



CITY OF WESTMINSTER

# MINUTES

## Planning Applications Committee (3)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (3)** Committee held on **Tuesday 22nd March, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

**Members Present:** Councillors Andrew Smith (Chairman), Barbara Grahame, Angela Harvey and Robert Rigby

**Apologies for Absence:** Councillor Louise Hyams

#### 1 MEMBERSHIP

1.1 Councillor Angela Harvey replaced Councillor Louise Hyams at the meeting.

#### 2 DECLARATIONS OF INTEREST

2.1 Councillor Andrew Smith 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.

2.2 Councillor Smith declared that in respect of item 3, he had met local residents on a site visit at 230 Vauxhall Bridge Road.

2.3 Councillor Angela Harvey declared that in respect of item 2, she had in the past as a Cabinet Member for Housing given consideration to the Dudley House site. She declared in respect of item 3 that her husband, Councillor David Harvey had submitted a representation objecting to the application and she would therefore not be sitting for this item or taking any part in the decision making process.

- 2.4 Councillor Barbara Grahame declared that in respect of item 4, she lives in Abbey Road Ward but not sufficiently close to the site that it would affect her ability to consider the application impartially.

### **3 MINUTES**

- 3.1 That the Minutes of the meeting held on 9 February 2016 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 OPEN SPACE AT THE REAR OF 4-54 WARRINGTON CRESCENT, W9 1ED**

Proposed long term management plan for Formosa Amenity Garden London W9.

Additional representations were received from Councillor Melvyn Caplan (14/03/16), Felicitas Kunstel (12/03/16) and Dr Ruth Heilbronn (17/03/16).

**RESOLVED:** That the Committee agrees that the proposed long term management plan for Formosa Amenity Garden is acceptable, including:

- The principle of tree removal and replacement
- The timescale of tree removal and replacement
- The numbers and species of replacement trees and the intended garden design.

#### **2 DUDLEY HOUSE, NORTH WHARF ROAD, W2 1LE**

Demolition of existing buildings at Nos.139-147 Harrow Road and Dudley House and redevelopment ranging in height from 7 storeys to 22 storeys, comprising between 187 and 197 residential units (Class C3); a new secondary school (Class D1); a replacement church (Class D1); a retail unit (flexible Class A1/A2/A3 use); basement car parking; cycle and motorcycle parking; provision of shared amenity space, landscaping; and amended vehicular and pedestrian access (Council's Own Development).

Additional representations were received from Michael Wills (31/01/16) and Ian Morrison, Highways Planning Department (10/03/16).

Late representations were received from Councillors Tim Mitchell, Daniel Astaire and Danny Chalkley in their capacity as Cabinet Members (21/03/16), South East Bayswater Residents' Association (22/03/16), Greater London Authority (22/03/16) and Fergus Coleman, Head of Affordable and Private Sector Housing (15/03/16).

The Presenting Officer tabled the following amendments to the Recommendation and Draft Decision Notice:

Recommendation

Part 1 (g) and 1 (h) were DELETED as follows:

1. Subject to the concurrence of the Mayor of London, grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to a unilateral obligation to secure the following planning obligations:
  - a) The provision of all of the residential accommodation as intermediate affordable levels set out in the Head of Affordable and Private Sector Housing memorandum dated 25 February 2016.
  - b) Provision of lifetime car club membership (25 years) for each residential unit in the development.
  - c) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat).
  - d) Provision, monitoring and review of residential, school and church travel plans.
  - e) Payment of all costs associated with the highway works in North Wharf Road, including dedication of new highway and improvements to the area outside the site fronting Harrow Road, with the residential part of the development not to be occupied until these works are in place.
  - f) Provision of a financial contribution of £5,000 to provide replacement street trees in the vicinity of the application site.
  - ~~g) Provision of a financial contribution of £189,000 (index linked) towards provision of an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site.~~
  - ~~h) Provision of a financial contribution of £25,000 (index linked) towards improvements to the public open space adjacent to the canal basin (i.e. towpath improvement works).~~
  - i) Compliance with the Council's Code of Construction Practice and a contribution of £15,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction.
  - j) Developer undertaking to enter discussions with adjoining sites to form a heat and/or power network.
  - k) Payment of cost of monitoring the agreement (£500 per head of term).
2. If the unilateral undertaking has not been completed by 30 April 2016 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 Strategic Director 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 Strategic Director is

authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Draft Decision Notice

AMEND condition 18 to state:

'You must apply to us for approval of detailed drawings showing the provision of secure and weatherproof cycle parking for the church and retail uses. ~~The retail cycle parking should also include details of showering and changing facilities.~~ You must not start work on this part of the development until we approve what you send us. You must then carry out the development in accordance with the details that we approve.

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'.

AMEND condition 32 to state:

'You must provide the following environmentally sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- The photovoltaic panels at roof level on the residential ~~and school~~ parts of the development.

You must not remove any of these features. (C44AA)

REASON: To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)'

AMEND condition 36:

'You must apply to us for approval of details of ~~the children's playspace / equipment to be provided as part of the landscaping to the first floor communal terrace.~~ You must not start work on this part of the development until we have approved what you send us. You must then carry out the development in accordance with the details we approve ~~and you must not occupy the residential part of the development until the playspace / equipment has been installed.~~

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 2007 and Policy 3.6 in the London Plan (with Further Amendments) published March 2015'.

AMEND condition 42 to state:

'Notwithstanding the brick slip panel system shown on the drawings, you must apply to us for approval of detailed drawings showing the following alteration (s) to the scheme:

- An alternative form of brick construction to ~~all parts~~ of the residential part of the development which avoids the use of brick slips.

You must not start on these parts of the work until we have approved a sample panel of the revised construction, which also demonstrates, bond(s), finish(es), pointing and mortar. You must not then carry out the work according to the approved sample. You must then carry out the work according to these detailed drawings and sample. (C26DB)

REASON: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

**RESOLVED:** That

1. Conditional permission be granted subject to the tabled amendments to the recommendation as set out above.
2. Additional informatives be added to the draft decision letter:
  - i) Encouraging greening on the area of land in front of the building; and
  - ii) Recommending that the flats are managed in such a way as to avoid overcrowding when adults in the flats who currently do not have children start families.

Councillor Barbara Grahame requested that it be recorded that she was dissenting from the decision as she did not consider that the design of the development and the quality of the material used were of a standard to be expected of a Council development.

### **3 230 VAUXHALL BRIDGE ROAD, SW1V 1AU**

Use of the first, second, third, fourth and part fifth floor levels as 13 residential units (Class C3) and reconfiguration of three existing residential units at fifth and sixth floor level. Use of basement and ground floors as either office (Class B1), non-residential institution (Class D1) or financial and professional service (Class A2). Extension of the existing plant room and stair core at sixth floor level fronting King's Scholar Passage, new entrance and alterations to fenestration.

**RESOLVED:** That

1. Conditional permission be granted subject to a S106 legal agreement to secure the following:
  - a) A financial contribution of £683,060 (index linked and payable on commencement of development) towards the Council's affordable housing fund;
  - b) Car club membership for each residential flat for 25 years;
  - c) The costs of monitoring the s106 legal agreement.

2. If the 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 the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Councillor Angela Harvey left the room for the duration of this item and took no part in the decision making process.

#### **4 1 CARLTON HILL, NW8 0JX**

Demolition of an existing balcony and the excavation of a new basement level and associated internal and external alterations.

**RESOLVED:** That

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

#### **5 39 NORTHUMBERLAND PLACE, W2**

Excavation of new basement level below the existing footprint of the house and part front and rear gardens including lightwells, associated alterations to the front garden and boundary wall, extension into the front garden at lower ground floor level, erection of a rear infill extension at lower ground floor level, alterations to fenestration at rear including erection of first floor Juliet balcony, alterations to fenestration of side and rear elevations of closet wing.

**RESOLVED:** That conditional permission be granted.

The Meeting ended at 8.07 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_