



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 20th October, 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, DP9 and Savills.
- 2.7 Councillor Davis made the following further declarations as they related to the specific applications on the agenda:

Item 1: He has had meetings with the applicant and knows the Directors of Gerald Eve.

Item 2: He has had meetings with the applicant and through them has met the Developer, John Hunt. He also knows the Directors of DP9.

Item 3: The site is located in his ward. He has had meetings with the applicant and knows the Directors of Savills and Belgrave as well as some of the objectors to the application who are local constituents.

Item 4: He has had meetings with the applicants, knows the Directors of Soho Estates and Nick Jones of Soho House. He also knows the Directors of Gerald Eve as well as the Architects and one of the objectors.

Item 5: He had chaired of the committee when it had previously considered the application. He has had meetings with the applicants generally in relation to their property strategy rather than in relation to the specific application.

Item 6: He knows Andrew Lloyd-Webber and his wife and he has received hospitality from them. He also declared that he had chaired the committee when it had previously considered the application.

Item 7: He knows the applicants and has had meetings with them. He also knows the Directors of DP9, the Architects for the scheme, Richard Rogers and his partner.

Item 8: He has had meetings with the applicants.

Item 9: He knows the applicant's representatives, G L Hearn. An application for the whole of the site has been considered by the Committee previously which he had chaired and he has had meetings about the site as a whole previously.

Item 11: Applications for the site have been considered by the Committee previously which he had chaired. He had had meetings on the initial application previously. He knows Joanna Lumley and Tom Heatherwick as well as Gerald Eve who were representing the objectors. He further declared that he has not been involved with this particular application previously.

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, Four Communications, DP9, Gerald Eve and Savills.

2.9 Councillor Mitchell declared in respect of the particular applications:

Item 2: That the site is located in his ward and that he had received a presentation from the applicants prior to the application being submitted.

Item 5: That he had sat on the Committee when the application had previously been considered.

Item 6: That the site is located in his ward.

Item 9: That he had sat on the Committee when it had considered previous applications for the site. He also declared that he had used the Waitrose at the site.

Item 11: That the site is located in his ward and that he had sat on the Committee that had previously considered applications for the site.

2.10 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 in respect of Item 3 that the site is located in her ward. In respect of Items 5 and 7 she had declared that she had sat on the Committee when the applications had previously been considered. She declared in respect of Item 9 that the site is located opposite her ward and that she has had meetings about the Colonades generally in the past. She declared in respect of Item 11 that she had sat on the Committee that had previously considered applications for the site.

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. 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 Some Thorncliffe clients have hired planning consultants who are also representing applicants tonight: Gerald Eve on items 1 and 4, DP9 on items 2 and 7, Savills on items 3 and 10, and GL Hearn on item 9. 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 his employers.
- 2.13 On Item 1 the developer John Hunt is currently instructing Thorncliffe in respect of a site in Hounslow.
- 2.14 On item 3, he is a friend of Karen Buck MP who has forwarded correspondence about the plans.
- 2.15 On item 5, he was a member of the committee which heard this application on 18 August, and he is a friend of Cllr Barbara Grahame who has made representations. He is also a public member of Central and North West London NHS Trust.
- 2.16 On item 6, he was a member of the committee which heard this application on 14 July.
- 2.17 On Item 9, he was a member of the Committee which decided the redevelopment of the whole site.
- 2.18 On Item 11, he was a member of the Committee which heard the full application for the Garden Bridge.

3 MINUTES

- 3.1 **RESOLVED:** That the Chairman signed the minutes of the meeting held on 15 September 2015 as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 206-216 MARYLEBONE ROAD, NW1

Redevelopment of the site behind a part retained facade to provide an eight level (plus basement) mixed use development containing up to 64 residential units (Class C3), office floorspace (Class B1) and retail floorspace (Class A1), together with car and cycle parking, plant and other associated works.

An additional representation was received from the Head of Affordable & Private Sector Housing (15/10/15).

A late representation was received in the form of a brochure of the proposed development (undated).

RESOLVED:

Deferred consideration of the application for a Members site visit.

2 7-14 COVENTRY STREET, W1

Use of lower ground, ground and mezzanine levels as a museum (Class D1) with ancillary retail and cafe floorspace at ground floor level, installation of replacement shopfront to Coventry Street elevation and alterations to entrances on Rupert Street elevation, and associated external alterations.

A late representation was received from Cipher Corp Ltd (16.10.15).

The presenting officer tabled the following revisions to the draft decision letters:

REVISED CONDITION 10

Customers shall not be permitted within the museum premises before 06.00 or after 00.30 (Sunday to Thursday) and between 06.00 or after 01.30 (Friday and Saturday). **Or between 06.00 or after 03.00 a maximum of 20 times on Fridays and Saturdays.** ~~with the exception when the museum is used for private functions. Patrons of private functions may only be permitted within the museum premises between 06.00 on Fridays and Saturday and 03.00 on Saturday and Sunday mornings.~~

~~The museum must not be used for private functions for more than 20 times per annum and these private functions may only take place on Friday night / Saturday mornings and Saturday nights / Sunday mornings.~~

REVISED CONDITION 12

The cafe shown on approved drawing SST-PL-PP-01-A shall be retained to the area shown and, ~~with the exception of the stand-alone espresso bar on Coventry Street,~~ shall be used only in an ancillary capacity to the museum hereby approved.

REVISED CONDITION 13

~~The ancillary retail gift shop and espresso bar shown on approved drawing SST-PL-PP-01-A shall be used only as an ancillary gift shop and espresso bar and for no other purpose.~~

You must keep the museum gift shop to the part of the property marked on drawing number SST-PL-PP-01-A. You must not use this area for any other purpose.

NEW INFORMATIVE 3

You are advised to ensure that the number of times the museum is used for private functions is limited in order to comply with Condition 4.

RESOLVED:

1. That conditional permission and conditional listed building consent be granted subject to:
 - (a) the amended conditions as tabled and set out above.
 - (b) Amending revised Condition 10 to limit the occasions where private events may be held to a maximum of 20 times on Fridays or Saturdays.
 - (c) Amending Condition 3 to require details of the screen to be submitted for approval and deleting Condition 6.
2. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

3 ESCA HOUSE, 34 PALACE COURT, W2

Demolition of Esca House, 34 Palace Court and demolition behind the retained facade of 1-4 Chapel Side. Redevelopment and change of use to provide up to 24 residential units over basement, ground, first, second, third and fourth floor levels, including the accommodation of 18 car parking spaces, 24 cycle spaces and plant at basement level.

Additional representations were received from Savills (30/9/15 and 13/10/15), Stefan Quaderer (undated) and an updated draft decision letter including new conditions 18 to 21.

Late representations were received from Fiona McKenzie (19.10.15), Martin Gordon (19.10.15), Patricia Thielmann (19.10.15), Mackays Stores (17.8.15, 19.10.15), John Hooks (19.10.15), Ronald Tannenbaum (18.10.15), Mary Daley (18.10.15), Justina Burnett (18.10.15), Mark Diamond (18.10.15), Justin Mayall (18.10.15), John Pendreich (18.10.15), Benedetta and Christian Steffens (undated) and Lord and Lady John Scott (31.8.15, 18.10.15).

A late representation was also received from the applicants in the form of a brochure of the proposed development.

The presenting officer tabled the following additional condition:

Additional Condition 22

22 "You must hang all doors or gates so that they do not open over or across the road or pavement".

Reasons:

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 TRANS2 and TRANS3 of our Unitary Development Plan that we adopted in January 2007.

RESOLVED:

That the application be deferred for the applicant to amend the scheme to set back the Moscow Road frontage; address the loss of light to neighbours; add Dutch Gables; Re-assess car park management and relieve blank wall?

4 26-32 ROMILLY STREET, 13-21 OLD COMPTON STREET AND 40 GREEK STREET, W1

Demolition of structures and removal of plant within the former rear yard area; erection of rear extensions comprising two basement levels, ground and three upper floors; installation of a shopfront at 40 Greek Street, refurbishment of the street facades, replacement and refurbishment of windows and roofs, external terraces, plant, cycle parking and associated internal and external works in connection with uses comprising two restaurants (Class A3), restaurant with overnight rooms (sui generis) and private members club (sui generis).

A late representation was received from Soho Estates (14.10.15).

RESOLVED:

1. The Committee:
 - (a) Agreed with officers that the land use package was acceptable but could be made acceptable provided that a satisfactory payment is made towards affordable housing to offset the loss of residential and the increase in commercial floorspace.
 - (b) Did not agree with officers that the proposed rear extension was unacceptable in historic building terms. The Committee considered that the proposed rear extension would remove the unsightly existing development and improve the appearance and character of the local townscape.
 - (c) Agreed with officers that given the scale of the development and the increase in commercial floorspace it was appropriate to require the applicant to fund a scheme of Environmental Improvements to Romilly Street.
2. Subject to 1 above, conditional planning permission and listed building consent be granted subject to:
 - (a) A Section 106 legal agreement to include a policy compliant sum of £1.6m towards the City Council's Affordable Housing fund and environmental improvements to Romilly Street.
 - (b) A condition to protect matinee performances to the Palace and Prince Edward Theatres in the vicinity of the site.

The conditions and Section 106 legal agreement to be determined by officers under delegated powers subject to consultation with the Chairman.

5 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.

A late representation was received from Jack Wood (undated).

RESOLVED:

1. The Committee 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 and the provision of a financial contribution of £186,713 towards alternative Social and Community Use provision in the vicinity of the site justifies the loss of the existing social and community floorspace on this site.
2. Subject to 1. above, conditional permission be granted subject to:
 - (a) completion of a legal agreement to secure the following:
 - (i) A financial contribution of £186,713 (index linked and payable prior to commencement of development) towards alternative Social and Community Uses/projects in the vicinity.
 - (ii) Highway works in Blenheim Terrace and Marlborough Place to form access to the off-street parking and amend the location and layout of residents' on-street parking bays (appropriate arrangements to be agreed prior to commencement and highway works to be carried out prior to occupation at the applicant's expense).
 - (iii) Provision of costs for monitoring of agreement (£500 per Head of Term).
 - (b) A condition to prevent the forecourt being used for car parking and an informative that the applicant should consider applying for a stopping up order of the private forecourt and bringing the building line forward.
3. If the S106 planning obligation has not been completed by 20 January 2015 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 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 of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

6 67-70 DRURY LANE, WC2

Erection of fourth floor roof extension at Nos.67-70, alterations to mansard at rear third floor level, new window and door openings to side and rear elevations, installation of mechanical plant at rear first floor level and alterations to shopfront. Reconfiguration of upper floor flats to provide 5 x 2 bedroom units and 1 x 3 bedroom unit.

RESOLVED:

That conditional permission be granted.

7 22 HANOVER SQUARE, W1

Demolition and redevelopment to provide a new building on three basement levels, lower ground, ground and first to ninth floors to provide a hotel with ancillary bar/lounge/restaurant/gym/ swimming pool and private dining rooms/meeting rooms (Class C1), up to 41 self-contained flats with terraces at sixth and eighth floor levels; a flexible/alternative restaurant (Class A3)/hotel restaurant (Class C1)/retail (Class A1) use on part ground and part lower ground floors; basement car and cycle parking, plant at basement and roof levels; creation of living roof and installation of photovoltaic panels, alterations to existing access on Brook Street and associated highway works.

An additional representation was received from DP9 (16/10/15).

RESOLVED:

1. The Committee considered that the proposed contribution of £10,000,000 is acceptable, subject to the whole sum being paid to the City Council's affordable housing fund prior to the commencement of development.
2. Subject to referral to the Mayor of London, conditional permission be granted subject to:
 - (a) a S106 legal agreement to secure:
 - i) a contribution of £10,000,000 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 SEMP (Site Environmental Management Plan) with an annual cap of £32,000.
 - iii) costs relating to highways works around the site to facilitate the development (including creation of a relocated crossover).

- iv) provision of unallocated residential parking.
 - v) monitoring costs.
 - (vi) £2m towards public realm improvements on Hanover Square.
 - (b) A condition requiring details and approval to relieve the blank wall.
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.

8 20 HANOVER TERRACE, NW1

Excavation of basement extension below garden and former stable block, internal and external alterations to existing buildings including demolition of former gardener's house to rear of site and replacement with building containing lift to basement level and utilities, extensions to main house to accommodate new lift, erection of glazed link structure between main house and former stable block, demolition and replacement of bay extensions to garden elevation of main house and infill extension at ground floor level between main house and boundary wall with No.19. Works in connection with enlargement of existing single dwellinghouse.

Late representations were received from the Arboricultural section (18.10.15), Daniel Rinsler (20.10.15), Historic England (13.10.15), Hanover Terrace Ltd (14.10.15) and draft decision letter which was omitted from the Committee agenda (16.10.15).

RESOLVED:

1. That contrary to officers recommendation, the Committee considered that the proposal was acceptable given the further information provided by the applicant regarding the net gain of trees once the development has finished, the safeguarding of retained trees during construction, the outline landscaping plan to preserve the setting of the Regents Park Conservation Area and pedestrian access during construction.
2. Subject to 1 above and contrary to officers recommendation conditional permission be granted subject to pre-commencement conditions reserving

details of landscaping, planters to balcony/terrace and a replacement programme for the loss of trees.

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.

Draft decision letter including conditions for the planning permission to be determined by officers under delegated authority subject to consultation with the Chairman.

9 THE COLONNADES, 26 PORCHESTER ROAD, W2

Use of Unit 2 (facing Porchester Road) as mixed gym, shop and juice bar (sui generis).

Late representations were received from SEBRA (20.10.15), G L Hearn (12.10.15, 19.10.15), Waitrose (14.10.15), Daniel Watney LLP (19.10.15), Barry's Bootcamp (19.10.15) and email correspondence between the presenting officer and G L Hearn (between 14.9.15 and 16.10.15).

RESOLVED:

That permission be refused due to loss of Class A1 retail shop use.

10 3 LUPUS STREET, SW1

External alterations including the demolition and enlargement of the existing rear closet wing, use of the existing rear first floor flat roof as a terrace, installation of rooflight to existing rear ground floor extension, installation of air conditioning units and acoustic enclosure to rear of site, installation of a replacement shopfront and doorway at front ground floor level, new access ramp to front entrance. Use of the first to fourth floors as a single dwelling (Class C3) and the use of the ground and lower ground floors for Class A2 (financial and professional services) purposes.

Additional representations were received from Federation of Pimlico Residents Associations (8/10/15) and The Victorian Society (14/10/15).

Late representations were received from Jason Leech (18.10.15), Turley (15.10.15) and Angelo Corsi (12.10.15).

RESOLVED:

1. That contrary to officers recommendation, the Committee considered that the loss of HMO was acceptable due to the poor living environment that it provides. It also considered that the external alterations would not be harmful to the Grade II listed building or the Pimlico Conservation Area.

2. Subject to 1 above and contrary to officers recommendation conditional planning permission be granted.
3. That listed building consent be granted.

The draft decision letters to be determined by officers under delegated powers subject to consultation with the Chairman.

11 TEMPLE STATION BUILDINGS, VICTORIA EMBANKMENT, WC2

Details of Site Environmental Management Plan (SEMP) pursuant to Condition 8 of planning permission dated 22 December 2014 (RN: 14/05095/FULL) for erection of new pedestrian bridge with incorporated garden extending over the River Thames from land adjacent to The Queen's Walk on the South Bank to land above and in the vicinity of Temple London Underground Station on the North Bank. (The Garden Bridge).

An additional representation was received from Public Protection and Licensing Environmental Sciences (14/10/15).

RESOLVED:

That details be approved.

The Meeting ended at 9.38 pm

CHAIRMAN: _____

DATE _____