



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 16th June, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

Members Present: Councillors Robert Davis (Chairman), Peter Freeman, Richard Beddoe and Barbara Grahame

Also Present: Councillor Iain Bott (Item 1)

1 MEMBERSHIP

- 1.1 It was noted that Councillors Peter Freeman, Richard Beddoe and Barbara Grahame had replaced Councillors Tim Mitchell, Susie Burbridge and David Boothroyd respectively.

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 and DP9.
- 2.7 Councillor Davis made the following further declarations as they related to the specific applications on the agenda:

Item 1 - that the council has an interest in the development as the freeholder of the building and that he is a member of the Council. He has had meetings with the applicants about the proposals and knows directors of Dukelease and DP9.

Item 2 - the application has been considered by the committee previously. He has had meetings with the applicants at various stages on both the current and previous applications. He knows Sir Stuart Lipton and directors of DP9.

Item 3 - he has had meetings with the applicants, knows directors of Gerald Eve as well as the directors of the Communications Group that occupies the premises, however, he had not discussed the application with them.

Item 4 - the application has been considered by the committee previously. He has had a series of meetings with the applicants. He knows Sir Peter Hendy and other senior officers of Transport for London. He also knows directors of CBRE.

Item 5 - he has had meetings with applicants and knows directors of GVA.

Item 7 -the principal proposal had been considered by the committee previously but not the detailed artwork. He had held meetings with the

applicants on the original development. He knows the directors of Frogmore and Rolfe Judd.

Item 8 - he knows that the directors of Montagu Evans.

- 2.8 Councillor Davis read out the following statement following advice provided on behalf of the Head of Legal and Democratic Services:

“During the course of the day it has been drawn to my attention that some members have been asked if they would take into account confidential letters.

For the avoidance of doubt, I must make it clear that under the provisions of Sections 100A to 100K of the Local Government Act 1972, meetings of the Council’s Planning Applications Committee are required to be open to the public except when the Committee has resolved to go into closed session in order to consider ‘exempt information’ as defined in the Act. Agendas, reports and other documents presented to those meetings are required to be open to public inspection, except when those documents contain exempt information. These requirements were enacted by Parliament in the interests of transparency and fairness to all concerned.

Amongst the categories of ‘exempt information’ are ‘information relating to the financial or business affairs of any particular person (including the authority holding that information’, ‘information in respect of which a claim to legal professional privilege could be maintained in legal proceedings’ and ‘information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime’. Information is only ‘exempt information’ if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

I would like to make it clear that if anyone wishes the Committee to consider a document confidentially, they must first submit that document to Council officers who will decide whether grounds exist for treating it as ‘exempt information’. It should be emphasised that no commitment can be given as to how a document will be handled, either by the members of the Committee or by the officers advising it, until they know the contents of the document concerned and are in a position to judge whether it contains ‘exempt information’.”

- 2.9 Councillor Iain Bott declared in respect of item 1 that he attends All Souls Church which is connected to All Souls Clubhouse but is a separate entity.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 19th May 2015 be signed 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.

Additional representations were received from Richard Buxton, Environmental and Public Law (10.6.2015), Roger Allen, Holcroft Court Residents Association (10.6.2015 & 12.6.2015), Michael Loizou (10.6.2015) and Dukelease (10.6.2015).

Late representations were received from GLA (2.6.15), Roger Allen, Holcroft Court Residents Association (14/6/15, 15/6/15 and 16/6/15), Michael Loizou (12/6/15), Linus Rees, Fitzrovia Neighbourhood Association (15/6/15), Howard Kennedy (16/6/15) and ward members for Marylebone High Street (16/6/15).

Councillor Iain Bott addressed the committee on the behalf of the Marylebone High Street ward councillors.

RESOLVED:

1. The Committee considered that the proposed financial contribution of £30,000 towards the All Souls Clubhouse was unacceptable and asked for the £123,930 carbon offset payment to be diverted and added to the £30,000 for social and community provision. Details of how this can be spent to be prescribed in the section 106 agreement and shall include the capital costs of refurbishment and improvement as well as revenue costs.
2. Subject to 1. above, and referral to the Mayor of London, conditional permission be granted subject to:
 - A) the completion of a S106 legal agreement to secure the following:
 - i) Provision of 15 on-site affordable housing intermediate rent units in perpetuity;
 - ii) A financial contribution of £4,629,000 towards the Council's affordable housing fund;
 - iii) Compliance with the City Council's Code of Construction Practice and submission of a CEMP (Construction Environmental Management Plan) to an annual cap of £30,000;
 - iv) A £159, 930 financial contribution towards social/community provision;

- v) Costs of highways works around the site to facilitate the development (including paving, dropped kerbs, raised crossing etc),
 - vi) Provision of car club membership for residents of the building for 25 years;
 - vii) Replacement of trees on Cleveland Street;
 - B) a condition requiring parking provision to be 100% unallocated.
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 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; 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 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.

Councillor Grahame dissented to the decision on the grounds that the affordable housing contribution was not, in her view, policy compliant.

2 DEVELOPMENT SITE AT 16, 18-25 & 26 PARK CRESCENT & 77-81 PORTLAND PLACE, W1 (ADDENDUM REPORT)

Demolition and redevelopment of 16-26 Park Crescent and partial demolition of 77-81 Portland Place to provide residential accommodation (Class C3) comprising of two basement levels, lower ground, ground and first to fourth floor levels (64 flats); the development of nine mews properties comprising of part lower ground, ground, first and second floors within the rear courtyard of Park Crescent Mews; creation of terraces at rear ground, third and fourth floor levels and car parking, refuse storage and plant in the basement of the Park Crescent property; use of part ground, lower ground and basement level 1 and basement level 2 as a community use (Class D1). Associated landscaping within the rear courtyard area.

Additional representations were received from DP9 Ltd (12.6.2015) and Park Crescent (10.6.2015).

RESOLVED:

1. The Committee agreed that a contribution of £13,165,000 towards the City Council's affordable housing fund is acceptable in lieu of on-site affordable housing provision in the particular circumstances of this case.

2. The Committee considered that the substantial harm caused by demolition is outweighed by the public benefit of rebuilding the Crescent in a form close to the original design.
3. Subject to 1. and 2 above, conditional permission be granted subject to:
 - (A) the education payment to the value of £159,000 being used for public realm improvements.
 - (B) A legal agreement to secure:
 - Provision of £13,165,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
 - The community space to be fully fitted out and ready for occupation prior to the occupation of the residential floorspace, and thereafter provided at a peppercorn rent for a minimum period of 35 years;
 - £30,000 for the City Council's Environmental Inspectorate/Environmental Sciences Team to oversee the construction phase;
 - Rebuilding the Park Crescent façade at nil-cost to the City Council (in the event that the applicant fails to complete the development)”
 - Provision of the on-site play space;
 - Public realm to the value of £359,000 to be used directly in relation to and close to the site and that any surplus money to be diverted to the Affordable Housing Fund.
 - Public access to the ice house;
 - The costs of monitoring the S106 agreement.
 - (C) Parking provision to be unallocated (as required by Condition 35).
4. If the S106 legal agreement has not been completed within six weeks from the date of the Committee's 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; 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 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. That conditional listed building consent be granted.
6. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

3 SITE AT 18-19 BUCKINGHAM GATE, SW1

Demolition of 18 and 19 Buckingham Gate and their replacement with a building comprising sub-basement, basement and seven upper floors, including the creation of terraces at first, fourth, fifth, sixth and roof levels; off street car parking and car lift accessed from Catherine Place and mechanical plant at basement and roof levels; in association with the use of the building as 14 residential flats (Class C3) (8 x 2 bed, 5 x 3 bed and 1 x 4 bed flats).

Late representations were received from GSP Real Estate (8.6.2015) and English Heritage (undated).

RESOLVED:

1. That conditional permission be granted subject to:
 - (A) the completion of a S106 legal agreement to secure:
 - i) A financial contribution towards affordable housing of £600,000 (index linked and payable on commencement of development);
 - ii) S106 monitoring payment.
 - (B) An additional condition requiring 100% unallocated parking.
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.

Councillor Grahame dissented to the decision on the grounds that the financial contribution towards affordable housing was not, in her view, policy compliant.

4 BROADWAY COMPLEX (55 BROADWAY, 100 PETTY FRANCE AND WING OVER STATION), SW1 (ADDENDUM REPORT)

Change of use of 55 Broadway on part first to 13th floors from offices to private residential (77 units) including extensions at 10th floor level; use of part first floor as B1 offices 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).

Additional representations were received from Highways Planning Manager (12.6.2015), Westminster Society (3.6.2015) and John Atwood (undated).

Late representations were received from Daniel Moylan (12.6.2015) and Transport for London (16.6.2015).

The presenting officer tabled the following additional condition in relation to the Listed Building Consent application:

Notwithstanding that shown on the approved plans, you must apply to us for approval of detailed drawings of the following parts of the development:

- i) the means of separation/partition of the main stairwell at 1:10 scale
- ii) the new ground floor office foyer and lift at 1:20 and 1:10 scale
- iii) the proposed works to internal stair balustrades at 1:10 scale

You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to these details.

RESOLVED:

1. That conditional permission be granted subject to:
 - (A) 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.

- (B) The additional condition in relation to the Listed Building Consent as tabled and set out above.
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. That conditional listed building consent be granted subject 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.

5 HUDSON HOUSE, 8 TAVISTOCK STREET, WC2

Use of building as 10 residential units (Class C3). Erection of new roof level extension (including plant room) and use of part of main roof as a terrace.

Late representations were received from Mr Ulysses Pattichi (8.6.2015 & 12.6.2015).

RESOLVED:

1. That conditional permission be granted subject to a S106 legal agreement to secure:
 - i. A financial contribution towards affordable housing of £1,750,700 (index linked and payable on commencement of the development);
 - ii. Free lifetime car club membership for residents of the development;
 - iii. The costs of monitoring the S106 legal agreement.
2. If the 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 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, 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; 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.
4. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

6 74 - 76 CHILTERN STREET, W1

Details of public art pursuant to Condition 35 (Part 3) of planning permission dated 11 April 2013 (RN: 12/09397) for the demolition of the existing building, redevelopment and construction of a new building on three basement levels, ground, and part four/part seven floors comprising 60 flats (Class C3), a health and fitness club (Class D2) , a retail shop (Class A1), a restaurant or public house (Class A3/A4), storage uses (Class B8), replacement accommodation for street cleansing facilities (sui generis), car parking for the development and 23 parking spaces for local residents, and associated plant.

RESOLVED:

Approved details of public art subject to an additional condition requiring a small explanatory plaque, the wording of which to be determined by officers in consultation with the Chairman.

7 BALTIC WHARF REAR OF 149-157 HARROW ROAD, W2

Use of part of the canal towpath (3m x 9.8m) for the placing of nine tables and 19 chairs fronting Sheldon Square in connection with the restaurant boat mooring.

RESOLVED:

That conditional permission be granted for a one year temporary period subject to an additional condition requiring approval of different and more appropriate furniture.

8 1 CLARENDON PLACE, W2

Creation of basement beneath existing single dwelling and shared driveway and the conversion of garages to habitable accommodation and replacement of garage doors with new windows/doors and external alterations.

RESOLVED:

That conditional permission be granted.

The Meeting ended at 8.37 pm

CHAIRMAN: _____

DATE _____