



CITY OF WESTMINSTER

# MINUTES

## Planning Applications Committee (1)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 17th January, 2017**, 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 David Boothroyd

**Also Present:** Councillors Lindsey Hall, Robert Rigby, Judith Warner and Daniel Astaire (Item 1)

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 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 DP9, Gerald Eve, Belgrave, Rolfe Judd and Four Communications.
- 2.5 Councillor Davis then made the following further declarations as they related to the specific applications on the agenda:

Item 1 - That he is of the Jewish faith but is not religious and therefore does not comply with the rules that govern an Eruv. He is a member of a synagogue but it is located outside of the proposed Eruv. He knows many of the objectors and supporters that have made representations on the application as well as the directors of Four Communications.

Item 2 - He has had meetings with the applicants and knows directors of Four Communications.

Item 3 - He has had meetings with the applicants and knows the directors of Gerald Eve.

Item 4 - A previous scheme had been considered by the committee. He knows the directors of Gerald Eve and the architects and had meetings with the applicants.

Item 5 - This was an amending application and the original application had been considered by the committee. He had met and knows the owners of the site.

Item 6 - The principal application had been considered by the committee and this was an amending application. He knows the applicants and the directors of Gerald Eve as well as some of the objectors to the application.

Item 7 - He knows the applicants and has received hospitality from them. He also knows the architects and had received a tour of the premises for different purposes.

Item 8 - He knows the applicants, proposed operator and the agent in Daniel Rinsler. He had had meetings with the applicant about Albemarle Street generally.

Item 9 - The principal application to alter the hotel had been granted by the committee previously. He had had several meetings with the applicants and being on a site visit about general works at the hotel. He had met and got to know the applicants and had received hospitality from them some years ago.

Item 10 - The application had been to committee previously. He knows the applicants, knows some of their consultants, the architect architects and the artist that created the art on the building.

Item 11 - The application had been considered by the committee previously. He knows the directors of Four Communications, Shaftesbury and Rolfe Judd.

Item 12 -He had held meetings with the applicant and knows the directors of DP9.

Item 13 - The site is located in his Ward. He has had meetings with the applicants and knows Robert Winkley, the agent, who used to work for the City Council.

Item 14 - The site is located in his Ward, the principal application for the site had been considered by the committee previously and he has met the applicants through earlier schemes.

- 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, Four Communications, Belgrave, DP9, Gerald Eve, CBRE, Savills and Rolfe Judd.
- 2.7 Councillor Mitchell then made the following further declarations as they related to the specific applications on the agenda. In respect of item 3 he declared that the site is located in his Ward. He had received a presentation from the applicants on this scheme and has received hospitality from them previously. In respect of items 6, 7, 9, 10 & 11 he declared that applications for these sites had been considered by the committee previously which he had sat on. With regard to item 11, he declared that he knows the directors and managers of Shaftesbury.

- 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 that she does meet architects and developers from time to time but had not seen or spoken to any in relation to the applications on the agenda. With regards to the specific items on the agenda she declared in respect of items 4, 5, 7, 10, and 11 that she had sat on the committee when it had considered applications for these sites previously. In respect of item 5 she further declared that she sat on the Licensing Sub-Committee that had reviewed the licence for a bar on Chiltern Street that shared the same operator as the hotel. With regards to item 12 she declared that she had recently placed a deposit to buy a Tesla car.

Having noted that this was the chairman's last planning meeting having sat on such committees for 17 years she expressed praise and thanks for his service stating that she had learnt a great deal from him.

- 2.9 Councillor David Boothroyd read out the following declaration:

I am Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. No current clients are in Westminster; if there were I would be precluded from working on them under the company's code of conduct.

Some Thorncliffe clients have engaged planning consultants who are also representing the applicants tonight: DP9 on items 2 and 12, Gerald Eve on items 3, 4 and 6, CBRE on item 5, Savills on item 9, Bidwells on item 10, Rolfe Judd Planning on items 11 and 13. However I do not deal directly with clients or other members of project teams, and planning consultants are not themselves clients.

On item 1, six of the poles are proposed for sites in my ward. Ward councillors were contacted by Rabbi Binstock of St John's Wood Synagogue, on behalf of the applicant, last year. Cllr Papya Qureshi, who I understand intends to make a representation, is a friend.

On item 3 there is a reference in the blue representations to a letter from Sir Terence English which I could not find; in case it is relevant, I should note that Sir Terence English was Master of St Catharine's College, Cambridge when I was a student there in 1993-94.

On item 6, one of the objectors is managing director of the Shaw Corporation who are current clients of Thorncliffe in respect of a scheme in Lambeth.

I was a member of previous committees deciding applications on the sites of items 4, 5, 6, 7, 10, and 11.

- 2.10 Councillor Daniel Astaire declared in respect of item 1 that he is a member of the St John's Wood Synagogue and will be the Cabinet Member with responsibility for planning in due course.

### 3 MINUTES

- 3.1 The Presiding Officer tabled a proposed amendment to item 1, (1.5) (Paddington Sorting & Delivery, 31 London Street, W2 1DJ) of the minutes of the meeting held on 6 December 2016. She explained that this was for clarification purposes.

The Committee approved the addition of the text in italics:

5. Developer to fund the cost of highway works immediately surrounding the site, required for the development to occur/mitigate the impact of the development. ***This is to include the revised offer put forward by the applicant to pay for the construction of the preferred access road for St Mary's hospital are set out in the letter dated 5 December 2016 and to pay for the costs of temporary buildings on the St Mary's site.***

- 3.2 **RESOLVED:** That the minutes of the meeting held on 6 December 2016 be signed by the Chairman as a correct record of proceedings subject to the amendments to as tabled and set out above.

### 4 PLANNING APPLICATIONS

#### 1 VARIOUS LOCATIONS NW8, NW6, W9 WITHIN NORTH WESTMINSTER INCLUDING PRINCE ALBERT ROAD, LONDON

Erection of 26 sets (1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6.

Additional representations were received from:

1. Officer Note
2. Representation from Councillor Arzymanow (Little Venice Ward) dated 12.01.2017.
3. Representation from Councillor Thomas Crockett (Maida Vale Ward) dated 13.01.2017
4. Representation from Councillor Caplan (Little Venice Ward) dated 13.01.2017
5. Representation from the Islamic Cultural Centre & London Central Mosque Trust Ltd, 146 Park Road London NW8 7RG dated 11.01.2017.
6. Letter from the United Synagogue 305 Ballards Lane London N12 8GB
7. Representation from the occupier of 65 Eton Avenue Flat 5 dated 04.01.2014
8. Representation from the occupier of Flat 3 75 Shirland Road dated 09.01.2017
9. Representation from the occupier of Flat 5, 46 Hamilton Gardens dated 09.01.2017
10. Representation from the occupier of Flat 7, 105 Elgin Avenue dated 09.01.2016

11. Representation from the occupier of Flat 2 13-14 Gloucester Square London.
12. Representation from the occupier of 43 Hogarth Hill London

Late representations were received from:

1. Officers revisions to draft decision letter
2. Email from Councillor Prendergast (Maida Vale Ward) dated 17.01.2017
3. Email from Councillor Qureshi (Westbourne Ward) dated 17.01.2017
4. Email from Metropolitan Police Service MPS Crime Prevention & TP Capability dated 10.01.2017.
5. Email from the occupier of The Garden Flat 221 Elgin Avenue London dated 16.01.2017
6. Email from the occupier of 19 Ordnance Hill London dated 16.01.2017
7. Emails (x4) from the occupier of Flat 5, 46 Hamilton Gardens dated 16.01.2017.
8. Email from the occupier of 15 Cunningham Place dated 17.01.2017

The Presenting Officer tabled the following changes to the draft decision letter on the case:

#### Revised wording of condition 2

You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- a. Relocation of poles 1A/B
- b. Relocation of poles 2A/B
- c. Relocation of pole 25B
- d. Relocation of pole 27A
- e. Relocation of 33A/B
- f. Relocation of 37B
- g. Relocation of 39B/C
- h.:Location of any other additional poles to accommodate the relocation of the above poles.
- i). Amended drawings to accurately reflect current on-site circumstances including existing street furniture.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

#### Additional informative (No.7)

You should be aware that details submitted under condition 2 will be subject to full consultation and assessment.

Councillors Hall, Rigby and Warner addressed the committee in their capacity as Ward councillors in objection to the application.

Councillor Astaire addressed the committee in his capacity as a Ward councillor in support of the application.

## RESOLVED:

1.
  - a) The Committee considered that the advantages to parts of the Jewish community, outweigh the harm caused by additional street clutter and street pruning and harm to the setting of heritage assets.
  - b) The Committee considered that poles 1A/B, 2 A/B, 25B, 27A, 33 A/B, 37B, and 39 C require further changes and these can be dealt with by an amending condition as tabled and set out above.
2. Subject to 1. above, permission be granted subject to an amending condition as tabled and set out above to secure amendments under 1b above, and subject to the additional informative and the completion of a s106 legal agreement to secure:-
  - I. Maintenance Strategy for poles and wire.
  - II. Cost of maintenance of street trees
  - III. Applicant to take on public liability.
3. 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.

Councillor Burbridge dissented with the decision.

## **2 33 GROSVENOR PLACE, LONDON, SW1X 7HY**

Redevelopment behind retained facades to create a medical clinic (Class C2), including alterations to the existing northern, southern and eastern elevations; partial demolition and redevelopment of the existing western elevation along with additional alterations including the creation of a servicing and delivery bay; minor excavation at basement level including provision of lift pits and water attenuation tanks; demolition and redevelopment of the existing fifth floor level; addition of roof top extension at sixth floor level for plant machinery; infill of the existing atria; and other associated alterations.

Additional representations were received from: Cleveland Clinic (11.1.17); Olga Kabysh (11.1.17); Tatiana Kabysh (11.1.17); David Spencer (17.1.17); Charles Russell (11.1.17) and Maristella Caldeira (12.1.17).

Late representations were received from Harald Einsmann (16.1.17); Faith Whitman (16.1.17); Dr Philip David (16.1.17); Hilary David (16.1.17); Dulce Packard (16.1.17); and Susan Murray (3.1.17).

**RESOLVED:**

1. That conditional permission be granted subject to:
  - A) a S106 legal agreement to secure:
    - i) A contribution to the Council's carbon off-setting fund of £642,600;
    - ii) The setting up of a Community Liaison Group and detailed emergency services and valet/car parking strategy);
    - iii) Highway works surrounding site;
    - iv) A contribution of £75,000 towards the Transport for London safety scheme;
    - v) A Travel Plan;
    - vi) The provision of employment, training and local procurement opportunities;
    - vii) Monitoring costs.
  - B) An additional condition reserving details of an Operational Management Plan that should be subject to consultation with local residents and local amenity groups.
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; if so, the Director of Planning is authorised to determine the



application and agree appropriate reasons for refusal under Delegated Powers.

### **3 35 - 43 LINCOLN'S INN FIELDS, LONDON, WC2A 3PP**

Partial demolition, refurbishment and redevelopment of the Royal College of Surgeons (Barry Building: 39-43 Lincoln's Inn Fields) to provide new accommodation for the College (Class D1); including alterations at roof level and a new building comprising 2 levels of basement, ground and six upper floors, set behind the retained front façade and front range of the Barry Building. Installation of associated plant and equipment; alterations to the front forecourt of the building to provide level access and cycle parking; and associated works.

Additional representations were received from: Royal College of Surgeons (12.1.17) and Chris Adams (21.12.16).

Late representations were received from Historic England (17.1.17); David Jones (15.1.17) and Anthony Addison (15.1.17).

The presenting officer tabled some additional information in relation to Section 8.2 of the report as well as the following changes to the draft decision letters.

#### **Addition of the following to section 8.2 of the report:**

Since the report was published an additional historic staircase which rises between ground and first floors is a part of the demolition proposals. It had previously been thought to be within the Nuffield Building.

The loss of this staircase must be considered to represent an additional element of harm to the significance of the listed building. Originally part of Salter's alterations to the original Barry designed building, this staircase originally rose from ground to third floors, but was reduced to a single level (ground to first) in the 1930s. It is a limited remnant of its original form, and being a back staircase it is also of much lesser significance than the original main staircase.

It is still considered that, subject to its salvage and reuse being secured by condition, the overall harm remains less than substantial, and is justified by the significant public benefits of the overall proposals.

#### **Additional condition to planning permission ref: 16/09110/FULL.**

24. You must not occupy any part of the development until the replacement Hunterian Museum has been completed as set out on the approved drawings.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016)

#### **Additional condition to listed building consent ref: 16/09111/LBC.**

7. You must not occupy any part of the development until the following benefits have been completed in accordance with approved details:

a) the repairs to the retained Barry facade, roof, library rooms, internalised rear facade, front railings, gate piers and lanterns (subject to approval under Condition 4f of this consent).

b) the masonry cleaning (subject to approval under Condition 4g of this consent)

c) The salvage of the agreed internal building elements and their reuse within the site (subject to approval under Condition 5c of this consent).

d) The retention of the Hunter Memorial (subject to approval under Condition 5d of this consent).

Reason:

To ensure the benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) are provided and to protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Strand Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

#### **RESOLVED:**

1. That conditional permission be granted including a Grampian Condition to secure mitigation measures for the failure of the development to provide adequate on site carbon reduction and subject to the additional condition tabled and set out above.
2. That conditional listed building consent be granted subject to the additional condition tabled and set out above.
3. That the reasons for granting conditional listed building consent as set out in informative 1 of the draft decision letter be agreed.
- 4 **18, 20-24 BROADWICK STREET AND 85 BERWICK STREET, LONDON, W1F 8JB**

Demolition of 20-24 Broadwick Street and 85 Berwick Street and partial demolition of 18 Broadwick Street and redevelopment of the site to provide new buildings comprising three basement levels, ground floor and first to eighth floor levels in connection with the use of the buildings for retail (Class A1) at part basement and ground and a hotel (Class C1) with up to 69 bedrooms, with associated bar and restaurant facilities including terraces at sixth and seventh floor levels; installation of plant at basement level and on the rear elevation at first to sixth floor levels. Installation of a partially retractable roof over the bar area at eighth floor level.

An additional representation was received from: Noel Hayden (10.1.17).

**RESOLVED:** The Committee considered that the proposed design is of a high quality and will not have a detrimental impact on the Soho Conservation Area.

In light of this, planning permission be granted subject to the completion of a s106 legal agreement to secure:

- i. highway works
- ii. a carbon offsetting payment (sum to be finalised)
- iii. monitoring costs
- iv. an operational management plan

Conditions to be determined by officers under delegated powers subject to consultation with and agreement by the chairman.

## **5 1 CHILTERN STREET, LONDON, W1U 7PA**

Variation of Conditions 1, 8, 9, 23, 26 and 31 of planning permission dated 18 December 2014 (RN: 14/08741) for use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY; to vary the wording of Condition 8 to remove reference to a bar and identify the areas of the hotel to which non-resident hotel guests can have access to and remain on the premises after 2400 hours; to revise Condition 9 to refer to an updated Management Plan; to vary condition 23 (to clarify the areas of the hotel restricted by the capacity condition) and revisions to Conditions 1, 26 and 31 to refer to an updated drawing number for a revised Ground Floor plan.

A late representation was received from Councillor Scarborough (16.1.17).

### **RESOLVED:**

1. That conditional permission be granted subject to a deed of variation to the existing legal agreement dated 18 December 2014 to refer to this new permission.
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 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.

## **6 84 - 86 GREAT PORTLAND STREET, LONDON, W1W 7NR**

Installation of low level ductwork around the roof at rear third floor level; plant screening around low level ductwork; raising of existing central plant enclosure screen; installation of boiler flue at rear third floor roof level; and alterations to parapet walls and associated works.

Additional representations were received from: Councillor Paul Church (11.1.17), Linus Rees (6.1.17), Middleton Place Residents Association (10.1.17), Jennifer Kavanagh (11.1.17) and Gerard Eve (12.1.17)

Late representations were received from Councillor Glanz (16.1.17) and Great Portland Estates (12.1.17).

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

## **7 55 SHEPHERD MARKET, LONDON, W1J 7PU**

Use of an area of public highway measuring 18.9m x 3.5m for the placing of 15 tables and 37 chairs and associated timber decking, planters with awning support stations and removable glazed screens, timber trellis and free-standing external heaters and lighting in connection with the existing ground floor use.

Additional representations were received from Robin Birley (undated), Daniel Rinsler (undated); Romanys (7.1.17), Emilienne Newman (6.1.17), Scott Collier (7.1.17), Vladimir (6.1.17); Aude Gimonet (7.1.17); E Jefferson (6.1.17), Kay Cavanagh (6.1.17); 6 representations where name was withheld (undated); Amanda Gradden (undated); Francesco Maniscalco (undated); John Barry Noble, Neil Emmerson, Jonathan Calladine, Michael Dagher, Luigi Lanzo and Scott Dunn (undated).

Late representations were received from Romany's (7.1.17) and Emilienne Newman (6.1.17).

**RESOLVED:** Members considered that the glass panels would not have a harmful impact on the listed building.

In light of this, planning permission and Listed Building Consent be granted for a time limited period to 31 August 2018 to tie in with the existing planning permission for tables and chairs.

That conditions be agreed under delegated powers subject to consultation with an agreement by the chairman.

Councillor Boothroyd dissented with the decision.

## **8 25 - 26 ALBEMARLE STREET, LONDON, W1S 4HX**

Use of the ground and basement floors as a restaurant (Class A3), installation of plant at rear first floor level and roof level with a high level extract duct on the rear elevation. Installation of two high level gas flues on the rear elevation and installation of a replacement rooflight at rear first floor level.

Additional representations were received from: Robin Birley (11.1.17) and Daniel Rinsler (10.1.17).

A late representation was received from Buccellati London Ltd (December 2016).

The presenting officer tabled the following changes required to the recommendation on the case:

Revised Condition 6:

You must not sell any take-away food on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

Condition 20 deleted (this is a repeat of Condition 12)

**RESOLVED:** That conditional permission be granted subject to the changes to condition 6 and the deletion of condition 20 as tabled and set out above.

## **9      6 - 14 MANDEVILLE PLACE, LONDON, W1U 2BE**

Extension and reconfiguration of ground and lower ground floors of the Hotel to create additional floorspace beneath a new atrium for conference and event purposes; creation of a new retail unit and a reconfiguration of existing restaurant facing Marylebone Lane with alterations to the ground floor facades; amalgamation of a 1 and 2 bed residential unit at first floor level of No 4 & No 6 Mandeville Place and a rear first floor extension to create a family sized residential unit. Use of ground and lower ground floors of No.4 Mandeville Place as Class D1.

Additional representations were received from: The Mandeville Hotel (11.1.17); Savills (10.1.17) and Highways Planning (undated)

The Presenting Officer tabled the following changes required to the recommendation and conditions in the draft decision letter:

Revised Recommendation:

1. Does the Committee consider that:

i) a financial contribution of £158,607 towards the Council's affordable housing fund in lieu of the loss of on-site residential is acceptable in this case?

2. Subject to 1 above, grant conditional permission, subject to the completion of a S106 legal agreement to secure £158,607, and a deed of modification to the original legal agreement dated 2 July 1982 to enable the ground and lower ground floors of 6 Mandeville Place to be used for hotel purposes.

### Revised Condition 6

Notwithstanding the details shown on the approved plans, you must apply to us for approval of detailed drawings in plan at a scale of 1:100 showing a revised internal layout for the proposed first floor flat. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

### Revised Condition 10

Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

### **RESOLVED:**

1. The committee considered that a financial contribution of £158,607 towards the Council's affordable housing fund in lieu of the loss of on-site residential is acceptable in this case.
2. Subject to 1 above, conditional permission be granted, subject to:
  - A) the completion of a S106 legal agreement to secure £158,607, and a deed of modification to the original legal agreement dated 2 July 1982 to enable the ground and lower ground floors of 6 Mandeville Place to be used for hotel purposes.
  - B) Amending condition is 6 and 10 as tabled and set out above.

### **10 40 BEAK STREET, LONDON, W1F 9RQ**

Variation of Condition 1 of planning permission dated 24 November 2015 (RN: 15/04904/FULL) for the demolition of the existing building and redevelopment to provide a new five storey building (plus basement) for use as Class A3 restaurant at part of ground and basement floors and Class B1 offices at part basement, part ground and first to fifth floors. Creation of terrace at roof level and plant. Excavation of existing basement by one metre; namely, to allow amendments to windows at fourth floor level, revised mullions to shopfront at ground floor level, reduction of width of corner artwork, extended projecting nib at ground floor level, dry riser inlet / entry panel shown; white glazed brickwork incorporated within plant enclosure (to match courtyard) and increase the height of restaurant awnings.

An additional representation was received from Bidwells (11.1.17).

### **RESOLVED:**

1. That conditional permission be granted subject to a deed of variation to the original S106 dated 6 June 2015 to ensure that all the previous planning benefits are secured.

2. 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 would be possible and appropriate to issue the permission with additional conditions attached to secure the benefit 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 the proposals are unacceptable in the absence of the benefit 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.

## 11 57 BROADWICK STREET, LONDON, W1F 9QS

Variation of Conditions 1, 16, 21 and 22 of planning permission dated 29 April 2016 (RN: 15/07957/FULL) alterations and extensions to the existing building including erection of single storey extension at roof level to enlarge fourth floor level and extensions at ground, first, second and third floor levels on north (Broadwick Street), south and west (Marshall Street) elevations to provide ancillary car / cycle parking, ancillary plant and retail (Class A1) at basement level; part retail (Class A1), part dual / alternative retail (Class A1) and / or cafe / restaurant (Class A3), part office entrance (Class B1) and part residential entrance (Class C3) at ground floor level; dual / alternative office (Class B1) and / or retail (Class A1) use at first floor level and installation of plant at rear first floor level; office (Class B1) with rear terraces at second and third floor level; part office (Class B1) with front terraces and two flats (Class C3) with terraces at fourth floor level and installation of kitchen extract plant to fourth floor roof. (Land use swap with Shaftesbury Mansions, 52 Shaftesbury Avenue); namely to vary the approved plans of waste and recycling/cycle parking and residential parking and relocation of the approved electricity substation from basement level to ground floor level.

An additional representation was received from: Environmental Sciences (12.1.17)

Late representations were received from: Shaftesbury Plc (16.1.17) and Gil Reid (17.1.17).

The presenting officer tabled the following changes to the conditions in the draft decision letter:

Condition 9: You must apply to us for approval of details of a supplementary acoustic report demonstrating that the proposed plant at fifth floor level **and the electricity substation at ground floor level** will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**RESOLVED:**

1. That conditional permission be granted subject to:
  - A) a deed of variation to the original S106 dated 29 April 2016 to ensure that all the previous planning benefits are secured.
  - B) Amending condition 9 as tabled and set out above.
2. 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 would be possible and appropriate to issue the permission with additional conditions attached to secure the benefit 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 the proposals are unacceptable in the absence of the benefit 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.

## **12 449 OXFORD STREET, LONDON, W1C 2PS**

Use of part basement, ground and first floors as a composite use comprising car showroom and retail (sui generis).

A late representation was received from Councillor Jonathan Glanz (16.1.17).

**RESOLVED:** That permission be refused due to loss of retail floorspace.

Councillor Burbridge dissented from the decision.

## **13 18 - 22 CRAVEN HILL, LONDON, W2 3EN**

Internal and external works of repair and alteration comprising extensions to the rear of the buildings at lower ground and ground floor, rebuilding of the mansard roof storey, insertion of a passenger lift within No.20, landscaping to the rear garden and use of the three buildings as 24 self-contained residential apartments (Class C3).

An additional representation was received from: Aion Global (11.1.17).

A late representation was received from Sebra (17.1.17).

The presenting officer also tabled a table that set out the proposed total floor space and bedroom sizes for each of the residential units.

**RESOLVED:**



The Committee agreed that the overall improvements to the three listed buildings outweigh the loss of historic fabric to install a lift and openings in the party walls are. The committee also considered that the proposal for 24 self-contained residential apartments results in an improved standard of accommodation and warranted a departure from policy S14.

In light of this, subject to the expiry of the consultation period with London Underground conditional permission and conditional listed building consent be granted subject to conditions to be agreed under delegated powers in consultation with and agreement by the chairman.

**14 COMPASS HOUSE, 22 REDAN PLACE, LONDON, W2 4SA**

Removal of roof level plant enclosures and replacement with a roof level extension to form an additional residential flat with external terraces.

An additional representation was received from Montagu Evans (11.1.17).

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

The Meeting ended at 10.26 pm

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

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