cabinet Member for Adults and Public Health and the Cabinet Member for Housing on the scheme. In respect of item 3, he declared that as he had previously expressed views on the application he would step down from the committee and make a Ward member representation on the application.

2.3 Councillor Glanz declared in respect of items 4, 8, 9 and 10 that the sites are located in his Ward. He further declared that he knows a number of the objectors to applications personally but had not discussed the applications with them directly. In respect of item 6, he declared that he had sat on the committee that had determined the previous application. In respect of item 7, he declared that he had sat on the committee that had considered other applications in Denning Close but had not been involved with this particular application.

2.4 Councillor Williams declared in respect of item 7 that as one of the Ward councillors he has had discussions with Pimlico FREDA about the application but had not expressed a view on it.

3 MINUTES

3.1 **RESOLVED:** That the minutes of the meeting held on 31 January 2017 be approved and signed by the chairman as a true and correct record.

4 PLANNING APPLICATIONS

1 111B SHIRLAND ROAD, LONDON, W9 2EL

Demolition of the existing buildings and redevelopment of site to provide 84 bed care home (Use Class C2) and 31 self-contained residential flats (Class C3). The new building is part five and part four stories high, set over lower ground and four upper levels and includes balconies/terraces to the front and rear. New podium deck and associated landscaping and gardens at rear lower ground and upper ground floor levels. Associated alterations

The presenting officer tabled the following changes to the recommendation and draft decision notice:

Amendments to Recommendation and Draft Decision Notice.

AMEND recommendation:

1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the satisfactory completion of a ~~Section 106 legal agreement~~ **Unilateral Undertaking** to secure the following:

- a) Provision of affordable housing in the form of 40 care bedrooms (equating to 1120sqm GEA) for the elderly (Class C2), to occupants who have been means tested by the City Council and satisfy the Council's funding criteria (as set out in section 8.1.4).
- b) Not to occupy the self-contained residential units until practical completion of the care home.
- c) Highways works to facilitate the proposed development and including vehicular crossovers, reinstatement of redundant crossovers and paving.
- d) Car park strategy including car parking spaces on an unallocated basis **for a minimum of 13 spaces for the new development and on an allocated basis for a maximum of 11 spaces for Oak Tree House.**
- e) A financial contribution of £49,626 towards Carbon Offset Projects (index linked and payable on commencement).
- f) Lifetime **(25 years)** Car club membership for the 31 self-contained residential units.
- g) Employment training and apprenticeships opportunities for residents of Westminster
- h) The provision of the community **activity room** fitted out to category B with a peppercorn rent.
- i) The costs of monitoring the S106 agreement.

2. If the ~~S106 legal agreement~~ **Unilateral Undertaking** 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.

AMEND condition 16

You must apply to us for approval of detailed drawings (plans, sections and elevation) of the following parts of the development - a privacy screen around the podium level on the frontages facing Oak Tree House. 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 drawings **and retain it thereafter.** (C26DB)

AMEND condition 17

You must apply to us for approval of details, ~~in consultation with the Designing Out Crime Officer,~~ of the proposed security measures. You must not occupy any part of the development until we have approved what you have sent us. You must then retain these measures.

AMEND condition 21

Prior to occupation of the development a minimum of 20% of the car parking spaces **shall be provided with** ~~to have~~ electric vehicle points available for use within the basement car park and thereafter maintained in working order.

AMEND condition 22

You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in **either** the residential part of this development **or Oak Tree House. The two unnumbered car parking spaces labelled 'Care Home parking / turning area / service bay' shall only be used by the Care Home.** (C22BA)

AMEND condition 37

You must not use the **community activity room (Class D1)** floorspace hereby approved **for any other purpose and** until further details of the proposed occupier / operation of the floorspace have been submitted to and approved by us in writing. The further details shall include information on the nature of the Class D1 use, hours of use, numbers of staff and customers/visitors and indicative layout plans for the premises. The Class D1 use must thereafter operate in accordance with these details.

ADDITIONAL condition 39

Before you begin to use the Care Home, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:

- (a) A comprehensive survey of all staff;
- (b) Targets set in the Plan to reduce car journeys to the care home;
- (c) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new Care Home are occupied. Report monitoring should include visitors and targets for reducing their car journeys to the site.

At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems. Report monitoring should include visitors and targets for reducing their car journeys to the site.

Reason: In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007.

Late representations were received from Delaware Mansions Ltd (10/3/17) Mary Dwarka (12/3/17) Marianne Wilkerson (13/3/17) and Ray Fuller (14/3/17).

Councillor Jan Prendergast addressed the committee in her capacity as a Ward councillor.

RESOLVED:

1. That conditional permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to:

A) the satisfactory completion of a Unilateral Undertaking to secure the following:

a) Provision of affordable housing in the form of 40 care bedrooms (equating to 1120sqm GEA) for the elderly (Class C2), to occupants who have been means tested by the City Council and satisfy the Council's funding criteria (as set out in section 8.1.4).

b) Not to occupy the self-contained residential units until practical completion of the care home.

c) Highways works to facilitate the proposed development and including vehicular crossovers, reinstatement of redundant crossovers and paving.

d) Car park strategy including car parking spaces on an unallocated basis for a minimum of 13 spaces for the new development and on an allocated basis for a maximum of 11 spaces for Oak Tree House.

e) A financial contribution of £49,626 towards Carbon Offset Projects (index linked and payable on commencement).

f) Lifetime (25 years) Car club membership for the 31 self-contained residential units.

g) Employment training and apprenticeships opportunities for residents of Westminster

h) The provision of the community activity room fitted out to category B with a peppercorn rent.

i) The costs of monitoring the S106 agreement.

B) amendments to the draft decision notice as tabled and set out above.

C) an additional informative regarding the desirability of the community room being used for creche facilities.

2. If the Unilateral Undertaking 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.

The committee also requested that the Executive Director for City Management & Communities explore two-way working to Delaware Road/Elgin Avenue junction.

2 14 DENNING CLOSE, LONDON, NW8 9PJ

Works of partial demolition of the existing house in connection with its enlargement, including the excavation of a basement and new rear glazed roof to conservatory.

Additional representations were received from Councillor Daniel Astaire (8/3/17), Councillor Gotz Mohindra (8/3/17), Scarlett Reiss (6/3/17), Simon Peridakis (4/3/17 and 8/3/17) and Martin Reiss (8/3/17).

Late representations were received from Councillor Daniel Astaire (14/3/17) and Martin Reiss (8/3/17 and 10/3/17).

RESOLVED: That conditional permission be granted subject to an additional informative to urge the applicant to collaborate/cooperate with other developers in Denning Close in order to ameliorate the impact of the various works on the amenity of local residents.

3 79 NEW CAVENDISH STREET, LONDON, W1G 7LT

Use of part lower ground, ground, and first to fifth floors to medical (Class D1), and dual/alternative use of part basement and part ground floor as either medical (Class D1) or retail purposes (Class A1).

Having declared a prejudicial interest Councillor Bott stood down from the committee.

The presenting officer tabled the following amendment to condition 10:

Revised wording for Condition 10

Pre Commencement Condition. You must not ~~use any part of the development~~ start work on the site until we have approved appropriate arrangements to secure the following.

- the relocation of the residents car parking bays from the west side of Hallam Street to the east side of Hallam Street.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.

Late representations were received from Councillor Ian Rowley (14/3/17) Rabbi B Marcus MBE (13/3/17), Mr Barry Marcus (13/3/17) Bidy Baxter (13/3/17), Helena Svojsikova (13/7/17) Stephen Glass (10/3/17) and Erhan Kazmagi (12/3/17).

Councillors Bott and Rowley addressed the committee in their capacity as Ward councillors in objection to the application.

RESOLVED: That the application be deferred to clarify the impact of the proposed parking and servicing measures on the security of the Central Synagogue and to obtain further information from the applicants about the impact of the likely intensification of the use, especially in relation to servicing, upon the locality relative to lawful office use.

4 8 CHESTERFIELD HILL, LONDON, W1J 5BW

Excavation to lower existing lower ground floor by 1 metre and erection of building over lower ground, ground, first - third floors and set-back mansard roof to accommodate five flats (Class C3), creation of terrace at fourth floor level and installation of plant and said roof at roof level.

A late representation was received from Alan Hobart (14/3/17).

Councillor Glenys Roberts addressed the committee in her capacity as a Ward councillor in objection to the application.

RESOLVED: That the application be refused due to the impact that the height, bulk and modern design (including detailed design of the roof) of the proposed scheme would have on adjacent buildings and the character and appearance of the Mayfair Conservation Area.

The reasons for refusal to be determined under delegated powers following consultation with the chairman.

5 20 HANOVER TERRACE, LONDON, NW1 4RJ

Erection of extension to accommodate new lift and lift shaft to serve second and third floor levels.

An additional representation was received from Councillor Robert Rigby (9/3/17).

A late representation was received from Hanover Terrace limited (8/3/17).

RESOLVED: That permission and Listed Building Consent be refused.

6 ALHAMBRA HOUSE, 27-31 CHARING CROSS ROAD, LONDON, WC2H 0AU

Use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.

RESOLVED: That conditional permission be granted subject to officers auditing in advance of issuing a decision letter whether any other planning obligations might now be relevant and needs to be applied to the permitted development, e.g carbon offset payment.

7 77 WESTMORELAND TERRACE, LONDON, SW1V 4AH

Erection of a man solid roof extension and rear extensions at ground, first and second floor levels to provide additional residential floorspace including an additional residential flat (Use Class C3).

Additional representations were received from Katy Pocklington (14/2/17 and 9/3/17), Allan Jenkins (9/3/17), and Geoffrey Adams and Anstey Horne (26/2/15).

Late representations were received from Katy Polkington (13/3/17), Turley (14/3/17), appeal decision dated (12/7/16) and daylight and sunlight report (January 2016).

RESOLVED: That the application be deferred to permit the objector and adjoining owner to study the daylight and sunlight data and have an opportunity to make further representations on it.

8 PITCH 1710, DAVIES STREET, LONDON, W1C 2JR

Erection of replacement Street trading kiosk at the junction of Oxford Street, self Molton Street and Davies Street.

An additional representation was received from Prestige Kiosks Limited (8/3/17).

The presenting officer referred to the following change to the draft decision letter, variation of condition 2 to read:

'The kiosk can remain 1 year from the date of installation or until 31st May 2018, or until the opening of the Bond Street Crossrail station for public use, whichever

comes first'. After that you must remove it and return the land to its previous condition.

RESOLVED: That conditional permission be granted subject to an amendment to condition 2 as tabled and set out above.

9 LONDON PALLADIUM, 7-8 ARGYLL STREET, LONDON, W1F 7TQ

Display of an LED advertising screen, restoration and redecoration of facades and installation of metal artwork screen, on Great Marlborough Street.

The presenting officer tabled the following amendments to conditions:

Additional Condition 5 – 16/11350/FULL

The works hereby approved shall be completed in their entirety before the LED screen granted advertisement consent on 14 March 2017 (RN 17/00925/ADV) is used for the display of advertisements.

Reason

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Additional Condition 3 – 17/00925/ADV

The works involving the public art screen and other alterations granted planning permission on 14 March 2017 (RN 16/11350/FULL) shall be completed in their entirety before the LED screen hereby approved is used for the display of advertisements.

Reason

In the interests of public safety and visual amenity as set out in S25, S28 and S41 of Westminster's City Plan: Strategic Policies that we adopted in January 2011 and DES 1, DES 8, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

RESOLVED:

1. That conditional permission be granted subject to the additional condition 5 as tabled and set out above.
2. That conditional Listed Building Consent be granted.
3. That the reasons for granting Listed Building Consent be agreed as set out in informative 1 of the draft decision letter.
4. That advertisement consent be granted subject to the additional condition 3 as tabled and set out above.

10 BASEMENT AND GROUND FLOOR, 60 BERWICK STREET, LONDON, W1F 8SU

Installation of openable bi-folding windows in the shop front (site includes 61 Berwick Street).

The presenting officer tabled a revised recommendation:

Revised recommendation:

Grant conditional planning permission

RESOLVED: That conditional planning permission be granted subject to amending condition 3 to permit windows to open after 10 AM on Saturdays/Sundays and bank holidays.

11 34 BARK PLACE, LONDON, W2 4AT

Excavation of basement; erection of rear infill extension at ground floor level with rear garden trellis; alterations to windows, doors and garden stairs; installation of rooflight; and associated works.

An additional representation was received in the form of updated drawings to confirm no alterations to roof dormer windows.

Late representations were received from Barney Couch, Sophie Massey Cook, Tessa Morrison and Emma Salter (undated), Sarah Joiner (9/3/17) Baroness Gardner of Parkes (9/3/17), Fiona Mates (9/3/17 and 14/3/17), Jacky Ivimy (10/3/17) and J.R Miles (10/3/17).

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

ADDITIONAL informative 6

This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

ADDITIONAL informative 7

Condition 5 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:

- * the order of work on the site, including demolition, site clearance and building work;
- * who will be responsible for protecting the trees on the site;

- * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
- * how you will deal with accidents and emergencies involving trees;
- * planned tree surgery;
- * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
- * how you will remove existing surfacing, and how any soil stripping will be carried out;
- * how any temporary surfaces will be laid and removed;
- * the surfacing of any temporary access for construction traffic;
- * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- * the place for any bonfires (if necessary);
- * any planned raising or lowering of existing ground levels; and
- * how any roots cut during the work will be treated.

ADDITIONAL informative 8

You are advised that should any external mechanical plant equipment be required, an application for planning permission will be required.

RESOLVED: That conditional permission be granted subject to the additional informatives as tabled and set out above and an additional condition to secure the provision and maintenance of measures to reduce potential light spillage from the roof of the infill extension.

12 HALLFIELD ESTATE, LONDON, W2 6EF

Replacement of the new communal wiring with the new surface mounted conduit and new lighting fittings to the soffit walkways to Tenby House, Reading House and Pembroke House. Also installation of new surface mounted trunking to soffit walkways for mains electricity at Tenby House.

An additional representation was received in the form of a draft decision letter for the Listed Building Consent.

Late representations were received from Daniel Jackson (10/3/17) Fatima Anthony-Pillai (9/3/17) and Anna Bardos (14/3/17).

The presenting officer tabled the following amendment to the description of the development:

Replacement of the communal lighting with new surface mounted conduit and new lighting fittings to the soffit walkways to Tenby House, Reading House and

Pembroke House. **Installation of electrical trunking within stairwell for Pembroke House and Reading House.** Also installation of new surface mounted trunking to soffit walkways for mains electricity at Tenby House.

RESOLVED:

1. That conditional permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992 subject to an additional informative to note that any additional works to add clutter to the walkway soffits will require a new application for planning permission and Listed Building Consent and will not be viewed upon favourably.

2. That conditional Listed Building Consent be granted.

3. That the reasons for granting Listed Building Consent as set out in Informative 1 of the draft decision letter be agreed.

The Meeting ended at 9.48 pm

CHAIRMAN: _____

DATE _____