



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 24th October, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Richard Beddoe (Chairman), David Boothroyd, Susie Burbridge and Tim Mitchell

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Richard Beddoe 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 David Boothroyd read out the following statement:

"I am Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. No current schemes are in Westminster; if there were I would be precluded from working on them under the company's code of conduct.

Some Thorncliffe clients have engaged planning consultants who are also representing applicants tonight: CBRE on item 1, JLL on item 2, and DP9 on item 3. However I do not deal directly with clients or other members of project teams, and planning consultants are not themselves clients.

On item 1, I attended as a neighbouring ward councillor a presentation from the developers last year, at which they outlined the scheme prior to submission."

3 MINUTES

- 3.1 **RESOLVED:** That the minutes of the meeting held on 5 September 2017 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 1A SHELDON SQUARE, LONDON, W2 6NA

Demolition of existing management office building and lift building, and erection of a new building comprising basement, three lower levels (canal level -1, amphitheatre level -2 and railway level -3), ground and 19 upper levels plus rooftop plant to provide a hotel with associated ancillary facilities including conference facilities/ meeting rooms/ private dining/ bars/ restaurants including publicly accessible restaurant/ bar at Level 19 (Class C1), flexible hotel/ retail (Class C1/ A1) at part ground level, flexible hotel/ retail/ restaurant/ bar use (Class C1/ A1/ A3/ A4) at part - 1, and part - 2 level, and hotel (Class C1) at part -2 level as well as Level 17 roof terrace, replacement lift, plant, cycle parking, landscaping and other associated works.

An additional representation was received from British Land (18/10/17).

Late representations were received from Councillor Heather Acton (24.10.17), Chair of the Sheldon Square Residents Association (22.10.17), and Transport for London (20.10.17).

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

AMEND recommendation (alterations in **bold**):

1. Subject to the concurrence of the Mayor of London, grant conditional permission, subject to S106 Legal Agreement to secure the following planning obligations:
 - a) Employment and training strategy for the construction phase and the operational phase of the development;
 - b) Crossrail payment of £809,735 (**index linked**);
 - c) Costs of all highway works surrounding the site required for the development to occur;
 - d) A contribution of £4,445 (**index linked**) towards the upgrade of wayfinding signage at an in the vicinity of the site;
 - e) A contribution of £12,000 (**index linked**) towards the upgrade of 'Bus Stop S' on Bishop's Bridge Road;
 - f) Provision, monitoring and review of a travel plan;
 - g) **The provision of public access to the 19th floor of the building;**
 - h) **The provision of and adherence to a lift maintenance strategy;**

- i) **Provision of and adherence to an advertisement and shop front design strategy;**
 - j) Costs of monitoring the S106 agreement.
2. If the ~~unilateral undertaking~~ **legal agreement** has not been completed by 5 December 2017 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.

AMEND section 8.1.4 of officers report

Should refer to 1,674sqm ancillary hotel floorspace at floors 16-19 (not 16-18 as quoted in the report)

AMEND approved drawings (updated to remove reference to D1 & D2 uses)

X_11_00 P1; X_21_B1 P1; X_21_-03 P1; X_21_-02 P1; X_21_-01 P1;
 X_21_00 P1; X_31_01 P1; X_31_02 P1; X_42_01 P1; X_42_02 P1; X_42_03 P1; X_42_04 P1; X_42_10 P1; X_42_11 P1; P_12_-03 P1; P_12_-02 P1;
 P_12_-01 P1; P_12_00 P1; P_21_B1 P2; P_21_-03 P2; P_21_-02 P2; P_21_-01 P2; P_21_00 P2; P_21_01 P2; P_21_02 P2; P_21_03 P2; P_21_04 P2;
 P_21_04 P2; P_21_05 P2; P_21_06 P2; P_21_07 P2; P_21_08 P2; P_21_09 P2; P_21_10 P2; P_21_11 P2; P_21_12 P2; P_21_13 P2; P_21_14 P2;
 P_21_15 P2; P_21_16 P2; P_21_17 P2; P_21_18 P2; P_21_19 P2; P_21_20 P2; P_21_21 P2; P_31_01 P2; P_31_02 P2; P_42_01 P1; P_42_02 P1;
 P_42_03 P1; P_42_04 P1; P_42_10 P1; P_42_11 P1; P_50_01 P1; P_50_02 P1; P_50_03 P1; SK170608_01; Design, Access and Landscape Statement (including Sustainable Urban Drainage Assessment) by Carmody Groake dated June 2017.

AMEND condition 4 to state (alterations in **bold**):

Before any **ancillary** C1, A1, A3 or A4 use is commenced at levels **16-19** and -01 to -03, you must provide an Operational Management Plan for the relevant proposed use to us for our written approval. The plan must include the following:

- a) A floorplan to show the location and layout of the use;
- b) Customer opening hours (no greater than those stated in condition 3);

- c) Capacity;
- d) How the use will be serviced;
- e) How the use will be operated;
- f) Visitor management, such as: queuing, crowd control etc.;
- g) Security arrangements;
- h) Access and egress arrangements;
- i) Waste Storage and recyclable storage including cooling oil where appropriate.

The use must then operate in accordance with the approved management plan. Thereafter, any subsequent material change of use (to any other use hereby approved) will require the submission of a revised operational management plan prior to the new use commencing. The use must then operate in accordance with the approved plan.

AMEND condition 12 (alterations in **bold**)

You must provide a minimum of 53 cycle parking spaces (35 replacement and 18 new cycle spaces) **and details of a cycle hire scheme for guest (in consultation with TfL)** prior to occupation. Thereafter the cycles and cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

AMEND condition 16 to state (alterations in **bold**):

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- a) provide details on all structures;
- b) provide details on the use of tall plant/scaffolding;
- c) accommodate the location of the existing London Underground structures;
- d) there should be no opening windows or balconies facing the London Underground elevation, **unless otherwise agreed first in writing**;
- e) demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land
- f) demonstrate that there will at no time be any potential security risk to our railway, property or structures;
- g) accommodate ground movement arising from the construction thereof;
- h) mitigate the effects of noise and vibration arising from the adjoining operations within the structures.

The development shall thereafter be carried out in all respects in accordance with the approved design 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.

DELETE condition 25

~~The design and structure of the development shall be of such a standard that it will protect occupiers within it from ground bourne noise from nearby train lines so that they are not exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.~~

~~Reason:~~

~~As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.~~

AMEND condition 34 (alterations in **bold**):

You must apply to us for approval of detailed drawings **and/or information** of the following parts of the development:

- i) windows and blind windows;
- ii) external doors;
- iii) retail frontages/hotel entrances;
- iv) location and size of movement joints;
- v) glass balustrades to terraces;
- vi) interfaces with windows;
- vii) any ventilation and other services terminations at façade and roof;
- viii) CCTV cameras - showing details of cameras and precise location;
- ix) external **and internal** lighting - including details of extent, type, colour, location **and methods for reducing light spill**;
- x) ~~signage strategy - showing extent and intended location.~~

You must not start any work on ~~the superstructure~~ **that part** of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings **and maintain them as such.**

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area **and to protect the environment of people in neighbouring properties.** This is as set out in S28 and **S29** of Westminster's City Plan (November 2016) and **ENV 13**, DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

AMEND condition 36 (alterations in **bold**)

You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art

and keep it on this site. **Unless otherwise agreed first in writing**, you must not move or remove it.

ADDITIONAL informative 23:

You are advised that we are likely to be flexible in relation to location for the public art as required by condition 36 in terms of its form and location within the Paddington Central estate.

RESOLVED:

1. Subject to referral to the Mayor of London, conditional permission be granted, subject to:
 - (A) S106 Legal Agreement to secure the following planning obligations:
 - a) Employment and training strategy for the construction phase and the operational phase of the development;
 - b) Crossrail payment of £809,735 (index linked);
 - c) Costs of all highway works surrounding the site required for the development to occur;
 - d) A contribution of £4,445 (index linked) towards the upgrade of wayfinding signage at an in the vicinity of the site;
 - e) A contribution of £12,000 (index linked) towards the upgrade of 'Bus Stop S' on Bishop's Bridge Road;
 - f) Provision, monitoring and review of a travel plan;
 - g) The provision of public access to the 19th floor of the building;
 - h) The provision of and adherence to a lift maintenance strategy;
 - i) Provision of and adherence to an advertisement and shop front design strategy;
 - j) Costs of monitoring the S106 agreement.
 - B) The changes and deletion of conditions as tabled and set out above.
2. If the legal agreement has not been completed by 5 December 2017 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. Item No References Site

Councillor Boothroyd dissented from the decision.

2 WESTCOURT HOUSE, 191 OLD MARYLEBONE ROAD, LONDON, NW1 5DZ

Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe / restaurant in 13 storey building.

An additional representation was received from JLL (October 2017).

Late representations were received from JLL (October 2017) and Transport for London (24.1017).

RESOLVED: Deferred for the applicant to reconsider:

1. revising the proposal to provide off-street servicing at ground floor level;
2. the location/provision of coach and car/taxi drop-off and access;
3. retention or replacement of the three Ginkgo trees on Old Marylebone Road that are owned by TfL and
4. ensuring employment opportunities for Westminster residents.

3 7 OLD PARK LANE, LONDON, W1K 1QR

Alterations including the removal of a double height mansard at 5th and 6th floor levels, a sheer 7th floor and rooftop plant and replacement with sheer extensions at 5th and 6th floors, new double height mansard at 7th and 8th floors with rooftop plant to provide additional offices (Class B1); alterations to the existing windows, refurbishment of existing entrance.

RESOLVED:

That conditional permission be granted.

4 25 - 26 ALBEMARLE STREET, LONDON, W1S 4HX

Dual / alternative use of the basement, ground and first floors as either a private members' club (sui generis) or a restaurant (A3) at basement and ground and offices (B1) at first floor level. Creation of a terrace on the rear first floor roof with associated

visual screening and awning for use in association with the private members' club. Installation of plant at rear first floor and roof levels with associated screening and installation of a high level extract duct and gas flues on the rear elevation.

Additional representations were received from Pierre François Filet (10/8/17), Elizabeth Attew (31/10/17) and Robin Birley (18/10/17).

Late representations were received from Elizabeth Attew (13.10.17), dsam Partners (20.10.17), Marrons Planning (23.10.17), Thompson Dean (16.10.17) and Jefferson Trust (18.10.17).

RESOLVED:

That conditional permission be granted.

5 6 GRAFTON STREET, LONDON, W1S 4EQ

Internal and external alterations including the provision of plant and the creation of a terrace at roof level in connection with the use as private members' Club (Sui Generis).

Additional representations were received from Trophaeum Asset Management Ltd (18/10/17) Carter Jonas (18/10/17) and Forsters (17/10/17).

Late representations were received from Daniel Rinsler & Co in the form of an application summary, supplementary planning statement in response to late representations (23.10.17), including appendices 1) Make Associates September 2017, 2 Noise report Hoare Lea dated 23 October 2017, 3) Transport statement Caneparo Associates 20 October 2017, 4) Letter from David Zwirnter 20 October, 5) New west End Company 7 September 2017, Bell Cornwell, Chartered Town Planners (23.10.17) Thomas and Thomas Partners dated 23 October 2017.

The presenting officer referred to an error in the report in that the sole entrance to the premises in Grafton Street is incorrect and that the proposal would result in a rear access from Bruton Lane.

The presenting officer advised that the draft decision letter attached to the end of the report will need to be separated to separate draft decision letters for the planning permission and for the listed building consent.

The presenting officer tabled the following replacement for condition 26:

The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35db LAeq 16 hours day time and of more than 30 db LAeq 8 hours in bedrooms at night.

RESOLVED: Deferred for the applicant to demonstrate:

1. The appropriateness of the proposed large scale late-night entertainment use under the terms of City Plan policy S24, in particular in relation to cumulative impacts of entertainment uses and impact upon residential amenity, local environmental quality and the character and function of the area; and
2. How the practical measures to mitigate noise described in the submitted noise control strategy will impact upon the fabric of the listed building, particularly where the party wall abuts the adjoining residential property at 5 Grafton Street, and to incorporate these measures in the applications.

6 53 EATON MEWS WEST, LONDON, SW1W 9ET

Demolition of the existing mews house and construction of new house of ground floor with integrated garage, first floor and mansard floor level, lowering of rear garden level to match adjoining properties and installation of plant machinery.

RESOLVED:

That conditional permission be granted.

7 32 GROOM PLACE, LONDON, SW1X 7BA

Alterations to existing front facade, excavation of a new basement beneath the footprint of the original dwelling and erection of new mansard roof extension.

The presenting officer tabled the following changes to the recommendation:

Grant conditional permission subject to no representations raising further material planning considerations being received by 26th October 2017.

RESOLVED:

That conditional permission be granted subject to no representations raising further material planning considerations being received by 26th October 2017.

8 24-27 LEICESTER SQUARE, LONDON, WC2H 7LE

Installation of new cinema canopy, refurbishment of the ground floor entrances and erection of first floor glazed extension.

RESOLVED:

That conditional permission be granted.

The Meeting ended at 8.51 pm

CHAIRMAN: _____

DATE _____