



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 21st April, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

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

1 MEMBERSHIP

1.1 It was noted that 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 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 - often taking a whole day over the weekend to do so.

2.3 Accordingly, if an issue or comment made by a correspondent was 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 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 and as amplified in the Communities and Local Government Guidance document "A Plain English Guide to the Localism Act".
- 2.5 The meetings held with applicants and in some case objectors too are without prejudice and all parties are advised that a final formal decision is only taken when all the facts are before him and his Committee through the normal planning application process.
- 2.6 He also stated that in his capacity as Cabinet Member he knew a number of Planning Consultants in Westminster, some of whom were representing the applicants on a number of items on the agenda, including Four Communications, Gerald Eve, Rolfe Judd, Belgrave and Savills.
- 2.7 Councillor Davis made the following further declarations as they related to the specific applications on the agenda:

Item 1 - That he has had meetings with the applicants. That he knows a number of directors at Transport for London, including Sir Peter Hendy, and representatives of the applicant, CBRE.

Item 3 – That he has had meetings with the applicants and knows their representatives, Gerald Eve and also knows an objector, the Director of Somerset House

Item 4 – That he has had meetings with the applicants, knows the applicant's architects, and DP9, their planning consultants

Item 5 – That he has had meetings with the applicants, knows the applicant's representatives, GVA and their architects and Robin Birley who had made a representation

Item 6 – That he has had meetings with the applicants, knows the applicant's representatives GVA, and their architects and Robin Birley who had made a representation

Item 8 – That he knows the applicant's representatives, DP9 and architects and that he had been on the Committee that had previously considered proposals for this site

Item 9 – That he had undertaken a site visit with the headteacher

Item 10 – That he knows the applicant and frequents the restaurant

Item 12 - That he had been on the Committee that had previously considered proposals by the applicant for this site

Item 13 – That he had a meeting with the applicant.

2.8 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 had 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 Gerald Eve, Four Communications, Savills and Belgrave.

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

Item 1 – That the application site is within his ward and that he had received a presentation from the applicant and representations from interested parties.

Item 3 - That the application site is within his ward and that he had received a presentation from the applicant and representations from interested parties.

Item 5 – That the application site is within his ward

Item 6 – That the application site is within his ward

Item 8 - That he had been on the Committee that had previously considered proposals by the applicant

Item 10 –That he had been on the Committee that had previously considered proposals by the applicant

Item 12 - That he had been on the Committee that had previously considered proposals by the applicant

2.10 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 deputy Cabinet Member for Housing, Regeneration and Economic Growth. She further declared that she had met many of the developers and architects involved with applications on the agenda in her capacity as a councillor. Councillor Burbridge also declared that she had been on the Committee that had previously considered proposals by the applicant in relation to item 8.

2.11 Councillor Boothroyd declared that he is Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. He advised that no current clients are in Westminster; if there were he would be precluded from working on them under the company's code of conduct.

2.12 Councillor Boothroyd also advised that Thorncliffe clients have hired planning consultants who are also representing applicants tonight: CBRE on item 1, DP9 on items 2, 4 and 8, Gerald Eve on item 3, and GVA on items 5, 6 and 7. However he does not deal directly with clients or other members of project teams, and there is no financial link between the planning consultants and my employers.

2.13 Councillor Boothroyd also made the following further declarations as they related to the specific applications on the agenda:

Item 1 - One of the objectors is Graeme Cottam who is a friend.

Item 8 – He was a member of a previous committee deciding applications relevant to

Item 13 – He is a public member of Central and North West London NHS Trust. Cllr Barbara Grahame, who has made representations about this item, is a friend.

2.14 The design officer, Robert Ayton, in relation to item 3, declared that he is a member of SAVE British Heritage and The Victorian Society, however he had not been involved in any discussions with these organisations with regard to the application.

3 MINUTES

RESOLVED:

That the Chairman signed the minutes of the meeting held on 17 March 2015 as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 BROADWAY COMPLEX, 55 BROADWAY, SW1

Change of use of 55 Broadway from offices to private residential (89 units) including extensions at tenth floor level and reconfiguration of ground floor retail. Part demolition and redevelopment of 100 Petty France and Wing Over Station to provide affordable residential accommodation (35 units) and associated car parking (43 spaces).

The presenting officer tabled the following changes:

1. Grant conditional permission subject to a S106 legal agreement to secure the following:

* provision of affordable housing on site;

* all highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;

- * a financial contribution to the Councils' Environmental Inspectorate to monitor compliance with the Construction Environmental Management Plan;
- * to secure unallocated parking.
- * costs of monitoring the S106 agreement.

2. If the S106 legal agreement has not been completed within two months of the date of this resolution then:

a) The Director of Planning shall consider whether it will be possible or 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 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. Grant conditional listed building consent subject to referral to the Secretary of State

4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

Additional Condition

The approved scheme shall only provide a maximum of 498m² of Class A3 floorspace within the ground floor of the building.

A late representation was received from John Attwood (14.04.2015).

RESOLVED:

The decision was deferred.

Members felt that the proposals should be revised to include the retention of office space, the removal of the pavilions proposed as part of the application, a review of the safety of the shared surface in the designated public courtyard and also to consider the provision of a disabled lift from the street to the tube station.

2 87-89 CLEVELAND STREET, W1

Demolition of existing building and redevelopment to provide a building of three blocks (Block A - comprising ground and nine upper floors, Block B - ground and three upper floors and Block C - ground and three upper floors) with basement and smaller sub-basement below and each separated by landscaped areas. For a mix of up to 105 residential units, provision of a petrol filling station (accessed from Clipstone Mews, exit onto Cleveland Street), provision of a mix of retail (Class A1), restaurant (Class A3), drinking establishment (Class A4), office (Class B1), non-residential institution (Class D1) and assembly and leisure (Class D2) floorspace and associated landscaping, and provision of 46 residential parking spaces and

associated plant space across sub-basement, basement and ground floor levels (site includes 87 - 125 Cleveland Street, W1).

RESOLVED:

The application was formally withdrawn by officers.

3 KINGS COLLEGE, 160 STRAND, WC2

Redevelopment of 154-158 Strand to form a new academic building including facade retention of 152-153 Strand, alterations to the Strand building including an extension to the rear and alterations to the entrance. Redevelopment of the Quadrangle building including the creation of a new quadrangle courtyard to the King's Building and a new link to Somerset House East Wing. Alterations to the embankment entrance and associated works.

Additional representations were received from Gerald Eve (17.04.2015), King's College London (13.04.2015) and Somerset House (13.04.2015).

Late representations were received from SAVE Britain's Heritage (21.04.2015), Christopher Quaile (10.04.2015), Claire Ransom (18.04.2015), Scott Bartle (10.04.2015), Gwenneth Heyking (10.04.2015), Dr Ian Patterson (14.04.2015), Environmental Services (14.04.2015), James Champness (14.04.2015), Richard Barnes (16.04.2015), Philip Downer (17.04.2015), Rebecca McLeod (17.04.2015), Vanessa Evans (17.04.2015), Joe Smallwood (17.04.2015), Daniel Fitzgerald (17.04.2015), Kim Cooper (17.04.2015), Adam Carr (17.04.2015), Michael Carey (17.04.2015), Nicholas Humphrey (18.04.2015), Peter Thomas (18.04.2015), Robin Panrucker (18.04.2015), Darren Silk (18.04.2015), Madelaine Horrocks (18.04.2015), Cassandra Cummings (18.04.2015), Daniel Morris (18.04.2015), English Heritage (23.03.2015), Ann Petherick (21.04.2015), Dr Simon Bradley (21.04.2015), Paul Douglas (20.04.2015), Karl Ulas (20.04.2015), Alex Joseph (20.04.2015) and Vanessa Howson (18.04.2015).

The presenting officer tabled the following additional listed building conditions:

9. You must apply to us for approval of a methodology statement showing how you will dismantle and re-erect the stone balustrades to the front of Kings Main Building, including arrangements of the storage of any fabric during the period of works. 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 work in accordance with this approved methodology.

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 Strand 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

10. {\b Pre Commencement Condition}. You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

Reason

To protect the parts of the building which are to be preserved during building work. (R28AA)

11. {\b Pre Commencement Condition}. You must apply to us for approval of detailed drawings showing how you will support and protect the party walls. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28BB)

Reason

To protect the party walls during building work. (R28BA)

RESOLVED:

1. That conditional permission be granted subject to a S106 legal agreement to secure:
 - Compliance with the City Council's Code of Construction Practice, submission of a CEMP (Construction Environmental Management Plan) and a financial contribution of £38,500 per annum to the Environmental Inspectorate Team.
 - Provision of public art in accordance with Condition 9 to a minimum value of £50,000.
 - Measures to secure public access across the Quadrangle courtyard.
 - The costs of monitoring the S106 agreement.
2. That if within six weeks of the resolution to grant conditional permission the S106 legal agreement has not been completed and there is no immediate prospect of the legal agreement being completed, then
 - a) The Director of Planning shall consider whether it would be possible and appropriate to issue 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 it has not proved possible to complete a S106 legal agreement within an appropriate timescale, and that the proposal is 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 conditional listed building consent be granted, subject to additional listed building conditions 9, 10 and 11 as set out above, and to referral to the Secretary of State.

4. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

Councillor Boothroyd wished his vote against the granting of conditional permission to be recorded.

4 10 CONDUIT STREET, W1

Demolition of the existing buildings at No. 10 and 11 Conduit Street and erection of seven storey building (including basement) for use as retail accommodation at part ground floor level (Class A1) and office accommodation (Class B1) in the remainder of the building.

An additional representation was received from Piper Smith Watton (14.04.2015).

RESOLVED:

1. That conditional permission be granted, subject to a legal agreement to secure the following:
 - A payment towards the City Council's Affordable Housing Fund of £1,892,837 (index linked and payable prior to commencement of development) in lieu of providing residential provision on site in order to fund the provision of affordable housing elsewhere in the City.
 - Submission of a Construction Environmental Management Plan and financial contribution towards environmental monitoring (maximum contribution £9,112 per annum).
 - The costs of monitoring the S106 legal agreement.
2. That if the legal agreement has not been completed within three months of the resolution to grant permission 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 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 which would have been secured; if so the Director is authorised to determine the applications and agree appropriate reasons for refusal under Delegated Powers.
3. That conditional listed building consent for the proposal be granted and the reason for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

4. That the making of a draft Order pursuant to Section 247 of The Town and Country Planning Act (1990) (as amended) for the stopping up of parts of the public highway to enable this development to take place be authorised.
5. That the Commissioner for Transportation 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.

A further condition was added requiring rear access to the building be permanently retained.

5 33 ST JAMES'S SQUARE, SW1

Change of use from offices to 23 residential units (4 x 1 bed, 6 x 2 bed, 12 x 3 bed, and 1 x 4 bed flats), incorporating internal and external alterations, including excavation to create an enlarged basement floor level with off-street parking, swimming pool, and mechanical plant; demolition of the existing 10 storey rear wing extension and replacement with a new 11 storey rear wing extension with terraces and balconies.

RESOLVED:

1. That conditional permission be granted, subject to the completion of a S106 legal agreement to secure:
 - A financial contribution towards affordable housing of £3,180,000 (index linked and payable on commencement of development).
 - To secure unallocated parking.
 - Monitoring payment
2. That if the legal agreement has not been completed within four 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. Of this is possible and appropriate the Operations Director is authorised to determine and issue such a decision under Delegate 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 the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That conditional listed building consent be granted subject to the authorisation from English Heritage.

4. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

6 79 PALL MALL, SW1

Use of the building to provide eight residential units (Class C3). External alterations comprising of a three storey rear extension at ground to third floor level with a terrace at third floor level. Extension to existing basement level to rear. New rooflight, access hatch and plant at roof level. Associated internal alterations.

Additional representations were received from GVA Grimley (17.04.2015) and John Attwood (15.04.2015).

A late representation was received from The Victorian Society (21.04.2015).

RESOLVED:

Grant conditional permission and listed building consent subject to a S106 agreement to secure £400,000 of affordable housing.

7 HUDSON HOUSE, 8 TAVISTOCK STREET, WC2

Use of entire building to accommodate 10 residential units (C3). Erection of new roof level extension (to include plant room) and creation of rear balconies at fourth and fifth floors. Use of part of main roof as terrace.

A late representation was received from Austin Mackie (20.04.2015).

RESOLVED:

The application was formally withdrawn by officers.

8 50-57 NEWMAN STREET, W1

Erection of rear extensions at first to fourth floors and erection of additional storeys at fifth and sixth floor levels in association with the use of the property as a hotel (Class C1) and associated alterations.

The presenting officer tabled the following amended recommendation:

Revised contribution towards the City Council's affordable housing fund of £2,559,000.

RESOLVED:

1. That conditional permission be granted subject to a S106 legal agreement to secure:
 - a financial contribution towards Crossrail;

- a financial contribution of £2,559,000 towards the City Council's affordable housing fund (index linked and payable on commencement of development);
2. That if the S106 legal agreement has not been completed within six weeks of the date of the Committee's 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 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 is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

9 43-49 HARLEY STREET, W1

Demolition of existing roofs and erection of mansard roof extension to Nos. 43 -47, small rear infill extension at third floor level at No. 43, and associated internal alterations; all to provide additional educational floorspace (Class D1).

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.

10 GROUND FLOOR, 50 MARYLEBONE HIGH STREET, W1

Variation of Condition 3 of planning permission dated 13 May 2014 (RN:14/01407/FULL) for, 'Variation of Condition 22 of planning permission dated 02 October 2001 (RN: 00/06626) for part redevelopment with alterations and extensions for restaurant (Class A3) and retail (Class A1) use on basement and ground floors with six flats at first, second and third floors and plant to first floor rear level; which allowed a variation to the servicing hours for the restaurant (Class C3) at No. 50 Marylebone High Street to 07.00-18.00 Mondays to Fridays (excluding Bank Holidays); namely, extension of trading hours to 07.00 to 00:00 Monday to Saturday and 08.00 to 23.30 Sundays.

RESOLVED:

That conditional permission be granted.

11 GARAGE ON CORNER OF LANGFORD PLACE AND ABBEY ROAD, NW8

Use for the garaging of private cars and installation of replacement roller shutter.

RESOLVED:

That permission be rejected on the grounds of the loss of local business and excessive parking provision for a residential dwelling not related to Langford Court.

12 3 ABBEY ROAD, NW8

Reconfiguration and expansion of facilities for music recording and production at No.3 Abbey Road comprising erection of a new recording studio to rear of No.5 Abbey Road; conversion of existing garage building facing Hill Road to form new recording studio and addition of pitched roof structure; new gate to Hill Road frontage of site; enlargement of single storey block adjacent to boundary with Abbey House and erection of extension to accommodate new transformer; erection of single storey extension to rear of Studio 2; use of lower ground floor of No.5 Abbey Road as a gift shop (Class A1) with associated alterations to form access and new landscaping to the front of No.5; installation of new mechanical plant equipment; new landscaping; and internal alterations, including to Studios 2 and 3.

An additional representation was received from Yasue Ishida (14.05.2015).

A late representation was received from Councillor Lindsey Hall (21.04.2015).

RESOLVED:

1. That conditional permission and conditional listed building consent be deferred with the committee minded to grant, subject to the applicant's response to the issues below to be discussed in consultation with the Chairman, and subject to the Chairman being satisfied with the response, that the Operational Director be authorised under Delegated Powers to determine and issue a decision, or if the Chairman is not satisfied with the response, to bring the application back to the Planning Applications Committee.

That the applicant respond to the following issues raised by the Committee:

- That a Management Plan be put in place to include wardens to manage the queue to the studios and the proposed gift shop and to help marshal the visitors in Abbey Road and Hill Road
- That the proposed Management Plan should also include measures to prevent the area at the rear of Studio 2 from being used by any staff or visitors for smoking or other purposes.
- That the applicant consider covering the entrance from Hill Road to the new recording studio and provide access to the new studio via the main entrance
- To ensure that the gift shop sells merchandise that is directly associated with the Abbey Road Studios
- To consider longer opening hours for the gift shop to keep visitors away from the surrounding residential streets, including the suggestion that the

gift shop remain open until 7.00pm Monday to Saturday and until 6.00pm Sunday.

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

13 17 PADDINGTON GREEN, W2

Use as five residential units (4x1 bedroom flats and 1x3 bedroom dwellinghouse), erection of single storey roof extension to existing side addition, excavation of floor level to part of existing basement floor, replacement of existing front boundary and associated external alterations and landscaping to front and rear. Internal alterations to all floor levels.

Additional representations were received from Central and North West London NHS Foundation Trust (16.04.2015), English Heritage (19.03.2015), Councillor Barbara Grahame (10.04.2015, 11.04.2015 and 13.04.2015), Nexus Planning (19.03.2015) and Councillor Melvyn Caplan (16.04.2015).

Late representations were received from Councillor Barbara Grahame (21.04.2015), Portman Early Childhood Centre (20.04.2015), City of Westminster College (21.04.2015) and Nexus Planning (21.04.2015).

RESOLVED:

1. That it be agreed that the proposed amalgamation of the Central and North West London NHS Foundation Trust's Child and Adolescent Mental Health Services on to a single alternative site as part of their site rationalisation strategy justifies the loss of the existing social and community floorspace on this site.
2. That conditional permission and listed building consent be granted subject to the securing of a S106 agreement to secure social and community funding for:
 - a) A Portman Early Years Centre with £24,000 designated towards a Family Dinner Club and a further £22,000 towards Family Drop in sessions
 - b) A contribution of £50,240 towards the City of Westminster College.
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 10.07 pm

CHAIRMAN: _____

DATE _____