



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 15th September, 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 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 Act 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 wished to declare 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, Turley and Montagu Evans.
- 2.7 Councillor Davis made the following further declarations as they related to the specific applications on the agenda:

Item 1 – he had had meetings with the applicants. He knows the applicants as they have submitted several applications for other sites in Westminster in the past. He knows the artist Lee Simmons who had carried out the artwork for the scheme and also the architect involved, Mike Stiff. He also knows the consultants, Four Communications.

Item 2 - he had chaired the Committee when the application had previously been deferred on 14 July 2014. He had had a number of meetings with the applicants but not since the application had previously been considered. He knows the architects as they have been involved in several applications for other sites in Westminster in the past.

Item 3 – he knows the applicants' planning consultants, Turley.

Item 4 – he knows the Director of London Zoo.

Item 5 – he knows the applicants, Grosvenor Estates and their directors and had received hospitality from them in the past. Previous applications for the site had been before the Committee. He also knows the planning consultants, Gerald Eve.

Item 6 – the application is located in the ward he represents, Lancaster Gate.

Item 7 – he lives nearby but is not directly affected by the premises. He knows the planning consultants, Montagu Evans.

Item 8 – he knows the agent, Rolfe Judd and knows some of the directors of the applicant company as they have submitted several applications for other sites in Westminster in the past.

- 2.8 Councillor 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 Councillor for St James's Ward and Cabinet Member with responsibility for the Council's property he regularly meets with members of the planning and property industry as well as residents' associations and amenity groups. He had previously met with representatives of Four Communications, Belgrave, Turley, Montagu Evans and Rolfe Judd. He had been a Member of the Committee which had previously considered applications at the sites which were the subject of items 4 and 5.
- 2.9 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. She advised that she is Deputy Cabinet Member for Housing, Business and Economic Regeneration. She also declared that item 6 is located in the ward she represents, Lancaster Gate. In respect of item 2, she was a Member of the Committee when the application had previously been deferred.
- 2.10 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. No current clients are in Westminster; if there were he would be precluded from working on them under the company's code of conduct.
- 2.11 Councillor Boothroyd added that some Thorncliffe clients had hired planning consultants who were also representing applicants tonight: DP9 on item 2, Turley on item 3, Gerald Eve on item 5, Montagu Evans on item 7 and Rolfe Judd on item 8. However he stated 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 my employers.
- 2.12 He declared that in respect of item 2, he was a Member of the Committee when the application had previously been deferred. In respect of item 5, he was a Member of the Committee for a previous application when the café use on the deck was considered.

3 MINUTES

- 3.1 **RESOLVED:** That the Chairman signed the minutes of the meeting held on 18 August 2015 as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 40 BEAK STREET, W1

Demolition and redevelopment to provide a new five storey building (plus basement) for use as Class A3 restaurant at part of ground and basement floors and Class B1 offices at part basement, part ground and first to fifth floors. Creation of terrace at roof level and plant. Excavation of existing basement by one metre.

Additional representations had been received from Enstar Capital (09.09.2015) and The Victorian Society (10.09.2015).

Late representations were received from Goldcrest (25.08.2015) and Councillor Glenys Roberts (15.09.2015).

RESOLVED:

1. That conditional permission be granted subject to a S106 legal agreement to secure the following:
 - Provision of £1,040,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
 - The costs of monitoring the S106 agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of this 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.

2 70-73 PICCADILLY, 1-3 BERKELEY STREET AND 43-48 DOVER ST, W1 (ADDENDUM REPORT)

Demolition of the existing buildings and redevelopment to construct a building of ground plus six-10 storeys with three basement levels; use of the property as residential accommodation (Class C3) comprising 52 residential dwellings, hotel accommodation with ancillary functions (Class C1) and either retail/financial and professional services/ restaurants or drinking establishments (Classes A1-A4) at part basement, ground and first floor levels; installation of plant; creation of terraces at seventh and eighth floor levels; installation of PV cells at main roof level; open space as part of an amended pedestrian access route between Dover Street and Berkeley Street, 51 car parking spaces, 151 cycle parking spaces and other ancillary works.

A late representation was received from Crosstree Real Estate Partners (15.09.2015).

The presenting officer tabled a revised recommendation as follows:

- '1. Subject to referral to the Mayor of London, grant conditional permission, subject to a S106 legal agreement to secure:
 - i) Provision of £1,500,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development)
 - ii) 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.
 - iii) Costs of highways works around the site to facilitate the development (including paving, dropped kerbs, raised crossing etc).
 - iv) A Servicing Management Plan (SMP) for the development.
 - v) Re-location of the sculpture within the site.
 - vi) A walkways agreement
 - vii) A contribution of £617,800 towards Crossrail.
 - viii) The provision of unallocated parking.
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.

The presenting officer also referred to the following amendment to the decision letter on this case: variation of condition 4 to read:

'You must apply to us for approval of detailed drawings (scales 1:50, 1:20 and 1:5 as appropriate) of the following parts of the development -

1. Typical details of the new facades at all floor levels.
2. New shopfronts
3. Roof level plant areas
4. Proposals for the relocation of the historic shopfront at 43 Dover Street within the new development or an alternative location within the vicinity of the site

5. Proposals for the relocation of the statue 'Horse and Rider' by Dame Elizabeth Frink within the proposed Dover Yard
6. Public art
7. Retention and restoration of the Dover Yard sign

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)'

RESOLVED: That conditional permission be granted subject to the amendments set out above.

3 ST JOHN'S WOOD POLICE STATION, 20 NEWCOURT STREET, NW8

Three storey rear link building and two storey rear extension and associated external alterations in connection with conversion of former St John's Wood Police Station to residential (Class C3) comprising 2 x 1 bedroom; 3 x 2 bedroom, 2 x 3 bedroom and 1 x4 bedroom flats.

RESOLVED: That the application be refused due to the loss of a social and community use on the site.

4 LONDON ZOO, OUTER CIRCLE, REGENTS PARK, NW1

Demolition, excavation, infilling and removal of two trees in connection with the construction of 10 single storey timber huts to provide overnight accommodation for up to four people per hut and associated alterations including new fencing, footpaths (raised and grade), hard and soft landscaping.

A late representation was received from Ray Hole Architects (14.09.2015)

RESOLVED:

That conditional permission be granted.

5 BROWN HART GARDENS, W1

Use of three areas of carriageway each measuring 12.0m x 2.0m on the west side of Lumley Street for the placing of 20 stalls as a street market (four times per year and not more than once per calendar month, excluding Sundays) for the sale and display of goods (Class A1). Use of two areas of Brown Hart Gardens deck each measuring 23.6m x 2.0m for the placing of up to 24 stalls for an artisan food market, including hot food takeaway, no more than one day per week (excluding Sundays). Installation of four plinths for the display of temporary artworks on the Brown Hart Gardens deck.

A late representation was received from Councillor Glenys Roberts (15.09.2015).

RESOLVED:

1. That conditional permission be granted subject to a S106 legal agreement to require the applicant to meet all costs associated with road closures, the suspension and temporary relocation of residents' parking bays and the removal of parked vehicles from suspended bays, if necessary.
2. If the S106 legal agreement has not been completed within six weeks of the application being reported to the Committee then:
 - a) The Director of Planning shall consider whether 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 a S106 legal 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.
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 33 CLEVELAND SQUARE, W2

Creation of roof terrace to fourth floor rear closet wing roof with associated railings and privacy screen, insertion of rooflights into front pitch of main roof and lowering of eills at fourth floor level on front elevation; all associated with fourth floor Flat 8.

RESOLVED: That the application be granted. The Committee considers that the proposed design alterations to create a roof terrace are acceptable in design terms and are not out of keeping with the locality.

7 31 CLIFTON ROAD, W9

Use of the basement and ground floors for Class A2 (financial and professional services) purposes.

A late representation was received from Montagu Evans (30.07.2015).

RESOLVED:

That permission be refused due to loss of retail (Class A1).

8 KNIGHTWAY HOUSE, 20 SOHO SQUARE, W1

Removal of Condition 1 of planning permission dated 19 May 2005 (RN: 05/00841) for use of part ground and part first floors for office purposes (Class B1); namely, to remove the 'personal permission' requirement and enable the part ground and part first floors to be used for unrestricted Class B1 (office) use.

An additional representation was received from The Soho Society (09.09.2015).

A late representation was received from Aviva Investors (14.09.2015).

RESOLVED: That the application be granted, subject to a S106 agreement for affordable housing being negotiated between officers and the applicant, in consultation with the Chairman. The Committee considers that the change of use is acceptable.

The Meeting ended at 8.02 pm

CHAIRMAN: _____

DATE _____