



CITY OF WESTMINSTER

# MINUTES

## Planning Applications Committee (1)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 19th May, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

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

**Also Present:** Councillors Glenys Roberts and Suhail Rahuja.

#### 1 MEMBERSHIP

It was noted that there was no change to 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, Belgrave, GVA and Savills.
- 2.7 Councillor Davis made the following further declarations as they related to the specific applications on the agenda:

Item 3 – That he has had meetings with the applicants and knows the Directors of Capco and has received hospitality from them over the years as a leading developer in the city. That he also knows their representatives, Gerald Eve and has received hospitality from them also. That he also knows the Directors of Four Communications and the architects KPF.

Item 4 – That he has had meetings with the applicants before the original application came before the committee. That he has attended a site visit a week ago. That he knows the architects, their representatives Four Communications and some of the objectors.

Item 5 – That he knows the applicant and has eaten at the restaurant as someone's guest. That he knows the applicant's agents GVA, the architect Michael Blair and that the property, but not the application, has come to the committee previously.

Item 6 – That he has met with the applicants and knows the architects.

Item 7 – Is in his ward.

Item 8 – Is in his ward and that the property, not the application, has come before the committee previously.

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 3 – Is in his ward and that he knows the directors of Capco. That he has also received representations from local residents. That he knows the trustees of the Covent Garden Community Association.

Item 4 – That he attended a site visit.

Item 5 – That he has sat on previous committees that considered this application and two of the donor sites.

Item 8 – That he has sat on previous committees that considered this application.

2.10 Councillor Susie Burbidge 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.

2.11 Councillor Burbidge made the following further declarations as they related to the specific applications on the agenda:

Item 6 – Is in her ward.

Item 8 – Is in her ward and that she has attended a site visit.

2.12 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.

2.13 Councillor Boothroyd delclared that Thorncliffe clients have hired planning consultants who are also representing applicants tonight: Gerald Eve on item 3, Savills on item 4, GVA on item 5, and CgMs on item 6 but 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.

2.14 That several people who have sent representations on item 4, and in particular Karen Buck MP, are his friends.

2.15 That he was a member of a previous committee deciding applications relevant to items 4, 5, 6 and 8.

### **3 MINUTES**

#### **RESOLVED:**

That the Chairman signed the minutes of the meeting held on 21/04/15 as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 87-125 CLEVELAND STREET, W1**

Demolition of existing building and redevelopment to provide a building of three blocks separated by landscaped areas (Block A - comprising ground and nine upper floors, Block B - ground and three upper floors and Block C - ground and three upper floors each with basement and sub-basement) to provide up to 105 residential units, a petrol filling station, 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 46 residential parking spaces with associated plant space across sub-basement, basement and ground floor levels.

#### **RESOLVED:**

This item was formally withdrawn by officers.

#### **2 17 BERKELEY STREET, W1**

Erection of rooftop plant and kitchen extract equipment with associated screening at main roof level with new extract flues and refrigeration pipework from first floor to roof level within the north west and south east lightwells.

Additional representations were received from Cllr Glenys Roberts (15.5.15), Clarke Saunders Acoustics (13.05.15), Franklin Lee Johnson (14.05.15), Ogier (14.05.15), Samira Javadova (14.05.15) and Grant Bowler (06.15.15).

Late representations were received from Environmental Health (19.05.15), One Oak (15.05.15), Prism Investments (16.05.15) and Miss Debora Bertoni (19.05.15).

Councillor Glenys Roberts addressed the Committee in her capacity as local ward councillor to state her opposition to the application.

#### **RESEOLVED:**

That conditional permission be granted.

The committee added a condition requiring the roof top plant to be adequately screened from view.

The committee removed Condition 10 and instead added this as an informative.

### **3 11-12 FLORAL STREET, WC2**

Demolition and new build behind retained facade and introduction of sub-basement and fourth floor to No. 11 and alterations to No. 12 to provide health and fitness club including ancillary restaurant (Class D2) at sub-basement to first floor, retail (Class A1) at basement and ground floors and nine residential units (Class C3) at part second floor and above at No. 11 Floral Street and first floor and above at No. 12 Floral Street; and associated works.

Additional representations were received from Mr Piers Gardner (13.05.15) and Mr Phillip Kan (13.05.15).

Late representations were received from Capco (14.05.15) and Mr Piers Gardner (19.05.15 & 18.05.15).

#### **RESOLVED:**

That conditional permission be granted.

The committee added a condition requiring all planters to be raised.

The committee agreed that residential floor space can be used as credit against future schemes.

The committee did not agree that public realm credit can be used against future schemes.

### **5 SITE AT 2-8 TREBECK STREET, 2-5 HERTFORD STREET, 35 SHEPHERD MARKET AND 20 SHEPHERD STREET, W1**

Use of part ground and part first floors, second and third floors as a private members club use in connection with the existing private members club (sui generis). Alterations to the fenestration of the property to include the introduction of new window openings, creation of new plant areas at second and third floor levels, alterations to the roof form and installation of an awning over the terrace at third floor level. Internal alterations at all floor levels.

Additional representations were received from GVA (15.05.15) and Robin Birley (15.05.15).

#### **RESOLVED:**

That conditional permission be granted.

That listed building consent be granted.

The committee agreed that a Section 106 agreement shall permit occupation of the club space prior to the implementation of the residential schemes. A penalty clause

was inserted three years after the rooms are occupied securing affordable housing payments equivalent to one unit per annum for a maximum of nine years.

The committee decided to remove condition 3 of the listed building consent.

#### **4 GROVE HOUSE, 88-94 WESTBOURNE GROVE, W2 (ADDENDUM REPORT)**

Demolition of existing building and erection of new basement plus six storey building to provide 11 residential units (6 x 1 bed, 1 x 2 bed and 4 x 3 bed units) at first to fifth floor and A1 retail use at basement and ground floor levels. Removal of two street trees.

Additional representations were received from Alan Power Architects (07.05.15), Sarah Joiner (11.05.15), Sebastian Bulmer (12.05.15), Melissa and Arjuna Gamage (13.05.15 & 14.05.15), Andrew Pilkington (14.05.15) and Enstar Capital (15.05.15).

Late representations were received from Councillor Brian Connell, Councillor Richard Holloway and Councillor Suhail Rahuja (19.05.15) Heather Lyons (19.05.15) and Sebastian Bulmer (19.05.15).

Councillor Suhail Rahuja addressed the committee in his capacity as local ward councillor to state his objection to the application.

#### **RESOLVED:**

That conditional permission be granted subject to a S106 legal agreement to secure the following:

- a) Provision of £1,015,980 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- b) A contribution of £10,000 (index linked and payable upon commencement of development) towards new tree planting in the vicinity of the site;
- c) Provision of lifetime car club membership (minimum 25 years) for all 11 flats;
- d) A car parking fund for occupants of the flats, equating to 50% of the cost of off-street parking for four cars for a period of 10 years; and
- e) The costs of monitoring the S106 agreement.

2. If the S106 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.

3. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the area of highway on Westbourne Grove required to enable the development to take place.

4. That the City 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. The applicant will be required to cover all reasonable costs of making and implementing the order.

## **6 11-13 KNIGHTSBRIDGE, SW1**

Erection of glazed canopies and enclosures to the front elevation at ground floor level.

Late representations were received from Make Ltd (14.05.15), Matthews and Goodman (15.05.15), CgMs Consulting (18.05.15) and Environmental Health (19.05.15)

### **RESOLVED:**

That permission be refused

## **7 104-110 QUEENSWAY, W2**

Use of basement and upper floors of No.104 as hotel with ancillary reception at part ground floor with (Class A1) retail use at new mezzanine floor and remainder of ground floor. Erection of mansard storey and rear first and second floor extensions at No.104 for hotel use. Use of first and second floors of No.110 as two self-contained studio flats (land use swap with No.104). Installation of new shopfront to 104. Alterations to existing mansard at Nos.106-110 comprising recladding with natural slate and insertion of lead-clad dormers with timber sash windows.

A late representation was received from SEBRA (19.05.15)

### **RESOLVED:**

That conditional permission be granted.

The committee added a condition requiring the doors from the residential flats to be kept closed at all times except in cases of emergency.

## **8 23 CRAVEN HILL, W2**

Construction of two storey basement beneath building and front and rear gardens, installation of air conditioning condenser units within acoustic enclosure and replacement of external stone staircase, garden room, boundary walls and railings and associated internal alterations.

### **RESOLVED:**

That conditional permission be granted.

The Meeting ended at 9.14 pm

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

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