



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 18th August, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

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

1 MEMBERSHIP

No change.

2 DECLARATIONS OF INTEREST

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. He also declared that those Members of the Majority Party who had or would be making representations were his friends.

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.

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.

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".

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.

Councillor Davis also stated that in his capacity as cabinet member for planning he knew a number of the directors of various planning consultants who had advised a number of the applicants and these included Four Communications, Belgrave & DP9

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

Item 1 – He knows the Directors of Savills, members of the St. John's Wood Society and Councillor Lindsey Hall who had submitted a representation.

Item 2 – He knows the applicants and has met with them in relation to a connected site in Paddington Green

Item 3 – He has had meetings with the applicants, knows the consultants DP9 and the architect Michael Squire.

Item 4 – He knows the directors of the Berkeley Homes and has received hospitality from them in the past

Item 5 – He has had meetings with the applicants Great Portland Estates and has received hospitality from them in the past, , he knows the architects Lifschutz Davidson and the Directors of Greenhouse who are due to receive some of the S106 payments.

Item 6 – He knows the ward councillors who have made representations.

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 Four Communications, Savills and Belgrave.

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

Item 4 – Is in his ward and he has had representations from the applicants on a previous application

Councillor Burbridge declared that any members of the Majority Party who had or would make representations on the applications on the agenda were her friends and some in the Minority Party too. She added that as a Member of the Planning Applications Committee, she does meet architects, developers and planners from time to time, however she had not discussed any applications with them on this agenda. 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 in respect of item 4, the application has been considered by the committee previously.

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; if there were he would be precluded from working on them under the company's code of conduct.

Some Thorncliffe clients have hired planning consultants who are also representing applicants tonight: Savills on item 1, DP9 on items 3 and 7, Turley on item 4, and Gerald Eve on item 5. Councillor Boothroyd 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.

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

Item 1 – He knows Councillor Barbara Grahame, who is a friend and lives on the same road as the application site but some distance away.

Item 2 – He knows the applicants and has met with them in relation to a connected site in Paddington Green. He is a member of the Central and North West London NHS Trust. He was also a member of the committee that decided the application at 17 Paddington Green. He also knows Councillor Grahame, who is a friend, but hasn't contacted him about the application

Item 4 – That Berkeley Homes have previously been clients of Thorncliffe in respect of other schemes and that he was a member of the committee which decided the 2012 application.

3 MINUTES

That the minutes of the meeting held on 14th July 2015 be signed as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 96 CLIFTON HILL, NW8

Use as a single family dwelling and internal and external alterations including lowering of existing basement, demolition of the rear conservatory and toilet block, formation of rear amenity space with glass balustrade and steps, provision of car parking space to front garden with associated alterations to boundary walls and paving.

A late representation was received from Savills (14.08.15)

RESOLVED:

The application was refused.

2 15-19 BLENHEIM TERRACE, NW8

Demolition of existing buildings and erection of 3 x 5 bedroom five storey townhouses comprising basement, ground and three upper floors. Formation of covered car parking area to rear and alterations to form a side access road.

Additional representations were received from Councillor Robert Rigby (08.08.15 & 05.08.15) and Nexus Planning Ltd (15.07.15 & 06.06.15).

Late representations were received from Councillor Barbara Grahame (14.08.15) and Central and North West NHS Foundation Trust (14.08.15).

RESOLVED:

The application was deferred to allow the applicants more time to change the design of the front elevation, to move the property access to the other side of the building and to review the parking arrangements to see if on-street spaces can be saved.

3 STOCKLEY HOUSE, 130 WILTON ROAD, SW1

Demolition of existing office building (Class B1) and redevelopment comprising a 15 storey building plus three basement levels to provide between 104-110 residential units, retail floorspace (Class A1/A3/A4), car parking for 60 cars, plant enclosure at roof level and associated public realm works.

The following changes were tabled by the presenting officer at the committee:

1. Grant conditional permission, subject to the views of the Mayor and the completion of a S106 legal agreement to secure:

* £10,254,110 towards the Council's affordable housing fund. 50% to be paid on implementation and 50% on first occupation of the residential units.

* The Council's Code of Construction Practice and a financial contribution of £34,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.

* A financial contribution of £270,000 for public realm improvements to Hudson's Place. In the event that agreement cannot be reached between the relevant parties within six months of the completion of the development this money shall revert to the Council's affordable housing fund.

- * Car club membership for each flat for 25 years.
- * Car Lift Management Strategy to ensure that the lift always returns to ground floor level and to set out what arrangements would be put in place to ensure that downtime is kept to an absolute minimum.
- * Car Parking Management Plan to include measures to ensure that no space is individually sold or allocated specifically to a unit or user and car parking spaces are on a first come first served basis to residents only.
- * Obligation that the developer enters into a S278 agreement with TFL to secure the proposed highway works including repaving and reconstruction of the loading bay in Bridge Place.
- * Safeguarding the feeder taxi rank on Bridge Place until the completion of the VSU works.
- * Monitoring costs.

2. 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.

3. That the Committee authorises the making of a draft amendment to the Traffic Management Order (TMO) pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of that area of highway necessary to enable the development to take place.

4. That the City Transport Advisor 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.

5. Remove condition 6

Additional Condition

No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);

- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- (vii) Measure to ensure that Bridge Place is kept open during demolition and building works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

RESOLVED:

That conditional permission be granted subject to the following:

1. Details of rough sleeping mitigation to be included in the management plan relating to the proposed underpass.
2. Details of lighting in the underpass to be included and permanently maintained.
3. A public realm contribution of £1.5 million towards Hudson's Place.
4. The public realm contribution shall transfer to affordable housing if not spent within seven years after completion of the development.

4 DEVELOPMENT SITE AT 190 STRAND, WC2

Vary affordable housing provision.

RESOLVED:

That conditional permission be granted.

The Committee voted by a majority of 3 – 1 with Councillor Boothroyd objecting to the granting of the application.

5 59-65 WELLS STREET AND 84-86 GREAT PORTLAND STREET, W1

Demolition of existing building and replacement with a new building comprising basement, ground and six upper floors (with plant on main roof) for office (Class B1) accommodation at part ground floor and first to sixth floors, use of part ground floor as dual/alternative retail (Class A1) or restaurant use (Class A3) with social and community use (Class D1) at part basement level. Proposal includes associated external alterations to include plant at roof level (with photovoltaics on top of plant) and terraces at sixth and main roof level. (Part of a land swap with 84 - 86 Great Portland Street).

Additional representations were received from Ms Jennifer Kavanagh (12.08.15), All Saints' Parochial Church Council (07.08.15) and Great Portland Estates (12.08.15).

Late representations were received from Gerald Eve (17.08.15 and 18.08.15)

The following changes were made by the presenting officer at the committee hearing:

Site 1: Deleted Condition and Reason 21 of Draft Planning Permission

You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved.

To maintain the character and appearance of the adjacent East Marylebone Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Site 1: Deleted Condition and Reason 15 of Draft Planning Permission

No goods shall be left on the highway during service deliveries,

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

Site 2: Amended Condition 14 of Draft Planning Permission

The glass that you put in the 2 No. new windows at first and second floor level of the 'rear building' (identified as 'Note 7' on drawing No. P0153 Rev A as having translucent frit) that face towards the rear of 19 Riding House Street must not be clear glass, and you must fix them permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

Site 2: Deleted Condition and Reason 21 of Draft Planning Permission

No goods shall be left on the highway during service deliveries to the office accommodation.

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

Amended Recommendation (Part)

For Committee's consideration:

Site 1:

1. Does the Committee consider that the applicant's offer of replacement social and community provision is acceptable.

2. Subject to 1. above, grant conditional permission, subject to no new substantive issues being raised as a result of outstanding consultations, and subject to a legal agreement to secure the following:

i) a financial contribution of £1,544,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development at either Site 1 or 2);

ii) the offer of the basement level Class D1 community space to All Saints Church for community and religious functions, on a peppercorn rent for a term of 20 years and fitted out (broadly equivalent to a Cat A fit out), at a cost not to exceed £350,000, and if the offer is declined by All Saints Church then to be marketed by the applicant to alternative social and community operators, on equivalent terms, in agreement with the City Council;

iii) a financial contribution of £500,000 paid to the City Council and given in the first instance to Greenhouse Sports, or an alternative locally based charity or community group to be agreed with the City Council in the event that Greenhouse Sports do not take up that offer;

iv) public art to a value of £75,000;

v) a CIL and Crossrail payment of £618,620;

vi) monitoring costs of £500 for each of the above clauses.

Site 2:

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

i) Provision of lifetime car club membership (minimum 25 years) for all six flats;

ii) Provision of Site Environmental Monitoring Plan and £26,000 towards construction monitoring

ii) The costs of monitoring the S106 agreement.

RESOLVED:

That conditional permission be granted subject to the following amendments:

1. That the term of the Lease being granted of the social and community space be increased to a term of 25 years.
2. How the community use is secured is to be set out as on page 136 of the report and incorporated into the S106 agreement.
3. An increase in the width of the entrance to the social and community use to the next pillar and to a depth matching the commencement of the staircase.

6 1 WOOD'S MEWS, W1

Demolition of the existing building, excavation of two basement levels and the erection of a part three/part four storey single family dwelling with a ground and rear

third floor roof terrace, associated stair access and a garage at ground floor level. Installation of green roof areas and PV cells at main roof level.

An additional representation was received from Councillor Jonathan Glanz (12.08.15)

A late representation was received from Curtin & Co (17.08.15)

RESOLVED:

The application was refused on the following grounds:

1. The existing building is of merit and it is considered that the modern replacement building by reason of its design and materials is unacceptable and would be detrimental to this part of the Mayfair Restoration Area.
2. The height and bulk of the building would result in an unacceptable loss of light to the occupants of number 2 Dunraven Street, particularly to the living / dining room and kitchen as set out at page 218 of the report.

7 COLEGRAVE HOUSE, 70 BERNERS STREET, W1

Installation of disabled access ramp and steps at ground floor level and erection of glazed entrance canopy.

Additional representations were received from Arcadia Group Limited (12.08.15) and Westminster City Council Highways Planning Team (10.08.15).

Late representations were received from DP9 Ltd (14.08.15) and Westminster City Council Highways Planning Team (10.08.15).

RESOLVED:

That the application be deferred to give the applicants an opportunity to explore options that mitigate the trip hazard.

The Meeting ended at 20:30.

CHAIRMAN: _____

DATE _____