



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 15th July, 2014**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

Members Present: Councillors Robert Davis (Chairman), Susie Burbridge, Tim Mitchell and David Boothroyd

Also Present: Councillor Louise Hyams

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor 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 gets to know, meet and talk to leading members of the planning and property industry including landowners and developers and their professional teams such as architects, surveyors, planning consultants, lawyers and public affairs advisers as well as residents, residents associations and amenity groups. It was his practice to make such declarations. He stated that it did not mean that they were his personal friends or that he had a pecuniary interest but that he had worked with them in his capacity as Cabinet Member for Planning.

2.2 He also explained that all four members of the committee are 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 - often taking a

whole day over the weekend to do so.

2.3 Accordingly, if an issue or comment made by a correspondent is not specifically mentioned at the meeting in the officers presentation or by members of the committee, because of the need to get through a long agenda, it does not mean that members have ignored the issue as they will have read about it and comments made by correspondents in the papers read prior to the meeting.

2.4 Councillor Davis stated that in his capacity as Cabinet Member he knows a number of Planning Consultants in Westminster, some of whom were representing the applicants on a number of items of the agenda, including Four Communications, Gerald Eve and Belgrave.

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

Item 1 - he has attended a meeting with the applicants and that the City Council is the freeholder of the property.

Items 2 & 3 - he has had meetings with the applicants and in doing so has got to know its directors. He also declared that he knows the architect for the scheme and that previous applications relating to item 2 have been considered by the Sub-Committee.

Items 4 & 5 - that he knows the directors of Almacantar, the applicants, as well as the architects for both schemes. He also declared that he has attended meetings with the applicants in relation to both sites.

Item 6 - that the application had been considered by the Sub-Committee previously which he had chaired.

Item 7 - that the application has been submitted by the Grosvenor Estate and that he knows directors of the Estate.

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 also declared that she has received hospitality from Gerald Eve and Four Communications. In respect of item 5 she declared that the site is located in her Ward and that she had attended a meeting with the applicants.

2.7 Councillor Tim Mitchell 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 a Ward Councillor for St James's he has

regular contact with landowners, developers and their agents on proposals which included some of the developers who had applications on the committee's agenda – including Four Communication and Belgrave Communications.

2.8 Councillor Mitchell made the following further declarations as they related to the specific applications on the agenda. In respect of item 1 he declared that the Council has an interest in the property. With regard to items 2, 4 & 6 he declared that the applications had been considered previously by the Sub-Committee which he had sat on. He further declared in respect of item 6 that the site is located in his ward, that he had received representations from the applicants and that he had attended a site visit prior to the submission of the application to the Council.

2.9 Councillor David Boothroyd read out the following declaration:

'I am Head of Research and Psephology for Indigo Public Affairs, whose clients are companies applying for planning permission from various local authorities. No current clients are in Westminster; if there were I would be precluded from working on them under the company's code of conduct. I do not deal directly with clients or other members of project teams.

I am aware that some clients have hired planning consultants who are also representing applicants tonight: DP9 on items 1 and 7, Gerald Eve on item 2, CBRE on item 5, and Bidwells on item 11. There is no financial link between the planning consultants and my employers.

On item 2, the developers Land Securities are current clients of Indigo Public Affairs but only in relation to a site in Worcester.

I have been a member of previous committees deciding applications relevant to items 4 and 7. One of the objections on item 7 is from Katharine Hoskyns, who is a friend. On item 12, I live close to the site, but where I live is not part of the Church Commissioners' Hyde Park Estate.

For the avoidance of doubt, I should note that Indigo Planning, who are the agents on item 6, are a completely separate company.

3 MINUTES

3.1 The Chairman, with the consent of the Members present, signed the minutes of the meeting held on 3 June 2014 as a true and correct record of the proceedings.

4 PLANNING APPLICATIONS

SCHEDULE OF APPLICATIONS

1 TERRITORIAL POLICING HEADQUARTERS, VICTORIA EMBANKMENT, SW1

Alterations to existing Police Station and Headquarters building comprising rooftop extension, rear infill and wing extension, replacement of all windows and erection of a single storey pavilion building to front with associated public realm and security measures.

Additional representations were received from the Parliamentary Director of Estates (8/7/14).

The presenting officer tabled an amendment to the officer's report which set out the following revised wording for Condition 15 and further condition:

Revised wording condition 15

Notwithstanding what is shown on the approved plans, you must apply to us for approval of details of the public realm works, landscaping and location of security bollards on the part of the site adjacent to and within Richmond Terrace. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the works in accordance with the approved plans.

Additional condition

You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living biodiversity roof on the entrance pavilion to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details within three months of first occupation of the building. Thereafter you must retain and maintain the living biodiversity roof in accordance with the approved management plan.

Revised Informative 4

With regard to condition 15, you are advised to speak with TfL regarding the public realm works that will affect the public highway.

RESOLVED:

That conditional permission be granted subject to the revised and additional conditions tabled, and to the amendment to condition 2 to require the hours when noise from building work can be heard on the boundary of the site to be

submitted and approved before the development is commenced.

2 WESTMINSTER COLLEGE, CASTLE LANE, SW1

Demolition of existing building and redevelopment comprising erection of a new six storey residential building plus basement level (Class C3) and three townhouses fronting Wilfred Street (Class C3) (31 units in total) including rooftop plant, cycle parking, waste store and plant, new access and servicing arrangements, hard and soft landscaping and other associated works.

Additional representations were received from the Strategic Director, Built Environment (15/7/14).

Councillor Louise Hyams addressed the Committee in her capacity as Ward Councillor.

RESOLVED:

1. That the application be deferred for a site visit.
2. That the applicants be requested to reconsider the scheme in light of residents' concerns.
3. That the applicants be requested to confirm payment of a financial contribution towards affordable housing of £2.5m index linked payable on commencement of development in addition to a S106 obligation to ensure that that all parking spaces at the site will be unallocated.

3 ELIZABETH HOUSE HOTEL, 118-120 WARWICK WAY AND 27 ST GEORGES DRIVE, SW1

Use of the buildings as student accommodation (Class C2) for the Royal Ballet School. Associated alterations, refurbishment and rear extensions at lower ground, ground and first to third floors. Erection of mansard roof extension to form a fourth floor.

Additional representations were received from the Senior Partner, Cunnane Town Planning LLP (10/7/14).

RESOLVED:

that permission and listed building consent be granted, subject to conditions to be agreed under delegated powers following consultation with the Chairman, including the permitted use being personal to the Royal Ballet School; and mansard roof extension to be constructed in its entirety.

4 55 SHEPHERD MARKET, W1

Variation of Condition 1 of planning permission dated 12 April 2013 (RN:13/00755/FULL) for alterations to the existing shopfronts and installation of new canopies and fabric namely to allow the installation of electronically retractable awnings, with fixed support stanchions attached to existing planters, on the Shepherd Market frontage. [Site includes 2, 3, 4 and 5 Hertford Street; 2, 4, 6 and 8 Trebeck Street].

RESOLVED:

that permission and listed building consent be agreed, subject to any conditions to be agreed under delegated powers following consultation with the Chairman.

5 1 CHILTERN STREET, W1

Installation of external lighting at basement, ground and roof levels to illuminate the facade of the property.

Additional representations were received from the Associate Director, Planning, CBRE Ltd (7/7/14).

Late representations were received from Councillor Karen Scarborough, Ward Member for Marylebone High Street (15/7/14).

The presenting officer tabled an amendment to the officer's report, which revised Condition 5 of the planning permission and Condition 3 of listed building consent (changes in bold):

Only **static** white light shall be used to illuminate the building, unless agreed in writing by the City Council as local planning authority

No change to reasons for conditions

A further condition is recommended on the planning permission

Condition 6

The lighting hereby approved shall not be operated until anti glare louvres have been installed, in accordance with the submitted lighting specification, and these shall be maintained at all times that the lighting is operational.

Reason

To protect the environment of people in neighbouring properties as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013

and ENV10 of our Unitary Development Plan that we adopted in January 2007

RESOLVED:

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

6 BOLSOVER HOUSE, 5-6 CLIPSTONE STREET, W1

Alterations including demolition of the fifth floor mansard extension and replacement with a sheer storey of accommodation and mansard roof extension at sixth floor level to provide additional office accommodation (Class B1); installation of a lift overrun and plant within a roof level enclosure.

Additional representations were received from Behan Partnership LLP, Chartered Surveyors (2/7/14), Pavlo S Clifton (8/7/14) and Richform Estates Ltd (10/7/14).

Late objections were received from Councillors Iain Bott, Ian Rowley and Karen Scarborough as Ward Councillors (15/7/14).

RESOLVED:

That permission and listed building consent be granted, subject to any conditions to be agreed under delegated powers in consultation with the Chairman; including hours of operation of plant, and to secure the proposed improvement to disabled access.

In granting permission, the Committee considered that the proposed development did not have a harmful impact on the building, the surrounding townscape or the setting of the neighbouring Conservation Areas; and that the divergence from adopted policy for office development was justified in the particular circumstances of this case, especially in light of the potential loss of offices in this locality to residential use and the improvements to access for those with disabilities.

7 LAND AT REAR OF GROVE HALL COURT, HALL ROAD, NW8

Variation to Condition 1 of planning permission dated 29 October 2013 (RN: 13/01972) for demolition of existing garages and associated structures and redevelopment to provide 11 residential units (10x4 bed terrace houses and 1x4 bed detached house) with basement car parking for 32 vehicles together with associated landscaping including all necessary enabling works; namely to substitute plans to allow design amendments including the creation of sub-basements to Units 1-10; extension to basement at Unit 11; amendments to

the elevations and roof profile of Units 1-11; second floor side extension to Unit 1; second floor rear extension and enlargement of two storey side extension at Unit 11; amendments to the basement car park ventilation system; relocation of cycle parking to basement car park; amendment to basement access ramp; provision of lifts to each unit; and amendments to the site finished floor and ground plane levels (Application under Section 73 of the Town and Country Planning Act 1990).

Late objections were received from the District Surveyor (15/7/14) and Environmental Health (15/7/14).

The presenting officer tabled an amendment to the officer's report which set out the following revisions to the draft decision notice:

Condition 11:

The provision for the storage of waste and recyclable material, as shown on drawings numbered 5360/004 rev D and 5630/1104 rev B, is to be made permanently available and used for no other purpose.

Condition 15:

The development shall be carried out in accordance with the approved details of site investigation and remediation strategy pursuant to parts 1 and 2 of Condition 15 of planning permission dated 29 October 2013 (RN: 13/01972) as agreed on 25 March 2014 (14/00786/ADFULL) unless otherwise agreed in writing.

You must apply to us for approval of the following investigation report when the development has been completed.

Phase 3: Validation report – summarises the action you have taken during the development and what action you will take in the future, if appropriate.

Condition 19:

The development shall be carried out in accordance with the approved Construction Management Plan as agreed on 19 June 2014 (14/04242/ADFULL) unless otherwise agreed in writing.

RESOLVED:

1. That conditional permission be granted subject to:
 - a) A Deed of Variation to the legal agreement dated 29 October 2013 to secure A financial contribution of £2,000,000 towards the affordable housing fund (index linked and payable on the commencement of the development).

- b) The amended conditions tabled, together with an additional condition to secure an amendment to the design of the ground floor elevation of Villa House Unit 11.
2. If the S106 planning obligation has not been completed within six weeks of the Committee resolution, then:
- a) The Strategic Director 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 Strategic Director is authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Strategic Director 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 Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

8 MADAME TUSSAUDS, MARYLEBONE ROAD, NW1

Extensions to the first and second floor and the installation of new air handling unit at roof level with screening.

Additional representations were received from Madam Tussauds, London.

Late representations were received from NLP Planning (14/7/14).

The presenting officer tabled an amendment to the officer's report which set out the following revisions to the draft decision notice:

Condition 9:

Before the new extensions are occupied, the applicant must carry out the measures set out in the Visitor and Impact Management Statement received by email 30.06.2014 and adhere to them at all times thereafter.

Additional Condition 11:

You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place.

Reason:

To make sure the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dorset Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan

that we adopted in January 2007.

Amendment to plans nos. on decision letter:

Visitor and Impact Management Plan received by email 30.06.2014.

RESOLVED:

That conditional permission be granted, subject to the additional and amended conditions tabled.

9 17 CRAVEN HILL GARDENS, W2

Use of building as a single family dwellinghouse, use of part of Craven Hill Gardens Square as a private garden for the dwellinghouse and external alterations, including extension of raised terrace to side elevation, formation of terrace at rear second floor level and infill extension to rear lightwell.

Report WITHDRAWN.

10 22 A ELM TREE ROAD, NW8

Excavation of basement floor below existing house with front and rear lightwells, alterations to fenestration to front and rear elevations, replacement of roof to side extension and garage and erection of single storey extension at rear ground floor level to enlarge existing dwellinghouse.

Additional representations were received from the Senior Building Control Surveyor, Development Planning (3/7/14).

Two pages of the report which had not been included in the published agenda were tabled at the meeting.

RESOLVED:

That conditional permission be granted.

11 THE ADELPHI, 1-11 JOHN ADAM STREET, WC2

Variation of Conditions 1 and 23 of planning permission dated 16 July 2013 (RN: 13/03399/FULL) for: Use of part ground and basement floors for restaurant and cafe (Class A3), internal and external alterations to include formation of two atria in the original lightwell opening positions with glazed rooflights over at level 6, reinstatement of two existing perimeter lightwells for continued use as offices (Class B1), replacement of the glazing to the windows, reconfiguration of the plant and installation of two new generators at roof level within the existing roof plant enclosures, new kitchen extract duct and relocation of the existing boiler flues at roof level, creation of two rooflights at level 5 north terrace area, relocation of the existing servicing area

at level 3 to level 1 accessed from Lower Robert Street (off of York Buildings) and associated works, namely to increase the restaurant layout/floorspace by 77m² to 1,377m² and to allow opening hours from 08:00 to 23:30 Monday to Thursday, 08:00 to 00:00 Friday and Saturday and 08:00 - 23:00 Sundays and Bank Holidays.

Additional representations were received from Ms Princy Munk (20/6/14), Mr Richard Munton (23/6/14), Mr Miles Howarth (24/6/14), Alison and Larry Hirst (25/6/14), John E Langlois, OBE (25/6/14) and David Elder (26/6/14).

Late representations were received from John Adam House Management Company & Little Adelphi Freehold Company (14.7.14).

Councillor Tim Mitchell stood down from the Committee during consideration of this application, and addressed the Committee as a Ward Councillor. After making his representation he left the room, and took no part in the discussion or vote.

RESOLVED:

That the applicant be invited to exclude the proposed amended opening hours from the application to permit the extension to be granted under delegated powers. If they decline to do so the application be refused under delegated powers following consultation with the Chairman on grounds of impact of extended opening hours upon residential amenity.

The applicants be advised that extended opening hours may be reconsidered in light of at least 6 months experience of active use which would allow the applicants the opportunity for further engagement with the local residential community.

12 THE WATER GARDENS, BURWOOD PLACE, W2

Retention of office (Class B1) for property management of the Church Commissioners' Hyde Park Estate at mezzanine level in the South Block and use of existing Building Manager's Office at mezzanine level in the Central Block for Community Group meetings (by appointment).

Additional representations were received from Mrs Jjoan Ashbourne (7/7/14) and Dr Nick Johnson OBE (9/7/14).

Late representations were received from Councillor Heather Acton, Ward Member for Hyde Park (11/7/14).

RESOLVED:

That conditional permission be granted, subject to the deletion of Condition 5.

13 31 HYDE PARK GARDENS MEWS, W2

Excavation of new basement extension, erection of second floor mansard extension and associated external alterations.

Report WITHDRAWN.

The Meeting ended at 9.40 pm

CHAIRMAN: _____

DATE _____