



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 15th November, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Robert Davis (Chairman), Susie Burbridge, Tim Mitchell and Jason Williams

1 MEMBERSHIP

- 1.1 It was noted that Councillor Jason Williams had replaced Councillor David Boothroyd.

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, DP9, Gerald Eve and Turleys.
- 2.5 Councillor Davis then made the following further declarations as they related to the specific applications on the agenda:

Item 1: That he knows the Directors of Qatari Diar and had received hospitality from them in the past. He also knows the Directors of Four Communications, Gerald Eve and the Grosvenor Estate who hold land interests in the area. He also declared that he knows the Architects for the scheme and had held meetings with the applicants in relation to the application. A plaque bearing his name was located on the Embassy building.

Item 2: That he knows the Directors of Belgrave and Alchemi and that he had attended meetings with the applicant.

Item 3: That he knows the Directors of Four Communications and had held a meeting with the applicant.

Item 4: He knows the Directors of Turleys and Four Communications. He also knows the Directors of Berkeley and has received hospitality from them. Some of the Directors from Berkeleys had made bids for auction items at a gala dinner arranged by the Sir Simon Milton Foundation. He had held meetings with the applicants in relation to the site and had chaired the committee meeting that had considered an application for the adjacent site.

Item 5: He knows the Directors of DP9, Four Communications and the Architect for the scheme. He has also held meetings with the applicants regarding the proposal.

Item 6: He knows the Directors of Four Communications and had held meetings with the applicants in relation to the application.

2.6 Councillor Tim Mitchell declared that any Members of the Majority Party who had or would make representations in respect of the applications on the agenda were his friends. He also advised that in his capacity as a Councillor for St James's Ward, and as Cabinet Member for Finance responsible for the City Council's property portfolio, he regularly met with members of the planning and property industry as well as residents' associations and amenity groups. He also knew planning consultancy companies that were representing the applicants on a number of items on the current agenda, including DP9, Turleys, Belgrave, Four Communications and Gerald Eve.

2.7 Councillor Mitchell then made the following further declarations as they related to the specific applications on the agenda:

Item 1: That he had sat on the committee that had previously considered applications for the site. That he knows Directors of Qatari Diar and the Grosvenor Estate.

Item 2: That the site is located in his ward. He had received representations from both the applicant and the objectors to the application.

Item 4: That he had sat on the committee that had considered the application for the adjacent site.

2.8 Councillor Susie Burbridge declared that any Members of the Majority Party and Minority 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. She further advised that she sometimes met people from the property industry but had not been contacted by anyone in relation to the applications on the agenda. She declared in respect of Item 4 that she had sat on the committee that had considered an application for the adjacent site.

2.9 Councillor Williams declared that he has regularly met the Directors of Qatari Diar as they own the former Chelsea Barracks site which is located in his ward. He also declared that the Grosvenor Estate have property holdings in his ward. However, he had not discussed the application with either party.

3 MINUTES

3.1 **RESOLVED:** That the minutes of the meeting held on 18 October 2016 be signed by the chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 AMERICAN EMBASSY, 24-31 GROSVENOR SQUARE, LONDON, W1A 1AE

Alterations to the existing building including retention & repair of the front and side facades, part demolition & replacement of the rear facade, rear extension of the 2nd-5th floors, removal of existing & introduction of a new 6th floor, introduction of a new set-back 7th floor, extension of the existing basement levels to include two additional

basement levels (including one mezzanine level), installation of roof plant & plant screen, public realm works including hard & soft landscaping, removal of the security kiosks, fencing, bollards & gates/barriers to Blackburne's Mews & Culross Street, removal & replacement of 6 No. trees on the Grosvenor Square frontage & re-opening of the road on the western side of the Square, all in connection with the use of the building as a hotel (Class C1) comprising up to 137 hotel rooms, with flexible retail/restaurant use at part 1st floor, ground floor and basement 1 (Class A1/Class A3/Class C1), flexible retail at part ground and first floor levels (Class A1/Class C1), flexible restaurant/bar use at part 7th floor (Class A3/Class A4/Class C1), leisure/spa facilities within part basement (Class D2/Class C1) & ancillary ballroom, event spaces, back of house facilities & associated car, cycle parking & servicing facilities accessed from Blackburne's Mews; other associated internal works including replacement of all windows with double glazing, and external works including removal of the glacies & balustrade, reconfiguration of front & side entrances & steps & addition of canopies over each entrance & relocation of Eagle sculpture to centre of the front elevation of new 6th floor.

The presenting officer tabled the following amendments:

Condition 9

Notwithstanding what is shown on the approved plans, you must apply to us for approval of detailed drawings and supporting information showing the following alterations to the scheme: replacement of the low level kitchen extract system to get rid of all cooking smells, with a ventilation system that discharges all cooking fumes at roof level, including details of how it will be built and how it will look. You must not begin any construction works on the new building following completion of demolition works allowed by this permission until we have approved what you have sent us. You must then carry out the work according to the approved details and thereafter permanently maintain the high level extraction.

[No change to reason for condition]

Condition 17

In the event that the units at basement, ground and first floor levels shown on the approved plan for 'Retail (Flexible Class A1/C1)' and 'Retail/Restaurant (Flexible Class A1/A3/C1), ~~and~~ the area at seventh floor level designated as 'Restaurant/Bar (Flexible Class A3/A4/C1), and the spa/similar type of leisure facility at basement level 2 (Flexible Class D2/C1) are operated by the hotel as ancillary uses within Class C1, they must remain open to members of the general public (whether or not they are guests at the hotel or visitors of hotel guests) and shall not be used for any other hotel activity other than retail, restaurant ~~or~~ bar and spa/similar type of leisure facility as indicated. These units must be fitted out and made ready for occupation before commencement of the hotel use in the remainder of the development.

[No change to reason for condition]

New Condition and Reason 51 [Travel Plan]

You must comply with the approved Framework Travel Plan as set out in the approved Transport Operations Plan (ref. 22863201, June 2016). You must not start any of the uses until we have approved details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Travel Plan are not being met over a period of five years from the date the new building is occupied.

Reason: As requested by the Greater London Authority, and to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

Amended recommendation (part 1. f) only)

f) a contribution of ~~£207,000~~ £166,266 towards the Council's carbon offset fund.

An additional representation was received from Gerald Eve (11.11.16).

A late representation was received from Highways Planning Manager (1.11.16).

RESOLVED:

1. Subject to the Mayor of London's Direction, conditional permission be granted subject to:
 - A. The inclusion of a legal agreement that secures the following:
 - a) the removal of the security fences, security huts, gates, raised planters and bollards surrounding the site and situated within Grosvenor Square, Blackburne's Mews and Culross Street and the reopening of the roads. This to be implemented as soon as possible and prior to the commencement of any works on the building;
 - b) all associated costs for the re-introduction of vehicular traffic on the west side of Grosvenor Square which is to be paid for by the developer and implemented prior to the occupation of any part of the development;
 - c) all associated costs for highway works immediately surrounding the site required for the development to occur, including alterations of vehicle crossovers in Blackburne's Mews, and associated works. This to be paid for by the developer and implemented prior to the occupation of any part of the development;
 - d) the relocation within Grosvenor Square of the statues of President Reagan and President Eisenhower and associated works, subject to securing separate planning permission;
 - e) management and maintenance of the car lifts;

- f) a contribution of £166,266 towards the Council's carbon offset fund.
 - B. Amendments to conditions 9 and 17 as tabled and set out above.
 - C. A new condition 51 relating to a Framework Travel Plan as tabled and set out above subject to this being restricted to staff only.
 - D. Deleting condition 34 which is redundant and is now covered by the legal agreement.
 - E. Amending condition 29 to require mature trees to replace those which are shown to be removed or transplanted.
 - F. Amending condition 25 which requires approval of a revised strategy for managing VIPs arriving at and departing from the building so that proposals avoid the use of the rear of the building.
2. That conditional listed building consent be granted.
 3. That the reasons for granting listed building consent as set out in Informative 1 of the draft be agreed.

2 WESTMINSTER FIRE STATION, 4 GREYCOAT PLACE, LONDON, SW1P 1SB

Use of the fire station (ground floor) as Class A3 and (four upper floors) as Class C3 use (6 flats) with associated internal and external alterations. Demolition of the existing rear buildings and replacement with a five storey residential building to provide 11 flats with balconies, excavation of one storey basement under the entire footprint of the site to accommodate A3 use and residential use. Installation of photovoltaic panels to roof level of rear building. Rebuilding of the existing rear tower with installation of plant on top.

Additional representations were received from Bruce Rayner (undated), Mr Toshimichi and Fay Okita (undated), Suzie Rogers (undated), Andrew Good (undated), Derek Butler (undated), Guido Contesso (undated), Dr John Temple (undated), Tim Benton (undated), Michael O'Brien (undated) and Charles Rose (7.11.16).

Late representations were received from Firstport (14.11.16), Charles Rose (14.11.16), Emmett de Monterey (11.11.16), Cameron Jones Planning (14.11.16), Delva Patman Redler (9.11.16), Clare Annamalai (13.11.16), Stewart Marshall and Paul Manning (undated), Susan Timbrell (13.11.16), Michael Clements (13.11.16), Jonathan Jempson (11.11.16), Rozanne Thomas (10.11.16), Martin Fricker (9.11.16), Antoine and Maximilienne Dupont-Madinier (9.11.16) and Turley Associates (15.11.16).

The presenting officer tabled a revised table that related to the results of the Sunlight assessment for affected properties in Strutton Ground and Artillery Mansions that was set out on page 82 of the report. This included the results for those properties in Artillery Mansions with balconies in place and without balconies.

RESOLVED:

That determination of the application be deferred for the applicant to:

1. Consider setting back the proposed five storey residential building to improve the amenity to the residents in Artillery Mansions.
2. Consider establishing a community liaison group during development.
3. Ensure that disabled access to the adjoined site is not affected whilst works take place.
4. Agree that the £500,000 contribution towards a Breast Cancer Care Centre in lieu of the provision of a social and community facility on-site is index linked.

3 50 EASTBOURNE TERRACE, LONDON, W2 6LX

Demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews.

The presenting officer tabled the following correction to the report and amendments to conditions in the draft decision letter:

Amendments in Bold

1. AMEND paragraph 8.10 (page 152) to state the following:

*"The estimated Mayoral CIL and the estimated Westminster Council CIL payment is £687,557.48. **This site is also within an area subject to the Crossrail Planning Obligation and a "top up" payment (i.e. the difference between the Mayoral Cil and Crossrail Planning Obligation) is also payable. This payment is estimated to be £130,490 (pre-indexation) and it is recommended that this is secured by condition. It should be noted that the above figures are subject to any exemptions or relief that may be applicable**".*

REASON: The report omits mention of the Crossrail Planning Obligation which is applicable given this sites location.

2. AMEND condition 13 (page 164) as follows:
*"{**Pre Commencement Condition**}. You must not start work on the site until we have approved appropriate arrangements to secure the following.*

i. Unallocated parking;

ii. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;

iii. Employment and Training Strategy for the construction phase and the operational phase of the development; and

iv Crossrail Planning Obligation

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)".

REASON: To secure the Crossrail Planning Obligation

3. DELETE condition 26 (page 167) as it repeats condition 13 and amend subsequent condition numbering accordingly.

Late representations were received from Hermes Central London GP Ltd (9.11.16) and SEBRA (14.11.16).

RESOLVED:

That conditional permission be granted subject to:

- (1) the amendment to condition 13 and the deletion of condition 26 and amending the subsequent condition numbers as tabled and set out above.
- (2) an additional condition that servicing may not take place between 8pm and 7am and that no takeaways may be sold should a Class A3 restaurant be located in the corner retail unit on Eastbourne Terrace and Craven Road.

4 283 - 329 EDGWARE ROAD AND 5 NEWCASTLE PLACE, LONDON, W2 1DH

Variation of Condition 1 of the planning permission granted 28 April 2016 (ref: 15/11677/FULL) for a redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. NAMELY, incorporation of 283 Edgware Road into site, extension of Block B to provide 20 additional residential units (672 in total), with associated swap in housing tenure with Blocks E and F, associated amendments to permitted public realm and landscaping strategy.

An additional representation was received from Turley Associates (8.11.16).

Late representations were received from Residential Facilities Management Ltd (15.11.16) and Head of Affordable and Private Sector Housing (15.11.16).

RESOLVED:

1. Grant conditional permission, subject to a deed of variation to the section 106 agreement for application ref: 15/11677/FULL to secure:
 - a) Provision of 130 affordable units on-site comprising 51 intermediate units and 79 social rented units. The affordable units to be provided at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 14 March 2016;
 - b) Provision of a financial contribution of £631,000 (index linked) toward the provision of school places directed related to the occupancy of this development;
 - c) Provision of a financial contribution of £863,630 (index linked) toward provision of social and community facilities;
 - d) Provision of a financial contribution of £100,000 (index linked) toward improvements to Paddington Green;
 - e) Provision of a financial contribution of £18,000 (index linked) toward bus stop improvements around the application site;
 - f) Provision of a financial contribution of £200,000 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site;
 - g) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;
 - h) Provision of a financial contribution of £200,000 (index linked) toward possible road widening to be undertaken by TFL on Edgware Road;
 - i) Provision of lifetime car club membership (25 years) for each residential unit in the development;
 - j) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
 - k) Compliance with the Council's Code of Construction Practice and a contribution of £20,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
 - l) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site and its maintenance;
 - m) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District

Heating Scheme (CSDHS). In the event that the, CSDHS does not go ahead, installation of CHP plant on-site;

- n) Offering local employment opportunities during construction; and
- o) Payment of cost of monitoring the agreement (£15,000).

2. If the S106 legal agreement has not been completed by 15 May 2017 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

5 DEVELOPMENT SITE AT 91-93 BAKER STREET, 7 DURWESTON MEWS AND, 2 - 5 CRAWFORD STREET, LONDON

Demolition of existing building, excavation to provide new subbasement and erection of replacement building over sub-basement, basement, ground and between five and seven upper storeys to provide dual alternative Class A1 (Shops) and / or Class A2 (Financial and Professional Services) at part basement and part ground floor level; artist workspace (sui generis) at part basement level; Class A1 (Shops) at part basement and part ground floor level; Class B1 (Office) at part sub-basement, part ground, part first to part fifth and sixth floor levels; 4 x flats (Class C3) at part ground to part fifth floor level; and associated car parking (3 x spaces), cycle parking (41 x spaces) and plant.

An additional representation was received from Platform (9.11.16).

A late representation was received from Councillor Iain Bott (15.11.16)

RESOLVED:

- 1. That conditional permission be granted subject to:
 - A. A legal agreement to secure the following:
 - (a) The submission of a Car Lift Maintenance and Management Plan for the City Council's approval and adherence to this Plan for the life of the development.
 - (b) The artist workspace at basement level to be provided at a peppercorn rent for a minimum period of 25 years.

- (c) Unallocated car parking.
 - (d) The costs of monitoring the S106 legal agreement.
- B. Reserving for approval the materials for the upper two floors which need to be revised.
2. If the S106 legal agreement has not been completed within three 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.

6 11 BERKELEY STREET, LONDON, W1J 8DS

Use of part-ground and part-basement levels as a restaurant (Class A3). Installation of associated plant including air condenser unit and combined gas boiler and flue at main roof level and 4no. external kitchen extract ducts and 3no. air supply ducts rising from to basement to first floor levels on the rear southern elevation and across the roof at second floor level leading to 2no. filtered extraction units and a fresh air handling unit, extension of the 2no. extract ducts from second floor level to high level positioned on the side wall of 38 Dover Street. Creation of a smoking terrace on southern elevation within lightwell comprising of decking on cantilever steel supports and a frosted glass roof.

Late representations were received from ERCO Lighting Ltd (15.11.16) and Samsa Brand Management (November 2016).

RESOLVED:

That conditional permission be refused on the grounds that the proposed change of use will lead to a saturation of restaurants in this part of Berkeley Street to the detriment to the amenity of residents in the area and the character and function of this part of the Mayfair Conservation Area.

The Meeting ended at 8.59 pm

CHAIRMAN: _____

DATE _____

