



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 27th March, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Richard Beddoe (Chairman), David Boothroyd, Susie Burbidge 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 Beddoe also declared that in his capacity as Chairman of Planning, he gets to know a number of property developers and planning consultants, although he does not consider them his friends. He added that any Members of the Majority Party who had or would make representations in respect of the applications on the agenda were his friends.
- 2.3 Councillor Beddoe then made the following further declaration as it related to the specific application on the agenda:

Item 3: That he had sat on the Committee that had considered a previous application.

Item 6: That he had sat on the Committee that had considered a previous application.

- 2.4 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, Property and Corporate Services 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.

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

Item 3: That he had sat on the Committee that had considered a previous application.

Item 5: That the application is in his Ward.

- 2.6 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 declared that she is the Deputy Cabinet Member for Housing. Councillor Burbridge further advised that that she did meet architects and developers from time to time but had not seen or spoken to any in relation to the applications on the agenda.

- 2.7 Councillor Burbridge then made the following declarations as they related to the specific applications on the agenda:

Item 3: That she had sat on the Committee that had considered a previous application.

Item 6: That she had sat on the Committee that had considered a previous application.

- 2.8 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. No current clients are in Westminster, and if there were, he would be precluded from working on them under the company's code of conduct.

- 2.9 Councillor Boothroyd further declared that some Thorncliffe clients have engaged planning consultants who are also representing the applicants at the meeting: DP9 on item 1, CBRE on item 2, Savills on item 3 and Rolfe Judd Planning on item 5. However, he advised 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 his employers.

- 2.10 Councillor Boothroyd then made the following further declarations as they related to the specific applications on the agenda:

Item 2: That he is a member of The London Library in St James's Square.

Items 3: That he had sat on the Committee that had considered a previous application.

Item 6: That the applicants, Criterion Capital, were clients of Thorncliffe from July 2015 to January 2016 in respect of a development in Camden. He also declared that he lives on Park West Place to the south east of the site, but not close enough to be affected by the operation of the hotel, so he did not consider that interest to be prejudicial. Councillor Boothroyd further declared that he had sat on the Committee that had considered a previous application.

Item 7: That he had sat on the Committee that had considered a previous application.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 27 February 2018 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

4.1 The Chairman moved that on the recommendation of the Chief Executive, that for all applications, the votes of Members at Planning Applications Sub-Committee (1) meetings be formally recorded in the minutes. He also moved that this Committee recommends to all other Planning Applications Sub-Committees to record the votes of Members in their minutes.

#### **4.2 RESOLVED UNANIMOUSLY:**

That the votes of Members at Planning Applications Sub-Committee (1) meetings be formally recorded in the minutes and that it be recommended to all other Planning Applications Sub-Committees to record their Members' votes in the minutes.

### **1 FILM HOUSE, 142-150 WARDOUR STREET, LONDON, W1F 8ZR**

Demolition behind retained facades of Nos 142 - 150 Wardour Street and full demolition of 20 St Anne's Court and to the rear of 138-140 Wardour Street, redevelopment to comprise basement, ground and six upper floor for use for hotel purposes (C1), creation of a restaurant (Class A3) at ground floor level fronting onto St Anne's Court. Use of part of the roof as a restaurant and bar in connection with the hotel use, creation of terraces and plant enclosures and associated works. (Site includes 142-150 Wardour Street, 138-140 Wardour Street and 20 St Anne's Court).

An additional representation was received from Stephen Furness (20.03.2018).

Late representations were received from Beverly Elie (27.03.2018) and Brooke Bailey (24.03.2018).

The presenting officer tabled the following additional condition:

#### New Condition 54

Prior to demolition, you must submit an acoustic report, which identifies the noise sensitive sound recording studios at 17 St Anne's Court. The report must include any mitigation required to comply with the Council's noise criteria in Condition 36 of this permission.

#### **RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted, subject to an additional condition 54 as set out above, further additional conditions to control rooftop light pollution and entertainment use layouts, the inclusion of bottle crushers and a detailed floor plan including number of covers, an additional informative that the Operational Management Plan state that there shall be no coach parties and to a Section 106 legal agreement to secure the following:
  - i. The costs relating to Highway alterations including works immediately surrounding the site required for the development to occur;
  - ii. Dedication of the highway in St Anne's Court, where the building line has been set back from the railing line;
  - iii. A financial contribution to the carbon-offsetting fund of £101,000 (index linked and payable prior to commencement of development).
  - iv. Crossrail payment (currently calculated at £92,227 but will be reduced to approximately £0 following offset against Mayoral Community Infrastructure Levy as allowed by the Supplementary Planning Guidance) (index linked)
  - v. An employment and training strategy for the construction and operational phase of the development;
  - vi. Section 106 monitoring costs.
2. That if the Section 106 legal agreements has not been completed within six weeks of the date of the Committee resolution, then:
  - (a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - (b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director

of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## **2 AIRWORK HOUSE, 35 PICCADILLY, LONDON**

Demolition and redevelopment of existing building to provide a new building comprising two sub-basement levels, ground and eight upper floors. Use of part basement and ground floor for retail (Class A1) purposes and use of part of rear ground floor as for either dual/alternative retail (Class A1) or restaurant (Class A3) purposes, use of the remainder of the building for office (Class B1) purposes. Installation of plant at sub-basement level -2, seventh, eighth and roof level. Creation of a terrace at eighth floor level.

Additional representations were received from The Crown Estate (undated) and from the Environmental Health Officer (21.03.2018).

The presenting officer tabled the following amended recommendation:

### Revised recommendation

- i. To utilise 1,200sqm of a residential land use credit granted for the development at Morley House on 28 April 2016 (RN: 15/07483);
- ii. The costs relating to Highway alterations including works immediately surrounding the site required for the development to occur;
- iii. Dedication of the highway at the junction of Piccadilly Place and Piccadilly where the building line has been set back from the existing building line;
- iv. To provide and permanently maintain the servicing of development from One Vine Street;
- v. Carbon offsetting through retrofitting other properties in the Crown Estate portfolio;
- vi. Crossrail payment (currently calculated at £277,000 but will be reduced to approximately £138,384.48 following offset against Mayoral Community Infrastructure Levy as allowed by the Supplementary Planning Guidance) (index linked);
- vii. An employment and training strategy for the construction phase of the development;
- viii **Stopping up of the highway, where the building line is being brought forward on Vine Street; and**
- ix. Section 106 monitoring costs.

## **RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted, subject to an amended recommendation as set out above, an additional informative requiring use of high quality materials, referral to the Mayor and to a Section 106 legal agreement to secure the following:
  - i. To utilise 1,200sqm of a residential land use credit granted for the development at Morley House on 28 April 2016 (RN: 15/07483);
  - ii. The costs relating to Highway alterations including works immediately surrounding the site required for the development to occur;
  - iii. Dedication of the highway at the junction of Piccadilly Place and Piccadilly where the building line has been set back from the existing building line;
  - iv. To provide and permanently maintain the servicing of development from One Vine Street;
  - v. Carbon offsetting through retrofitting other properties in the Crown Estate portfolio;
  - vi. Crossrail payment (currently calculated at £277,000 but will be reduced to approximately £138,384.48 following offset against Mayoral Community Infrastructure Levy as allowed by the Supplementary Planning Guidance) (index linked)
  - vii. An employment and training strategy for the construction phase of the development;
  - viii. Stopping up of the highway, where the building line is being brought forward on Vine Street; and
  - ix. Section 106 monitoring costs.
2. That if the Section 106 legal agreements has not been completed within six weeks of the date of the Item No. 2 Committee resolution, then:
  - (a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - (b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place be authorised.
4. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order and it be noted that the applicant will be required to cover all costs of the Council in progressing the stopping up order.

### **3 1-18 YORK TERRACE EAST, LONDON, NW1 4PT**

Use of buildings as 28 residential units (Class C3) including 26 flats and two single dwelling houses; removal and replacement of roof, floors, non original stairs; retention of all facades and spine walls and reinstatement of the properties as individual dwellings; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park.

Additional representations were received from the Crown Estate Paving Commission (20.03.2018) and Max Jack (undated).

Late representations were received from John Glasswell (22.03.2018), the St Marylebone Society (16.03.2018), Savills (20.02.2018), Peabody (15.12.2017), A2Dominion (undated), Octavia (13.02.2018) and Belgrave (undated).

#### **RESOLVED UNANIMOUSLY:**

1. That it be considered that the revised applications for 26 flats and 2 houses addressed concerns with regard to:
  - i) the failure to optimise the use of the buildings
  - ii) the failure of the applicant to justify the loss of the existing student accommodation and
  - iii) the lack of affordable housing on site
  - iv) The benefits of the revised proposal now outweigh the less than substantial harm to these Grade I listed buildings.
- 2 That subject to the 1. above, that it be agreed these concerns have now been addressed and accordingly that planning permission be granted, subject to the conditions to be settled under delegated powers by officers in consultation with the Chairman and to the satisfactory completion of a legal agreement to secure the following:
  - a) Provision of 44 affordable housing units at Chesterfield Lodge via the implementation and completion of planning permission dated 30th January 2017(reference 16/00492/FULL).

- b) Agreement to the following phasing:  
  
The proposed development at 1-18 York Terrace East will not be occupied until the development at Chesterfield Lodge is completed.
  - c) Any under-spend from the £15million cost as set out in the Cast Cost Plan for Chesterfield Lodge will be given to the Council's affordable housing fund.
  - d) Designation of 28 car parking spaces within the basement level car park located beneath 24-41 York Terrace East, for use by residents of the proposed development for the lifetime of the development.
  - e) An employment and training strategy for the construction and operational phase of the development.
  - f) Section 106 monitoring costs.
3. 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 it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
4. That Subject to 1. above, conditional listed building consent be granted.
5. That the reasons for granting conditional listed building consent as set out in Informative 1 attached to the draft decision letter be agreed.

#### **4 BERKELEY HOTEL, 40 WILTON PLACE, LONDON, SW1X 7RL**

Demolition and redevelopment of 33-39 Knightsbridge and north (Knightsbridge) wing of Berkeley Hotel to provide buildings of four basements, ground and part nine/part ten upper floors to Knightsbridge frontage and an additional storey to the existing hotel building fronting Wilton Place to provide 59 additional hotel bedrooms with upgraded guest and staff facilities including new restaurant, 13 residential apartments (8 x1-bed, 3 x 2-bed and 2 x 3-bed), retail along Knightsbridge frontage and use of existing NCP car park for hotel and private car parking.

A late representations was received from the Maybourne Hotel Group (21.03.2018)



**RESOLVED (Councillors Beddoe, Burbridge and Mitchell in favour and Councillor Boothroyd against):**

1. That conditional permission be granted, subject to the views of the Mayor and the completion of a Section 106 legal agreement to secure:
  - A carbon offset payment.
  - An employment and training opportunities strategy during construction and for the hotel use.
  - Monitoring costs.
2. That if the 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.
  - 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 the 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.

**5 ST MARTIN'S COURTYARD – INCLUDING UNITS 19, 21, 23 SLINGSBY PLACE AND 7-9 MERCER ST, LONDON, WC2E 9AB**

Application 1: Use of units 19 and 21 Slingsby Place as a Class A3 restaurant and erection of kitchen extract duct at rear.

Application 2: Alterations to the Mercer Street entrance to St Martins Courtyard including display of fascia signage.

Application 3: Alterations to the Upper St Martin's Lane entrance to St Martin's Courtyard including installation of an illuminated brass entrance canopy with painting of the adjacent ground floor facade.

Application 4: Alterations to the Long Acre entrance to St Martin's Courtyard including installation of an externally illuminated flower canopy.

Application 5: Alterations to St Martin's Courtyard elevations, including installation of a ground floor colonnade with first floor restaurant terrace and awnings along the south facing elevation of Units 19 – 25 Slingsby Place; new cladding to 23 Slingsby Place at first floor level and to the west facing elevation of 7 - 9 Mercer Street; new lighting in the south western area of the courtyard; new paving; and display of associated signage.

## **RESOLVED UNANIMOUSLY:**

1.           a) Application 1: That conditional permission be granted, subject to an additional condition to prevent the restaurant from providing a delivery service.  
  
              b) Application 2: That conditional permission be granted.  
  
              c) Application 3: That conditional permission be granted.  
  
              d) Application 4: That conditional permission be granted, subject to a an additional condition requiring the flower canopy lights to be switched off at 00:30 and that this arrangement be reviewed after 12 months.  
  
              e) Application 5: That conditional permission be granted.
2.           a) Application 2: That Conditional advertisement consent be granted.  
  
              b) Application 3: That Conditional advertisement consent be granted.  
  
              c) Application 4: That Conditional advertisement consent be granted.  
  
              d) Application 5: That Conditional advertisement consent be granted.

## **6       157 EDGWARE ROAD, LONDON, W2 2HR**

Use of part basement, ground, first and second floors as a hotel (Class C1) and external alterations to front and rear elevations at first and second floor levels to install louvres.

Late representations were received from Martin Robeson Planning Practice (23.03.2018), Councillor Jean-Paul Floru (undated) and Councillor Antonia Cox (26.03.2018).

## **RESOLVED UNANIMOUSLY:**

It was considered that the amended scheme did not overcome the reason for refusal of the previous planning application and accordingly the application was refused on the grounds of the impact of additional traffic caused by the hotel and the unsuitable servicing arrangements for this location.

## **7       35 - 50 RATHBONE PLACE, LONDON, W1T 1AA**

Modification of Section 106 agreement dated 11 February 2014 to facilitate amended method for delivery of on site affordable housing.

An additional representation was received from Nick Bailey (19.03.2018).

A late representation was received from the Fitzrovia Neighbourhood Association (26.03.2018).

**RESOLVED (Councillors Beddoe, Burbridge and Mitchell in favour, Councillor Boothroyd against):**

That the modification of the Section 106 agreement dated 11 February 2014 be agreed.

**8 DEVELOPMENT SITE AT KINGDOM STREET, LONDON, W2 6AE**

Details of an updated Operational Statement for 2018 season pursuant to Condition 15 of planning permission dated 7 March 2017 (RN: 16/12331/FULL).

An additional representation was received from Incipio Group Ltd (26.03.2018).

**RESOLVED UNANIMOUSLY:**

That the details of an updated Operational Statement for 2018 season pursuant to Condition 15 of planning permission dated 7 March 2017 be approved.

The Meeting ended at 9.10 pm.

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

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