



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (4)** Committee held on **Tuesday 29th March, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Tony Devenish (Chairman), Jonathan Glanz, Robert Rigby and Jason Williams

Also Present: Councillors Rita Begum (Item 1), Susie Burbridge (Item 2), Melvyn Caplan (Item 4), Thomas Crockett (Item 1), Adam Hugg (Item 2), Jan Prendergast (Item 1) and Andrew Smith (Item 2).

1 MEMBERSHIP

It was noted that Councillor Robert Rigby had replaced Councillor Angela Harvey.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Rigby declared that in respect of Item 7 he had sat on the Committee when the application had been presented to the Committee previously.
- 2.2 Councillor Glanz declared that he knew Members of both the Majority Party and Minority Party and members of various residents and amenity associations. He had attended site visits at Items 1, 2 and 4 and had sat on the Committee when Item 4 had been presented to the Committee previously. With respect to item 2 he also declared that he had known Mr Warren Todd in a professional capacity but had not been in contact with him for twenty years
- 2.3 Councillor Devenish explained that a week before the meeting, all four Members of the Committee were provided 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. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will

have read about the issue and comments made by correspondents in the papers read prior to the meeting.

- 2.4 Councillor Devenish also declared that he considered Members of the Majority party as his friends.
- 2.5 Councillor Williams declared that in respect of Items 1 and 2 representations had been made by members of the Minority party and Karen Buck MP but he had not discussed the applications with them.
- 2.6 Matthew Pendleton, Design Officer, declared that in respect of Item 2 he was a member of the Victorian Society but this was not a prejudicial interest.

3 MINUTES

RESOLVED: That the Minutes of the meeting held on 1 March 2016 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 DEVELOPMENT SITE AT 221-235 LANARK ROAD, LAND TO NORTH OF 235 LANARK ROAD AND LAND AT SCOTTISH TOWERS, MAIDA VALE, W9

Redevelopment of site spanning 221-235 Lanark Road and land to the north of 235 Lanark Road, involving demolition of existing buildings and erection part 3, part 4, part 5 storey building, plus lower ground floor, containing a community/sports building (Use Class D1/D2) and associated plant at the north end of the site, and 67 residential units (Class C3) (private and affordable) across the remainder of the site and across the top floor of the proposed community/sports building, together with car parking, landscaping and associated works. Reconfiguration of front curtilage of the Scottish Towers (Glasgow House, Falkirk House, Edinburgh House) to provide additional parking, re landscaping and associated works. Removal of existing trees and replacement tree planting.

Additional representations were received from eleven local residents (22/01/16, 10/03/16, 13/03/16, 14/03/16 and several undated), Save Maida Vale Campaign Group (04/02/16, 08/02/16, 16/03/16, 20/03/16, 23/03/16, 24/03/16), Gerald Eve LLP (22/03/16), Karen Buck MP (22/01/16, 17/03/16), Councillor Thomas Crockett (06/01/16) and a Governor at St George's RC School (26/01/16).

Late representations were received from Cartwright Pickard (24/03/16), Dolphin Living (22/03/16), Octavia Housing (12/02/16) and fifteen local residents (28/02/16, 09/03/16, 10/03/16, 12/03/16, 13/03/16, 14/03/16, 15/03/16, 16/03/16, 17/03/16, 21/03/16).

Councillor Thomas Crockett addressed the Committee in his capacity as a ward member.

Councillor Rita Begum addressed the Committee in her capacity as a ward member.

Councillor Jan Prendergast addressed the Committee in her capacity as a ward member.

The presenting officer tabled the following revisions to the conditions:

Condition 8 be amended to state:

8 Prior to occupation of the site you must apply to us for approval of details of suitable security measures for the development. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building.

REASON: To provide cycle parking spaces for people using the development as set out in Policy 6.9 in the London Plan (with Further Alterations) that was adopted in March 2015.

Condition 14 be removed as it is covered by condition 18.

Condition 29 be amended to update parking figures:

29 Prior to occupation of the development a car parking strategy shall be submitted for approval and shall include:

A car parking plan to show the location of car parking access arrangements and 87 car parking spaces.

Details of the location, appearance (including manufacturers specifications) and operation, of any car park barriers, signal systems etc.

Details of the location of 41 unallocated car parking spaces for the residential occupiers of the development.

Details of the location of 46 allocated car parking spaces for residents of the Scottish Towers.

Details of the location of car parking spaces (a minimum of 20%) with access to electric vehicle charging points.

The car parking and access arrangements shall be provided prior to occupation of the residential part of the development and thereafter be maintained for such use.

REASON: to ensure that the development provides informal recreation space for children in accordance with Policy SOC6 in the Unitary Development Plan we adopted in January 2006 and Policy 3.6 in the London Plan (with Further Amendments) published March 2015.

Condition 36 be removed as it was a duplication of condition 5.

The presenting officer tabled a revised recommendation to remove part iv for the provision of peppercorn rent as this was covered by an updated part iv and to amend part ix to update the existing on-site parking spaces to 46.

RESOLVED:

- 1) That conditional permission be granted subject to:
 - a) The conditions being further reviewed and agreed within 21 days of the date of the meeting under the Director's delegated powers following consultation with the Chairman of Planning Applications Committee (4), who may himself consult with local Ward Members or Committee Members.
 - b) A legal agreement or unilateral undertaking to secure the following:
 - i. Notice of commencement of development (three months prior to commencement).
 - ii. Provision of 44 on-site affordable housing units to the tenure and mix advised by the Housing Development Manager prior to the occupation of the market housing units.
 - iii. Provision on site of a Community/Sports floorspace of a minimum 1,649sqm (GIA) USE Class D1/D2 and community facility of a minimum 690sqm (GIA) Use Class D2, provided by the City Council or a local service provider.
 - iv. Both sports and community floorspace to be fitted out to a Category B finish and leased either to the City Council or qualifying tenant prior to the occupation of either the social and community floorspace or residential units within the development.
 - v. A financial contribution of £32,000 per annum index linked to be paid to fund all works undertaken by the Environmental Inspectorate in relation to assessment of documents prior demolition phase and the development in respect to the SEMP, monitoring of air quality, dust and noise generated by works until the issue of the certificate of practical completion by the owner to the Council.
 - vi. Tree planting contribution of £5000 to replace those lost through the construction of the development in priority as shown on tree investment plan.
 - vii. Provision of car club membership (25 years) for 67 residential units.
 - viii. Provisions to ensure a minimum of 67 annual parking permits for onsite parking spaces are available to all households in the new development (but for the avoidance of doubt the possession of a parking permit shall not guarantee the availability of a parking space as onsite parking is on an unallocated basis.
 - ix. Provision of a minimum of 41 onsite parking spaces for new residential development and reprovision of a minimum of 46 on-site parking spaces for existing residents.
 - x. Payment of the cost of highways works necessary to facilitate the development including the reinstatement of pedestrian highway.
 - xi. Provision of non-residential part of development in accordance with submitted BREEAM assessments.
 - xii. Provision of site wide reduction of Kg/CO2 on 2013 Building Regulations of 25%, plus a payment of £113,400 to go toward the Council's Carbon off setting fund.

- xiii. Adherence with the Council's local procurement code.
 - xiv. Provision of costs for monitoring the agreement (£500 per head of term).
 - xv. Provision of communal TV aerial.
 - xvi. Demonstration of compliance with Code of Construction Practice and signing up to the Considerate Constructors Scheme.
- 2) If before 1 May 2016 the S106 planning obligation has not been completed or there is no immediate prospect of the planning obligation being completed, then
- a) The Director of Planning shall consider whether it would be possible and appropriate to issue 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 it has not proved possible to complete a S106 planning obligation within an appropriate timescale, and that the proposal is 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 WHITELEYS CENTRE, QUEENSWAY, LONDON, W2 4YH

The presenting officer tabled the following revised description:

Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing 103 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park ,hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision.

Additional representations were received from Councillor Andrew Smith (16/03/16, 22/03/16), Westminster City Council Building Control (23/03/16), Turley (21/03/16), Westminster City Council Premises Management (23/03/16), Bayswater Resident's Association (20/03/16, 22/03/16), Austin Mackie Associates Ltd (17/03/16), Get Whiteley's Right Group (16/03/16, 17/03/16, 18/03/16, 23/03/16, 24/03/16), nineteen local residents (17/03/16, 18/03/16, 19/03/16, 21/03/16, 22/03/16, 23/03/16, 24/03/16), Save Whiteley's Heritage (17/03/16, 18/03/16), Skyline Campaign (23/03/16) and GIA (24/03/16).

Late representations were received from Councillors Connell, Rahuja and Connell (29/03/16), Councillor Andrew Smith (27/03/16), Turley (24/03/16, 29/03/16), South East Bayswater Residents' Association (29/03/16), Foster and Partners (24/03/16), residents in Bayswater (29/03/16), Councillor Susie Burbridge (26/03/16, 29/03/16),

Victorian Society (22/01/16, 24/03/16), Councillor Adam Hug (25/03/16), Get Whiteleys Right (26/03/16), Save Whiteleys Heritage (24/03/16, 25/03/16, 29/03/16), ten local residents (24/03/16, 25/03/16, 26/03/16, 28/03/16, 29/03/16), Save Britain's Heritage (11/03/16).

Councillor Andrew Smith addressed the Committee in his capacity as a ward member.

Councillor Susie Burbridge addressed the Committee in her capacity as a ward member.

Councillor Adam Hug addressed the Committee in his capacity as Leader of the Opposition.

The presenting officer tabled the site location plan and the collated draft decision letters. It was also highlighted that in respect of the affordable housing calculation referred to in section 8.1.9 of the report the correct sum should be in the region of £87 million and not £103 million.

RESOLVED:

1. That the Committee accepted the proposed reduction of retail floorspace within Whiteleys, and that the proposed mixed uses of retail (Class A1/A3), hotel, cinema, gym, crèche, public car park and residential flats was acceptable in land use terms;
2. That in respect of the affordable housing, members agreed the applicant's offer to make a contribution of £6,000,000 towards the Council's affordable housing fund;
3. (a) That the harm to the special architectural and historic interest of this listed building and to the Queensway Conservation Area and the adjoining heritage assets is less than substantial;
(b) That the public and regeneration benefits of the scheme outweigh this less than substantial harm;
4. That the bulk, massing and detailed design of the new building behind the retained facade and the additional floors to the frontage building and the new buildings at the rear are acceptable in design terms subject to the modification condition as tabled in the draft decision letter also requiring:
 - i) The reduction of the two rear towers by two storeys; and
 - ii) Reducing the height of the front roof extensions above the retained façades by 1.5 metres.
5. That the losses of daylight and sunlight and the increased sense of enclosure to a number of residents at the rear in Kensington Gardens Square, Redan Place and Porchester Gardens are on balance acceptable but subject to a condition requiring the alteration of the proposed development to reduce the

height, bulk and massing of the rear buildings in order to lessen the impact upon the amenity of these residential properties;

6. That conditional permission be granted subject to:
 - a) The concurrence of the Mayor of London;
 - b) The conditions being reviewed and agreed within three weeks of the meeting under the Director's delegated powers following consultation with the Chairman of Planning Applications Committee (4), who may himself consult with local Ward Councillors, Committee Members and the Leader of the Opposition; and
 - c) The completion of a section 106 legal agreement to secure the following:
 - i) Financial contribution of £6,000,000 (index linked and payable on commencement of development)towards public realm improvements to Queensway;
 - ii) Affordable housing contribution of £6,000,000 (index linked and payable on commencement of development);
 - iii) Costs of all the highway works associated with the development including the Stopping Up Order and the dedication of land;
 - iv) Crossrail CIL contribution of £1,814,150.
 - v) Financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development;
 - vi) Financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development;
 - vii) Comply with the Construction Code of Practice, to provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £40,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
 - viii) Unallocated car parking to the residential flats;
 - ix) Provision of the public car park at basement level 3 prior to the retail use commencing and the submission of a management plan including pricing;
 - x) Provision of the cinema and ready for occupation before the retail use commences;
 - xi) Provision of the gym and crèche prior to occupation of the residential accommodation and the submission of a management plan including pricing;
 - xii) Installation of a rolling programme of public art within the retail court (sum of £740,000) and its on-going maintenance.
 - xiii) Employment , training and skills;
 - xiv) Management of the shopping centre, including controls over the distribution of the Class A1 (70%of floorspace and Class A3 (30%) and to control further changes of use within the centre.
 - xv) Management strategy for the hotel including servicing/drop off arrangements; and
 - xvi) S106 monitoring costs.
7. That if the Section 106 legal agreement has not been completed before 1 May 2016 then:

- i) 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;
 - ii) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposal is unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the planning application and agree the appropriate reasons for refusal under Delegated Powers.
8. That conditional listed building consent be granted subject to Historic England's Authorisation and also subject to review and amendment of the conditions commensurate with 6b) above;
 9. That the reasons for granting conditional listed building consent as set out in Informative 1 attached to the draft decision letter be agreed;
 10. That the Committee authorised the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway required to enable the development to take place; and
 11. That the City Commissioner for Transport be authorised to take all necessary procedural steps in conjunction with making of the stopping up order as proposed , if there are no unresolved objections to that draft order.

3 421 OXFORD STREET, W1

Erection of extensions at first and second floors on Balderton Street and first, second and part third floors on Lumley Street, recladding of existing building at ground and first floors, use of lower ground-third floors as retail (Class A1), new shopfronts, installation of plant at second and third floor levels and other associated works.

A late representation was received from Grosvenor Stow Limited (22/03/16).

RESOLVED: That conditional permission be granted subject to the addition of a condition preventing the obscuring of the shop windows and the revision of condition 6 to include seasonal events.

4 7 WARWICK AVENUE, W9

Excavation of new basement beneath existing single family dwelling, extension to existing lower ground floor level and associated internal and external alterations to building including demolition and replacement of existing conservatory. Installation of ventilation plant.

An additional representation was received from SHH Architects Interior Designers (22/03/16).

Councillor Melvyn Caplan addressed the Committee in his capacity as a ward member.

RESOLVED:

- 1) That conditional permission be granted subject to the conditions, including contaminated land and plant noise conditions, being reviewed and agreed by the Director under delegated powers in consultation with the Chairman of Planning Applications Committee (4);
- 2) Conditional listed building consent be granted; and
- 3) That the reasons for granting listed building consent, as set out in Informative 1 of the draft decision letter be agreed.

5 66 CHEPSTOW ROAD, W2

Excavation of a two storey basement extension below front garden, enlargement of front lightwell, provision of new front boundary treatment, excavation of single storey basement below rear garden with rooflights within rear garden and new landscaping to rear garden, including green wall to rear boundary. Internal alterations.

RESOLVED:

1. That conditional permission and conditional listed building consent be granted; and
2. That the reasons for granting conditional listed building consent, as set out in Informative 1 of the draft decision letter be agreed.

6 ALHAMBRA HOUSE, 27-31 CHARING CROSS ROAD, WC2

Use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.

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

Condition 7 be amended to read:

7. The hotel use hereby permitted shall not be occupied until a servicing management plan has been submitted to and approved by the City Council as local planning authority in consultation with Transport for London. Thereafter all servicing must be carried out in accordance with the approved plan.

Condition 16 be removed

Condition 19 be added to read:

19. You must apply to us for approval samples of the facing materials you will use, including glazing, and the elevations and roof plans annotated to show

where the materials are to be located. 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 work using the approved materials.

Condition 20 be added to read:

20. You must not put out structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace.

RESOLVED:

1. That conditional permission be granted subject to the completion of a S106 legal agreement to secure a financial contribution towards affordable housing of £378,457 (index linked and payable on commencement of development);
2. That 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.

7 HYDE PARK CORNER LODGE, HYDE PARK CORNER, W1

Removal of Condition 3 and variation of condition 1 and 11 of planning permission dated 30 July 2013 (RN: 12/08526/FULL) for use of Lodge as a cafe (Class A3) with basement infill extension, external seating area and erection of a new ticket and tourist information kiosk adjacent to Lodge; namely, to allow the continued use of part of the kiosk for the sale of tickets for London tourist attraction; to extend the opening hours of the Café to between the hours of 08:00 and 22:30 daily; and retention of external lighting.

RESOLVED:

1. That conditional permission and conditional listed building consent be granted;
2. The opening hours of the Café to be extended for a period of one year only; and
3. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

8 39 SUTHERLAND PLACE, W2

Excavation to lower the level of the existing lower ground floor slab and rear garden, erection of rear three storey closet wing and two storey glazed infill extension, erection of mansard roof, and alterations within front garden including excavation to provide a bin store and to extend vault. All works in association with the use of the building as a single family dwelling house.

RESOLVED: That conditional permission be granted.

The Meeting ended at 10.01 pm

CHAIRMAN: _____

DATE _____