



CITY OF WESTMINSTER

# MINUTES

## Planning Applications Committee (1)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 16th August, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

**Members Present:** Councillors Robert Davis MBE DL (Chairman), Susie Burbridge, David Boothroyd and Richard Beddoe.

**Apology for Absence:** Councillor Tim Mitchell.

#### 1 MEMBERSHIP

- 1.1 It was noted that Councillor Richard Beddoe was replacing Councillor Tim Mitchell.

#### 2 DECLARATIONS OF INTEREST

- 2.1 Councillor Robert 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 got 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 Councillor Davis 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. 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 did not

mean that Members had ignored the issue as they will have read about it and comments made by correspondents in the papers read prior to the meeting.

- 2.3 Councillor Davis also declared that in his capacity as the Cabinet Member for the Built Environment with specific responsibility for planning he regularly meets 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". Councillor Davis added that the meetings held with applicants and in some case objectors too were without prejudice and all parties were advised that a final formal decision was only taken when all the facts were before him and his Committee through the normal planning application process.
- 2.4 Councillor Davis wished to declare that in his capacity as Cabinet Member he knew a number of the directors of planning consultancy companies in Westminster. The planning consultancy companies were representing the applicants on a number of items on the current agenda, including Four Communications, Belgrave, Gerald Eve, Thorncliffe, Bell Pottinger, GVA, CBRE and Rolfe Judd.
- 2.5 Councillor Davis then made the following further declarations as they related to the specific applications on the agenda:

Item 1: That he knew the directors of the applicant, Capital and Counties CG Limited, the directors of BP Hotels, including Robert De Niro who he had met and had meetings with the applicant. He had also been given a tour of the applicant's sister hotel in New York, The Greenwich Hotel and knew the directors of Gerald Eve, the planning consultants, and KDF, the architects. He also knew the directors of the Ambassadors Theatre Group, the London Film Museum, CGCA and Seacat who had all commented on the application.

Item 2: That he knew the directors of Grosvenor Estate, the applicant, and had attended a site visit with the applicant and officers.

Item 3: That he had sat on the Committee that had considered a previous application, had met the applicant, although not since the original planning permission had been granted, and he knew the applicant's advisers, Bell Pottinger, GVA and the architects.

Item 4: That he knew the applicant's advisers, CBRE, had meetings with the applicant and knew the directors of a number of neighbours who had commented on or who had made objections to the application, including Whitehall Theatre and Admiralty Arch.

Item 5: That the application was in his ward and he knew the applicant's advisers, Thorncliffe.

Item 6: That he knew the directors of Portman Estate, Atkins and London and Regional Properties and that he had a plaque located within the public realm of the site as part of a Council scheme.

Item 7: That he knew residents located near the site and that he had sat on the Committee that had considered a previous application.

Item 8: That he had sat on the Committee that had considered a previous application, knew one of the applicants, Paul White of Frogmore and the applicant's advisers, Rolfe Judd.

Items 9 and 10: That he knew some of the objectors.

2.6 Councillor Richard Beddoe declared that he considered members of both the Majority and Minority party as friends and that he knew people involved in the planning process. He also declared that item 6 on the agenda was in his ward.

2.7 Councillor Susie 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 was Deputy Cabinet Member for Housing, Business and Economic Regeneration.

2.8 Councillor Burbridge made the following further declarations as they related to the specific applications on the agenda:

Item 3: That the application was in her ward and she had met the applicant and local residents.

Item 5: That the application was in her ward.

2.9 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. He declared that Thorncliffe have been working on item 5 on the agenda and so he would withdraw from the meeting whilst that item was being considered. He stated that there are no other clients of Thorncliffe in the City of Westminster; and if there were, he would be precluded from working on them under the company's code of conduct.

2.10 Councillor Boothroyd further declared that some Thorncliffe clients have engaged planning consultants who are also representing the applicants at the meeting: Gerald Eve on item 1, GVA on item 3, CBRE on item 4, Pegasus on item 7, and Rolfe Judd Planning on item 8 and for objectors on item 1. However, he advised 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 his employers.

2.11 Councillor Boothroyd also declared that he had sat on previous committees considering applications on the sites of items 1, 3, 7 and 8 on the agenda.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the Minutes of the meeting held on 19 July 2016 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 25 - 31 WELLINGTON STREET, LONDON, WC2E 7DD**

Redevelopment behind the partially retained facades of the non-listed buildings excluding 12 Burleigh Street which is retained and refurbished to provide a ground plus part 8 storey, part 7 storey, part 4 storey, part 3 storey, part 2 storey building plus two basement levels for use as Hotel (Class C1) with ancillary spa, Restaurants (Class A3), Retail (Class A1), Private Members Club (Sui Generis), and Office (Class B1) with works of repair and refurbishment of the listed buildings and other associated works (Site includes: 25-31 Wellington Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street, 15 Exeter Street and Burleigh House, 22 Tavistock Street).

The presenting officer tabled the following revision:

#### **Revised condition 10**

You must not allow more than 270 customers in restaurant 1 on the ground floor, no more than 120 customers in restaurant 2 on the lower ground floor and no more than 130 customers in the private members club as shown on the approved drawings at any one time.

#### **RESOLVED:**

1. That conditional permission be granted, subject to a revised condition 10 as set out above; the following additional conditions: that the Ambassadors Theatre Group be engaged regarding the construction of the scheme and the operation of the hotel, with any issues to be resolved by the Council as the local planning authority; a doorman to be provided at all times; that there be two management plans including a separate management plan for the private members club; and a S106 legal agreement to secure the following:
  - i) a Site Environmental Management Plan (SEMP)
  - ii) a financial contribution of £105,000 to the Council's Environmental Inspectorate to monitor compliance with the SEMP for the duration of the demolition and construction works
  - iii) an employment and training opportunities strategy
  - iv) an Operational Management Plan for the hotel, private members club and restaurants

v) necessary highway works including the creation of an on-street loading bay in Exeter Street and changes to on-street parking and loading restrictions. The works to be carried out prior to the occupation of the hotel.

vi) alterations to the TfL cycle hire docking station on Tavistock Street. The works to be carried out prior to the occupation of the hotel.

vii) costs of monitoring.

2. That 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 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.

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.

## **2 DEVELOPMENT SITE AT 3-5, 11-19, 25-27 ECCLESTON PLACE, 115A EBURY STREET, LONDON SW1**

Use of ground floor of 25 Eccleston Place for retail purposes (Class A1) and fitness centre (Class D2); use of ground floor of Chester House (11-19 Eccleston Pl) for retail purposes (Class A1), restaurant use (Class A3) and indoor flexible event space (Sui Generis use); associated physical works at ground floor level and creation of shopfronts; relocation of substation; change of use of the courtyard 'giraffe sheds' to provide flexible retail / restaurant uses at ground and mezzanine levels (flexible Class A1 / A3) and associated physical works including shopfronts; change of use at 115A Ebury Street to provide retail use (Class A1) and associated physical works, shopfronts and provision of access to the inner courtyard via 115A Ebury Street.

Late representations were received from Gerald Eve (12.08.2016) and London Underground (16.08.2016).

The presenting officer tabled the following amendments:

### **Additional condition**

You must apply for us for the approval of the indoor flexible event space (sui generis) use. You must not occupy the space until we have approved what you have sent us. You must then carry out the use in accordance with the details approved.

### **Remove condition 8**

Customers shall not be permitted within the Class A1 retail premises before 0800 or after 2000 hours each day.

### **Revised condition 12**

The Ebury Street entrance shall be closed by 2300 hours and the Eccleston Place entrance closed by midnight.

### **RESOLVED:**

That conditional permission be granted, subject to an additional condition, deleted condition 8 and revised condition 12 as set out above, that condition 15 applies to Eccleston Place only and the following additional conditions:

- i) That the development be completed in its entirety within 18 months of its commencement.
- ii) That details of the entertainment use be provided.

### **3 DEVELOPMENT SITE AT 117 - 125 BAYSWATER ROAD, 2 - 6 QUEENSWAY, CONSORT HOUSE AND 7, FOSBURY MEWS, LONDON**

Demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House.

An additional representation was received from the Highways Planning Manager (01.08.2016),

Late representations were received from John Zamit, Chairman of South East Bayswater Residents' Association (05.08.2016 and 16.08.2016).

The presenting officer tabled the following amendments to condition 21:

#### **Revision of the wording of condition 21:**

Before works commence on site, you must submit for approval a car parking strategy including drawings. This must include the following details:

- a) Location of no less than 55 unallocated residential car parking spaces
- b) Disabled access car parking spaces
- c) Electrical vehicle charging points (minimum of 20% active and 20% passive)
- d) Access arrangements to the car parking area.

You must provide each car parking space shown on the approved drawings, which shall only be used by the parking of vehicles of people living in the residential part of this development, on an unallocated basis without restriction for all of the residential occupiers of the building and these shall be maintained for such use for the lifetime

of the development in accordance with the car parking strategy approved pursuant to this condition.

**RESOLVED:**

1. That a phased payment of the affordable housing contribution triggered by the sale or occupation of numbers of residential units (whichever is the earliest) be agreed.
2. Subject to 1. above, that conditional permission be granted, subject to a revised condition 21 as set out above but to provide no less than 67 unallocated residential car parking spaces and evidence to be provided that these spaces have been secured before commencement of the development on the site, additional conditions to include deletion of the proposed car showroom, creation of a shopfront design strategy and provision and retention of the spa/swimming facilities which must be open to the public, and a Section 106 legal agreement to secure the following:
  - a) A financial contribution of £11m to be paid towards the City Council's affordable housing fund (index linked and on a phased payment scheme as set out below :
    - i) £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest)
    - ii). £3m of the Affordable Housing Contribution (index linked) prior to the occupation of completion of the sale of the 20th residential unit (whichever is the earliest)
    - iii. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 30th residential unit (whichever is the earliest)
    - iv. £2m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 40th residential unit (whichever is the earliest)
  - b) A financial contribution of £2.5m towards the City Council's Queensway and Westbourne Grove Streetscape Improvement Project (index linked and payable on commencement of development);
  - c) Provision of Public Art and Tom Harris Memorial (as required by condition 27) to the value of no less than £100,000 (index linked) prior to the occupation of the 1st residential unit;
  - d) The applicant to comply with the City Council's Code of Construction Practice, provide a Site Environmental Management Plan (SEMP) prior to commencement of development and provide a financial contribution £ 120,000 to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;

e) Operation of the development in accordance with the Car Parking Strategy (as required by condition 21 and on an unallocated basis);

f) Highways works immediately surrounding the site required for the development to occur, and to mitigate the impact of the development, including changes to on street restrictions and, reinstatement and creation of vehicle crossovers and associated work prior to the occupation of the development and all the costs associated with the highways works (to include legal, administrative and physical) are to be borne by the Developer;

g) Dedication of Highway at no cost to the City Council prior to occupation;

h) The amendment of condition 4 (a) so that the car showroom is to be specifically deleted from the scheme and that no car showroom shall be provided in any part of the development.

i) The costs of monitoring the S106 legal agreement.

3. That if the S106 legal agreement has not been completed within six weeks from of the date of the Committee's 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 Committee also requested that Sarah Harris and the ward councillors be consulted in respect of provision of public art.

#### **4 49 CHARING CROSS, LONDON, SW1A 2DX**

Use of part basement, part ground, part first and the upper floors of 49-50 Charing Cross and part basement and part ground of 12 Whitehall as 10 residential flats (Class C3). External alterations include extensions within internal lightwells at second and third floor levels, installation of plant within enclosures at roof level and within lightwells, alterations to windows, doors, balustrading and parapets.

#### **RESOLVED:**

1. That conditional permission be granted, subject to a S106 legal agreement to secure:



- i) A financial contribution towards affordable housing of £3,336,000 (index linked and payable on commencement of development);
  - ii) Lifetime car club membership (25 years) for future residential occupiers.
  - iii) Monitoring costs.
2. That 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; 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.

## **5 30-31 LEINSTER SQUARE, LONDON, W2 4NQ**

Use of building as 8 residential flats (Class C3) with associated alterations including renovation of external facades, alterations to windows, minor increase in height to parapets, new rear infill extensions at lower ground and ground floors with associated lightwells and garden alterations. Internal alterations including lowering of the pavement vaults and installation of a lift.

Additional representations were received from Michael Spencer-Smith (10.08.2016), Dr Lucy McLaren (09.08.2016), Lucie Parle (09.08.2016), Edmond Beale (09.08.2016), Ivo Stourton (09.08.2016), Tony Brennan (10.08.2016), Katie Fulford (10.08.2016), Andrew Self (10.08.2016), Suzanne Langston-Jones (10.08.2016), Adrian Lee (09.08.2016), Harvey Langston-Jones (09.08.2016), Nicholas Ashe (09.08.2016), Emily Ashe (09.08.2016), Nicos Ladas (09.08.2016), Mary Lindsay-White (10.08.2016), David Holmes (undated), Dr Richard Ballantine (undated), Ken Howlett (undated), Sandeep Verma (undated), Clare Templeton (undated), Nigel Woodward (undated), Susan Howlett (undated), Tracey Rainey (undated), Andrew Fettis (undated). Julie Brennan (undated), Rebecca Haskins and Michaela von Britzke.

Late representations were received from Simon Roberts (15.08.2016) and Elenanor Bloomfield (16.08.2016).

The presenting officer tabled the following information:

### **Unit Sizes – 30-31 Leinster Square**

	Unit Type	Net internal area
Unit 0.1	3 bed	172.1 sq m
Unit 0.2	3 bed	177 sq m
Unit 1.1	2 bed	110 sq m
Unit 1.2	Studio	44.4 sq m
Unit 2.1	2 bed	111 sq m
Unit 3.1	1 bed	53.1 sq m
Unit 3.2	2 bed	62.8 sq m
Unit 4.1	2 bed	100.1 sq m

### **RESOLVED:**

1. That conditional permission be granted, subject to a S106 legal agreement to secure the following:

Provision of £125,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);

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.

3. That listed building consent be refused.

Councillor Boothroyd had declared an earlier prejudicial interest on this item and withdrew from the meeting whilst this item was being considered.

## **6 OLD QUEBEC STREET, LONDON**

Use of the public highway for the placing of 158 outdoor seats, 40 tables, 26 canvas barriers, 16 small planters and 9 tree planters in two areas measuring 4.63m x 37.2 (western side) and 3.45m x 36.6m (eastern side) in association with the Cumberland

Hotel and three ground floor restaurant/cafe units (western side) and the Sportsman Casino and the City of Quebec Public House (eastern side) of Old Quebec Street.

**RESOLVED:**

That conditional permission be granted, subject to an additional informative requesting that the applicant make arrangements to regularly sweep and clean the area, especially after the tables and chairs area is closed.

**7 12 MELINA PLACE, LONDON, NW8 9SA**

Erection of new part one, part two storey plus basement dwellinghouse (Class C3), alterations to front boundary, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court and landscaping, including replacement tree planting.

Additional representations were received from Environmental Health (11.08.2016) and Morris Zelkha (11.08.2016).

The presenting officer tabled the following:

The following drawing number is to be included in the 'approved plan numbers':

P\_13 (Attenuated Plant Enclosure details).

**Condition 7 amended to read:**

Except for the 'Minimal framed glazed doors' shown on the north west elevation at ground and basement levels (drawing P\_06 Rev.A) and the frameless 'Drawing Room' window, above the basement lightwell, shown on the ground floor plan (drawing P\_01 Rev.C), all other windows and doors hereby approved shall be constructed in painted solid timber and maintained in that material and finish.

**RESOLVED:**

That conditional permission be granted, subject to an amended condition 7 as set out above and amend condition 2 so that there be no works at all on Saturdays, Sundays and Bank Holidays.

**8 74 - 76 CHILTERN STREET, LONDON, W1U 5AA**

Details of proposed restaurant operation, including the internal layout of the unit (showing the areas to be used for public drinking/dining and back of house functions), opening hours, capacity, hours of plant operation and serving hours pursuant to condition 42 of planning permission dated 19 August 2015 (15/01247) for the redevelopment of the site to provide residential flats (Class C3), a retail shop (Class A1/A2), a restaurant or public house (Class A3/A4), storage areas (Class B8), a health and fitness centre (Class D2), a replacement street sweepers' depot (sui generis), and basement parking and associated plant (Site includes 22-28 Paddington Street).

An additional representation was received from Environmental Health (03.08.2016).

A late representation was received from Councillor Karen Scarborough (15.08.2016).

**RESOLVED:**

That the details be approved, only if the applicant agrees to the terminal opening hours of the restaurant being restricted to midnight on Mondays to Saturdays and to 23:30 Sundays and Bank Holidays and use of the plant to be restricted to operate no longer than half an hour before or after the approved opening hours. Should the applicant refuse to agree to the above changes, then permission be refused on amenity grounds.

**9 39-44 GROSVENOR SQUARE, LONDON, W1K 2HP**

Alterations including removal of roof level plant, erection of an 8th floor extension and relocation of plant to new roof level; erection of rear 3<sup>rd</sup> floor level extensions either side of a central block fronting onto Adams Row, provision of new terraces at 3rd and 7th floor levels in connection with the refurbishment of an existing hotel.

Late representations were received from Belinda Harley (15.08.2016 and 16.08.2016), Ron Whelan (15.08.2016 and 16.08.2016), Councillor Jonathan Glanz (16.08.2016), Eric Scots-Knight (15.08.2016), David Dein (16.08.2016), Louis Skoutellas (16.08.2016), Amanda O'Keefe (16.08.2016), Councillor Paul Church (15.08.2016) and Councillor Glenys Roberts (15.08.2016).

**RESOLVED:**

That conditional permission be granted.

**10 39-44 GROSVENOR SQUARE, LONDON, W1K 2HP**

Alterations to Adams Row frontage, involving alterations to the public highway, infilling of an existing vehicular entrance and creation of a new vehicular drop off and creation of 2 x retail units (Class A1).

Late representations were received from Belinda Harley (15.08.2016 and 16.08.2016), Ron Whelan (15.08.2016 and 16.08.2016), Councillor Jonathan Glanz (16.08.2016), Eric Scots-Knight (15.08.2016), David Dein (16.08.2016), Louis Skoutellas (16.08.2016), Amanda O'Keefe (16.08.2016), Councillor Paul Church (15.08.2016) and Councillor Glenys Roberts (15.08.2016).

**RESOLVED:**

That permission be refused. Members considered that the proposals would result in more vehicular traffic and parking in Adams Row (particularly from taxis) to the detriment of nearby residents. Therefore permission was refused on the grounds of the resultant impact on residential amenity.

The Meeting ended at 9.04 pm.

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

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