



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 17th November, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall, 64 Victoria Street, London, SW1E 6QP.

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

Also Present: Councillor Paul Church (Item 4)

1 MEMBERSHIP

There were no changes.

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.

- 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 Turleys, 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: Great Marlborough Street: An application for a different development for the same site had been considered by the committee a few years ago. He had held meetings with the applicants of the previous application but not for this application. He knows the Directors of Turleys who are advising the company and Belgrave who are advising the company as well as Toby Flanagan the Architect.

Item 4: Berwick Street: This had come to the committee on a previous occasion. He had held meetings with the applicants for the original application and he has also visited the other Hub hotel that has been operating in St Martin's Lane to see the type of hotel that was proposed here. He also knows the Directors of Gerald Eve.

Item 5: Marylebone Road: This came to his last committee meeting and all four Members attended a site visit to see the site and the neighbouring properties. He knows the Directors of the applicants and the Directors of Gerald Eve, the applicants representatives.

Item 6: St Edmunds Terrace: He knows the Directors of Savills, representing the applicants.

Item 7: He knows the Architect and Directors of the Architects.

Item 8: A previous application had been considered by the Committee before.

Item 9: Leicester Square: This is a site owned by Westminster City Council and the applicants are Heart of London BID and he knows the Directors and Officers of companies who are members of the Business Improvement District.

Items 11 & 12: He knows some of the Directors of Savills. This is an application by Dolphin Square Trust and he knows the Directors of Dolphin Square Trust which was originally set up by the City Council and the principal site to which this relates, the Baptist Church itself which was considered and determined by this committee.

- 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, DP9, Gerald Eve and Savills. Councillors Mitchell and Burbridge declared specifically as follows: Items 1, 4, 5 and 8 had been considered by the Committee previously. Councillor Mitchell also declared that Item 9 was in his ward and he knows members of the Heart of London BID. Councillor Burbridge declared that Item 12 was in her ward.
- 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 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.
- 2.10 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.
- 2.11 Some Thorncliffe clients have hired planning consultants who are also representing applicants tonight: Turley on item 1, Scott Brownrigg on item 2, Gerald Eve on items 4 and 5, and Savills on item 6, 11 and 12. 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.

- 2.12 On item 4, he was a member of the committee which decided the previous application on 3 June 2014.
- 2.13 On item 5, he was a member of the committee which heard this application on 20 October, and attended the site visit.
- 2.14 On item 7, he is a friend of Karen Buck MP and of Councillor Guthrie McKie who have made representations. He was also a signatory to the application by Notting Hill East Neighbourhood Forum for recognition.
- 2.15 On items 11 and 12, he knows Geoff Biggs who is the Director of Westbourne Park Family Centre at the Westbourne Park Baptist Church, and Westbourne ward councillors have directed ward budget funds to some programmes of the Family Centre.

3 MINUTES

The minutes of the meeting held on 20 October 2015 were approved and signed by the Chairman as a correct record of the proceedings.

4 PLANNING APPLICATIONS

1 FENTON HOUSE, 54 & 57 GREAT MARLBOROUGH STREET, W1

Demolition and redevelopment behind retained street facades at 54 and 55-57 Great Marlborough Street to provide a new building comprising basement, ground and first to seventh floor levels. Use of the part basement and ground floor levels as two retail units (Class A1) and one dual / alternative retail or restaurant (Class A1 / A3) unit at part basement and ground floor levels. Use of part basement and ground and the entire first to seventh floor levels as residential accommodation comprising 27 units with associated terraces at rear first floor and balconies at fifth and sixth floor levels. Excavation at basement level, the provision of a green roof at main roof level and installation of plant in the basement and at seventh floor level. (SITE INCLUDES 54 GREAT MARLBOROUGH STREET) and should include 57 Great Marlborough Street.

Late representations from Turleys, DP9 and Carole Humphreys were circulated.

RESOLVED:

1. That conditional permission be granted subject to a S106 legal agreement to secure:
 - i) a contribution of £4,499,000 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 £33,000, the SEMP to avoid a negative impact on the recording studio.

- iii) Lifetime car club membership (25 years) for the occupants of each new dwelling.
 - iv) monitoring costs
2. That 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.

2 9-11 RICHMOND BUILDINGS, W1

Demolition of the existing building and erection of a replacement building to provide sub-basements for use by a car stacker, and basement, lower ground, ground and first to fifth floor levels for use as residential accommodation comprising 13 residential units (Class C3). Creation of terraces at first to fifth floor levels and lightwells to the front and rear of the property. Installation of plant and PV cells at main roof level and condenser units within an enclosure at ground floor level within the undercroft.

Late representations from Councillors Glanz and Roberts were circulated.

RESOLVED:

1. That conditional permission be granted subject to an additional condition requiring roof greening to the extent that this does not impact on safety to a legal agreement to secure the following:
 - i) A financial contribution of £1,015,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);
 - ii) Provision of lifetime car club membership (minimum 25 years) for all 13 flats;
 - iii) Provision of Site Environmental Monitoring Plan and £27,000 per annum towards construction monitoring;

- iv) Management and maintenance of the car lift;
 - v) Securing unallocated car parking within the development;
 - vi) Monitoring costs of £500 for each of the above clauses.
2. That if the S106 legal agreement has not been completed within two months, 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.

3 WITHDRAWN

4 90-104 BERWICK STREET, W1

Variation of Conditions 1 and 30 of planning permission dated 20 February 2015 (RN: 13/12007) for the partial demolition and rebuilding of existing podium levels with additional part single and part two storey extensions; front extension of part of the west elevation to Hopkins Street; replacement facades and new shopfronts; all in association with continued use of parts of the basement and ground floor on Berwick Street for shops (Class A1), financial and professional services (Class A2) and food and drink (Class A3) and new retail unit at northern end of Hopkins Street, use of remainder of podium (as extended) for hotel (Class C1) and residential (Class C3) purposes (maximum of 16 units) together with associated roof terraces (including for use by existing Kemp House residents); green roofs, landscaping, car and cycle parking, servicing, plant and ancillary works. Namely, to amend the approved drawings so as to allow the provision of an additional 17 hotel bedrooms and to expand the food and drink offer to hotel guests on a 24 hour basis rather than just serving breakfasts.

Noted that the site was 90 to 104 Berwick Street, W1.

Late representations by the applicant were circulated.

Councillor Paul Church addressed the Committee as a Ward Member.

RESOLVED:

1. That conditional permission be granted subject to a Deed of Variation to the S106 legal agreement relating to planning permission ref: 13/12007/FULL to secure the following:
 - i) The provision of the on-site affordable housing as proposed.
 - ii) Free car club membership for 25 years (not 20 years as set out in the report) for each new and existing flat at the site.
 - iii) The provision, at a discounted rate, of eight car parking spaces for existing residents in the off-street public car park in Poland Street for as long as that car park remains.
 - iv) £16,000 towards parking review studies following implementation of the development.
 - v) £113,163 towards public realm improvements.
 - vi) Provision of a roof garden and roof terrace for the sole use of the residents of Kemp House in perpetuity.
 - vii) Highway works (including works to footways and changes to traffic orders).
 - viii) A contribution towards the Council's Environmental Inspectorate for monitoring.
 - ix) S106 monitoring.
 - (x) An additional conditional condition limiting the number of patrons in the lower ground bar to 46 at any one time and it closing to non residents who must, in any event, be guests of bona fide hotel residential guests at 23:00 each day.

3. That 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.

5 206-216 MARYLEBONE ROAD, NW1 (ADDENDUM REPORT)

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.

A further representation from Gerald Eve was circulated.

RESOLVED:

1. That conditional permission be granted, subject to a S106 legal agreement to secure the following:
 - a) 16 affordable units on-site comprising seven intermediate rented units and nine affordable rented units. Three (2x1 bed and 1x2 bed) of the intermediate units to be let at sub-market rents;
 - b) Provision of £1,338,138.00 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
 - c) Highways works associated with the development;
 - d) Provision of lifetime car club membership (minimum 25 years) for all 64 flats;
 - e) On-site parking spaces to be unallocated;
 - f) Provision of £36,000 per annum (index linked) towards monitoring the construction project by the City Council's Environmental Inspectorate and Environmental Health officers; and
 - g) The costs of monitoring the S106 agreement.
2. That 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.

6 4-6 ST EDMUND'S TERRACE, NW8

Demolition of the existing buildings at 4 - 6 St Edmund's Terrace and redevelopment of the site to provide a new building comprising nine residential units, with associated car and cycle parking, refuse and recycling storage, plant, roof level photovoltaic panels and brown roofs.

A further representation from Councillor Robert Rigby was circulated.

The presenting officer, during the course of the presentation, referred to the following amended reason for refusal, which responds to the amended drawings submitted by the applicant on 9 November 2015. The amended drawings reduce/ omit previously proposed roof terraces to the rear at third, fourth and fifth floor levels. As a consequence the proposed roof terrace at third floor level would not overlook neighbouring windows and has been omitted from the reason for refusal.

Amended Reason for Refusal No.3

The roof terraces and balconies to the rear elevations at ground, first and second floor levels would lead to an unacceptable loss of privacy (in terms of overlooking of windows and gardens) for people in neighbouring properties in Wells Rise. This would not meet S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

RESOLVED:

That permission be refused on amenity, tree impact and design/landscaping and poor living environment due to pavement widening grounds.

7 46 SUTHERLAND PLACE, W2

Excavation of basement underneath footprint of house and rear garden with associated walk-on rooflights and access grille to rear.

Further representations from Mr M Lugg, Claire Berry and Mr G McKie were circulated.

RESOLVED:

That conditional permission be granted subject to a more detailed Construction Management Plan being submitted for approval.

8 12 MELINA PLACE, NW8

Details of Construction Management Plan pursuant to Condition 3 of planning permission dated 12 December 2012 (RN: 12/03803).

A further representation from Councillor Robert Rigby was circulated.

RESOLVED:

That the details of the Construction Management Plan be approved.

9 OPEN SPACE AT LEICESTER SQUARE, WC2

Display of tree uplighting scheme for a temporary period from 19 October 2015 to 27 March 2016 between the hours of 15.00 to 07.00 hours daily.

A further representation from Colin Bennett was circulated.

RESOLVED:

That conditional advertisement consent be refused on design and safety grounds.

10 30 SOUTH EATON PLACE, SW1

Extensions at lower ground, first and second floor levels.

RESOLVED:

That conditional permission be granted.

11 2 WESTBOURNE PARK VILLAS, W2

Temporary use for two years of the lower ground floor flat for Class B1(a) office use for the Westbourne Baptist Church and external alterations including new steps in front lightwell, new windows and door.

Further representations from Highways, Planning Tree Section were circulated.

In the presentation the presenting officer referred to the following additional conditions which had been circulated:

Condition 8

The temporary office use for the church hereby approved shall only take place between the hours of 07.00 to 23.00 hours.

Reason

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC1 of our Unitary Development Plan that we adopted in January 2007.

Condition 9

- (a) You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience

(or both) needed to be registered, to supervise the development. You must apply to us for our approval of the details of such supervision including:

- (b) identification of individual responsibilities and key personnel.
- (c) induction and personnel awareness of arboricultural matters.
- (d) supervision schedule, indicating frequency and methods of site visiting and record keeping
- (e) procedures for dealing with variations and incidents.
- (f) You must not start any work until we have approved what you have sent us. You must then adhere to the approved supervision schedule.
- (g) You must produce written site supervision reports as detailed in part (a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

RESOLVED:

That conditional permission be granted subject to the additional conditions set out above.

12 150 QUEENSWAY, W2

Use of the ground floor as a children's library (Class D1) for a temporary period of two years.

RESOLVED:

That conditional permission be granted.

The Meeting ended at 8.57 pm

CHAIRMAN: _____

DATE _____