



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 14th February, 2017**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Richard Beddoe (Chairman), David Boothroyd, Susie Burbridge and Christabel Flight.

Also Present: Councillors Louise Hyams (Item 1)

Apologies for Absence: Councillor Tim Mitchell

1 MEMBERSHIP/ELECTION OF CHAIRMAN

- 1.1 Nominations for the post of Chairman were invited. One nomination was received and seconded. There were no further nominations.

RESOLVED:

That Councillor Richard Beddoe be appointed Chairman of Planning Applications Committee (1).

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Richard Beddoe 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 Chairman of 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 Chairman of Planning.

- 2.2 Councillor Beddoe 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 Beddoe also declared that in his capacity as Chairman of Planning he regularly met 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 Beddoe 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 Flight declared that in her capacity as a Ward Councillor she often met with residents, residents associations, amenity societies, businesses, developers, officers, planners and other stakeholders.
- 2.5 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 further advised that that she did 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 item 2 she had sat on the Committee which had considered this application previously.
- 2.6 Councillor David Boothroyd read out the following declaration:

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

Some Thorncliffe clients had engaged planning consultants who were also representing the applicants tonight: Gerald Eve on items 1, 5 and 12, DP9 on items 2 and 6, Montagu Evans on item 3, CBRE on item 4, Bidwells on items 7 and 14, and GVA on item 11. However he do not deal directly with clients or other members of project teams, and planning consultants were not themselves clients.

On item 1, Thorncliffe submitted an unsuccessful bid to do public consultation on this project although he was not involved.

On item 2, he was a member of the committee on 20 October 2015 which considered the previous application on this site.

On item 4 he was a member of the Committee which granted the permission at Nightingale House mentioned in the report.

On item 5, he lived a short distance to the north of Marble Arch, possibly close enough to be affected by the application but not within the consultation boundary.

On item 6 he was a member of the London Library which is based in the north-western corner of St James's Square.

On item 7 he knew some of the objectors who had written in about this application, including Karen Buck MP and Cllr Adam Hug who had forwarded objections. He had also been on various committees deciding the application to redevelop garages at Grove Hall Court.

- 2.7 The Design Officer, Robert Ayton, declared that in respect of Item 1 he was a member of the Victorian Society.

3 MINUTES

- 3.1 **RESOLVED:** That the minutes of the meeting held on 17 January 2017 be signed by the Chairman as a correct record of proceedings subject to the following amendment to Item 13:

“Councillor Burbridge abstained from voting as she had requested that the item be deferred for a site visit.”

4 PLANNING APPLICATIONS

1 OLD WAR OFFICE, WHITEHALL, LONDON, SW1A 2EU

Alterations to the existing building including the creation of new pedestrian and vehicular entrances; alterations to bottle balustrades and parapets; extensions to create three additional storeys at fifth, sixth and seventh floors; extension of the existing basement to create two additional basement storeys; partial demolition and reconstruction of the central wing; demolition, relocation and reconstruction of the facades comprising the Triangular Courtyard incorporating extensions to the existing building at ground to fourth floors; external alterations to the facades comprising the Quadrangle including the creation of new pedestrian entrances; landscaping works to the Quadrangle and Triangular Courtyard; creation of external terraces at fourth, fifth, sixth and seventh floor levels; addition of entrance canopies; alterations to security walls and bollards and the removal and replacement of street trees; all in connection with the change of use of the building from offices (Class B1) to a hotel (Class C1) comprising up to 125 hotel bedrooms/suites with flexible hotel/retail/restaurant/bar use at part ground floor (Class C1/A1/A3/A4), flexible hotel/restaurant use at part lower ground, part ground and part second floors (Class C1/A3); flexible hotel/bar use at part fifth and part sixth floors (Class C1/A4); flexible

retail, leisure, restaurant or bar use at part ground floor (Class A1/D2/C1/A3/A4), leisure/spa facilities within the basement levels and part of the lower ground floor (Class D2/C1) ancillary ballroom, event space and meeting rooms, food and beverage facilities, back of house facilities and associated car and cycle parking and servicing facilities; together with the creation of up to 88 residential dwellings (Class C3) with ancillary communal amenities, associated car and cycle parking and servicing facilities, and other associated works.

Additional representations were received from UNA-UK (08/02/17), Whitehall Court London Ltd (06/02/17) and 57 Whitehall S.a.r.l. (06/02/17).

Late representations were received from The Victorian Society (09/02/17), one interested party (10/02/17), Westminster City Council Head of Affordable and private Sector Housing (09/02/17), Councillor Adam Hug (10/02/17), Westminster City Council's Arboricultural Officer (10/02/17), Artoc Group (06/02/17), WATG (11/02/17), Corinthia Residences (13/02/17), Gerald Eve (10/01/17) and Corinthia Hotels 913/02/17).

The Planning Officer tabled the following amendment to the recommendation and conditions:

Recommendation – wording of S106 obligations:

1. viii) a financial contribution of £302,400 towards the City Council's carbon off-set fund in the first instance (index linked and payable on occupation) and the developer to use reasonable endeavours to connect the development to Whitehall District Heating Scheme (WDHS) within 5 years of occupation with a further carbon offset payment of £352,800 if this has not been achieved.

Amended Conditions

16/09548/FULL

Condition 7 Pre-Commencement Condition:

- (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start any below grade work until we have approved what you have sent us.
- (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

- (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme.

Condition 10

In the event that the units at ground and lower ground floor levels shown on the approved plan for flexible Class A1/A3/A4/C1 and flexible Class A3/C1, the area at fifth and sixth floor levels designated as flexible Class A4/C1 and the spa/leisure facility at basement level flexible Class D2/C1 are operated by the hotel as ancillary uses within Class C1, they must remain open to customers who are 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 to at least shell and core before commencement of the hotel use in the remainder of the development.

Condition 11

Non-hotel guests shall not be permitted within the retail/restaurant/bar units at ground and lower ground floor levels before 06:00 hours or after 02:00 hours each day.

Condition 15

Departures from any functions in the hotel ballroom after midnight shall be via the main hotel entrance on Whitehall or Horse Guards Avenue and not from any of the entrances on Whitehall Palace except in cases of emergency or in the event that Whitehall is closed for a state procession.

Condition 37

You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. This landscaping scheme should include details of planter sizes, their soil volume and the proposed irrigation details using sustainable water sources.

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 landscaping and planting within 3 months; of completing the development (or within any other time limit we agree to in writing).

If you remove any plants or find that they are dying, severely damaged or diseased within two years; of planting them, you must replace them with plants of a similar size and species.

Condition 40

You must apply to us for approval of a revised energy strategy for the development within six months of the date of this decision. The revised energy strategy must i) omit the CHP currently proposed and ii) include capacity for a potential future

connection to an upgraded Whitehall District Heating Service (WDHS). You must then carry out the measures included in the revised energy strategy at all times the development is in use.

Delete Condition 42

16/09549/LBC

Condition 5 Pre-Commencement Condition

- (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start any below grade work until we have approved what you have sent us.
- (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.
- (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme.

Additional Informative

16/09548/FULL

23. The Dawn Redwood trees on Whitehall Court (Tree Number T1, T2, T3 and T4 in the tree survey) were planted to commemorate the 40th Anniversary of the United Nations in 1985. The trees have significant cultural importance and the protection of these trees will need to be of the highest standard to ensure that they come to no harm during the development and that their long term health and visual amenity is not affected directly or indirectly by the work.

Councillor Louise Hyams addressed the committee in her capacity as a Ward councillor.

RESOLVED:

- 1) That subject to the following revised conditions:
 - i) Those tabled above aside from Condition 11 which would retain its original wording;
 - ii) An additional condition requiring the retention of bottle balustrades to the western end of the Whitehall Place elevation of the hotel; and
 - iii) The deletion of Condition 42.

conditional permission be granted subject to the revised S106 legal agreement as tabled above to secure the following:

- i) A financial contribution of £10m towards the City Council's affordable housing fund (index linked and payable on commencement of development) in lieu of on-site affordable housing.
- ii) The hotel and commercial floorspace to be provided as part of the development is not to be occupied until the residential accommodation to be provided as part of the development has been made ready for occupation.
- iii) Operational Management Plan for the hotel, restaurants, bars, ballroom and spa facility.
- iv) Public Access Strategy for the Hotel Suites of Principal Historic Significance to secure a minimum of ten days access, including two Sundays, per annum.
- v) An employment and training opportunities strategy.
- vi) Payment for all necessary highway works including the following to be carried out prior to the occupation of the hotel:
 - changes to parking bays to accommodate the new vehicular entrances to the building and to re-provide lost parking places elsewhere if possible.
 - move the coach stop on Horse Guards Avenue
 - provide a facility for taxis on Horse Guards Avenue
 - move the bus shelter on Whitehall
 - remove the security walls and bollards from Whitehall and make other changes to accommodate vehicular access to the building whilst still providing a secure scheme.
 - re-paving of the footways around the site
 - removal and replacement of street trees
- vii) Car Parking Management Plan - to include:
 - provision of residential car parking on an unallocated basis
 - to ensure that residents and hotel guests are only using their agreed provision of car parking spaces
 - supervision, operation and maintenance of car lifts
- viii) a financial contribution of £302,400 towards the City Council's carbon off-set fund in the first instance (index linked and payable on occupation) and the developer to use reasonable endeavours to connect the development to Whitehall District Heating Scheme (WDHS) within 5 years of occupation with a further carbon offset payment of £352,800 (index linked) if this has not been achieved.

- ix) Establishment of a Residents Liaison Group meeting with minimum bi-monthly stakeholder meetings during and immediately prior to the commencement of development.
 - x) Costs of monitoring.
- 2) That if the S106 legal agreement had not been completed within eight 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.

Councillor Boothroyd dissented from the decision.

2 22 HANOVER SQUARE, LONDON, W1S 1JA

Demolition and redevelopment to provide a new building on three basement levels, lower ground, ground and first to ninth/eleventh floors to provide a hotel with ancillary bars / restaurants / leisure facilities and private dining / meeting rooms (Class C1), up to 81 residential units (Class C3), flexible / alternative restaurant (Class A3) / hotel restaurant (Class C1) / retail (Class A1) use on part ground and part lower ground floors, basement car and cycle parking, plant at basement and roof levels, alterations to existing access on Brook Street and associated works.

A late representation was received from Clivedale (undated).

The Planning Officer circulated the following proposed amendments to the conditions:

Amendment to Condition 50

You must apply to us for approval of

- i) Plans showing the layouts of the flats hereby approved, or amended plans showing the revised flat layouts should fewer than 81 units be provided, and

- ii) Key plans and detailed drawings showing the location and design of the proposed interstitial blinds, which accord with the proposed flat layouts under i)

You must not start any work on these parts of the development until we have approved what you have sent for us.

You must then carry out the work according to these approved drawings. (C26DB)

No change to reasons for conditions.

New Condition 54

This permission must be commenced no later than 28 April 2019

Reason

As requested as part of the application, due to the special circumstances of this case and because we cannot grant planning permission beyond the expiry of the planning permission granted on 29 April 2015 (RN 15/09372/FULL), which must be commenced no later than the above date, because it would not meet S1 and S20 of Westminster's City Plan (November 2016).

RESOLVED:

- 1) That the Committee considered, in view of the previous scheme which provided 41 flats and delivered £12m of S106 contributions for affordable housing and public realm improvements, that the applicant's total proposed contribution of £12m for affordable housing, public realm improvements and CIL (£2,476,452) was acceptable.
- 2) That the Committee considered that, as previously, £2m should be directed to public realm improvements.
- 3) That subject to 1 and 2 above and referral to the Mayor of London conditional permission be granted subject to the revised conditions tabled and a S106 legal agreement to secure:
 - i) A contribution of £7,523,548 towards the City Council's affordable housing fund (index linked and payable upon commencement of development) and £2m towards public realm improvements in Hanover Square.
 - ii) Costs relating to highways works around the site to facilitate the development (including creation of a relocated crossover).
 - iii) Provision of unallocated residential parking.

- iv) Lifetime car club membership (minimum 25 years) for each residential unit payable on first occupation.
 - v) A lift management and maintenance plan.
 - vi) An employment and training opportunities strategy.
 - vii) Monitoring costs.
- 4) That if the S106 legal agreement had 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.

Councillor Boothroyd dissented from the decision.

3 APPLICATION 1: MACINTOSH HOUSE, 54 BEAUMONT STREET, LONDON, W1G 6DW APPLICATION 2: 7 PARK CRESCENT, LONDON, W1B 1PQ

- 1) Demolition of existing building and erection of a new building comprising 2 x basements, ground and part four and part five upper floors for with plant at roof level for use medical purposes (Class D1).
- 2) Alterations to the front elevation at lower ground, ground and first floors, and replacement windows to the rear elevation at ground, first and mezzanine levels, insertion of roof lights and courtyards to lower ground floor level and internal alterations in connection with the use as 7 residential flats (C3).

The Planning Officer circulated the Draft Decision Letter.

An additional representation was received from a local resident (27/10/16).

RESOLVED:

Site 1:

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

- i) The provision of 7 residential flats (ready for occupation) at 7 Park Crescent on or before the date of occupation of Macintosh House 54 Beaumont Street for medical purposes (Class D1).
2. That if the S106 legal agreement had 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.

Site 2:

- 3) That conditional permission be granted, subject to a S106 legal agreement to secure the following:
 - i) Not to occupy 7-8 Park Crescent for residential purposes (Class C3) prior to the commencement of development at Macintosh House 54 Beaumont Street in connection with the provision of the medical floorspace approved under application 16/09208/FULL.
 - ii) Lifetime car club membership (minimum 25 years) for each residential unit payable on first occupation.
2. That if the S106 legal agreement had 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 conditional listed building consent be granted.

- 4) That the reason for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

4 61 CURZON STREET, LONDON, W1J 8PD

Demolition of existing building and erection of a new building of lower ground, ground plus eight upper storeys to comprise offices (Use Class B1), a retail unit (Use Class A1) on part of the ground and lower ground floor level and mechanical plant and solar photovoltaic panels at roof level and associated highway works.

The Planning Officer tabled the following amendments to the recommendation and Condition 14:

Recommendation

~~Subject to referral to the Mayor of London~~ Grant conditional permission, including Grampian condition to secure the on-street changes to move the taxi bay on Curzon Street and provide room for servicing vehicles.

Condition 14

~~You must apply to us for approval of a revised layout of the cycle parking, annotated to show the provision of short stay cycle parking in publically accessible areas. You must occupy the building until we have approved what you have sent us. You must then provide each of the 40 cycle parking spaces (with at least six spaces clearly designated as short stay parking) shown on the approved drawings P(0)0001 Rev H, and the proposed cyclist changing and locker facilities, prior to occupation. Thereafter the cycle spaces and cyclist changing and locker facilities must be retained and the space used for no other purpose without the prior written consent of the local planning authority. Measures to advise visitors of the location of short stay cycle parking shall be set out in the Workplace Travel Plan required by condition 15, including a supplementary plan identifying the location of the short stay parking in the basement for visitors.~~

[No change to reason for condition]

RESOLVED:

That subject to the above revision to Condition 14 conditional permission be granted, including Grampian condition to secure the on-street changes to move the taxi bay on Curzon Street and provide room for servicing vehicles.

5 MARBLE ARCH AT MARBLE ARCH, LONDON, W1H 7DX

Use of part of Marble Arch Island as theatre event space for a temporary period from 7th April 2017 to 6th December 2017, including installation of enclosed temporary theatrical production structure (with approximately 650 audience seats) associated structures and associated works.

Late representations were received from the South East Bayswater Residents' Association (14/02/17) and the Friends of Hyde Park & Kensington Gardens (14/02/17).

RESOLVED:

That conditional permission be granted.

6 NORFOLK HOUSE, 31 ST JAMES'S SQUARE, LONDON, SW1Y 4JR

Demolition of existing building and reconstruction of 31 St James Square and 30 Charles II Street facades to provide an office building over single basement, ground and first to seventh floors, a lightwell and railings to the front of 31 St James Square, basement car and cycle parking, plant at basement and roof levels, alterations to existing access on Charles II Street and associated works.

The Planning Officer tabled the following amendment to the recommendation and additional conditions:

Revised Recommendation

- 3) That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.

That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

Additional Conditions:

24. You must apply to us for approval of details for the relocation of the two commemorative plaques to the St James Square ground floor frontage. You must then carefully remove the plaques, store in a safe and secure location and re-erect the plaques in the approved location on the new building. You must not start work on this part of the development until we have approved what you have sent us.

Reason

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St James's Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

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

The position of the lightwell railings to the St James's Square frontage to be set back to match the line of railings to No. 32 St James's Square.

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.

Reason

In the interests of public safety for pedestrians and to avoid an awkward junction between the two sets of railings. This is as set out in S41 of Westminster's City Plan (November 2016) and TRANS 3 of our Unitary Development Plan that we adopted in January 2017. (R25AC)

26. You must not start any demolition work on site until we have approved either:

- (a) A construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) An alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the St James's Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

27. You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved.

Reason

To maintain the character of the St James's Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Late representations were received from eight local residents (02/02/17) and (undated) and one interested party (undated).

RESOLVED:

- 1) That conditional permission be granted subject to:
 - i) The revised recommendation tabled;
 - ii) The additional Conditions tabled;
 - iii) An amendment to the hours in Condition 21 to 09:00 hrs to 20:00 hrs Monday to Friday; and

- iv) a S106 legal agreement to secure the following:
 - a. The cost of the works to the footway to close the redundant crossover, construct the new crossover and revise the Traffic Management Orders on Charles II Street and for the cost of works to the footway to St James's Square (subject to agreement by the council as Highway Authority).
 - b. Carbon offset payment of £58,320 (index linked) to be paid on commencement of development.
 - c. Crossrail payment of £119,280 (index linked) to be paid on commencement of development.
 - d. S106 monitoring costs to be paid on commencement of development.
- 2) That if the legal agreement had 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 the Committee authorised the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.

That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

7 WILLIAM COURT, 6 HALL ROAD, LONDON, NW8 9PA

Construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking.

The presenting officer circulated the following corrections to the report:

Corrections in report:

- Section 8.3, sub-section 'Noise from proposed units/terraces' third paragraph reads 'House 3 is to be accessed from a new entrance created in the boundary wall of the site adjacent 26 Hamilton Gardens.' This paragraph should reference House 1 as it is the only house with a new entrance on to Hamilton Gardens.
- Section 8.6, sub-section 'New Entrance' as above should read as House 1 and the proposed entrance to Hamilton Gardens rather than House 3.

Condition 12 should read:

"You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces or flat roofs adjacent. This applies unless differences are shown on the drawings we have approved or are required by conditions of this permission".

Condition 17 should read:

"Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling show on drawing number P_02A, P_03A, P_04A, P_08A. You must clearly mark them and make them available at all times to everyone using the residential units".

Condition 28 should read:

Pre Commencement Condition. You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work in relation to Houses 1 and 3, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Additional representations were received from Bidwells (08/02/17) and from eight local residents (06/02/17), (07/02/17) and (08/02/17).

RESOLVED:

That consideration be deferred for a site visit and the application be brought back to Planning Applications Committee (1) on 7 March 2017.

8 27A QUEEN'S TERRACE, LONDON, NW8 6EA

Variation of Condition 10 of planning permission dated 01 July 2014 (RN: 14/02259) for the use as a fitness studio (Class D2). Namely to remove the requirement to install a sound insulating suspended ceiling below the roof timbers and install a sound limiter instead.

RESOLVED:

That conditional planning permission be granted.

9 10 ACACIA ROAD, LONDON, NW8 6AB

Excavation of basement; erection of rear extension at rear lower ground floor level; erection of three storey side extension at upper ground, first and second floor levels; extension of front ground floor porch; alteration and replacement of windows and doors; alterations to landscaping including demolition of existing garage; alterations to roof.

An additional representation was received from the Westminster City Council Arboricultural Officer (03/02/17).

A late representation was received from Type3 studio LLP (14/02/17).

RESOLVED:

That permission be refused as the application was unacceptable in design terms.

10 18 PINDOCK MEWS, LONDON, W9 2PY

Excavation to create basement floor under existing building footprint to enlarge existing offices.

RESOLVED:

That conditional permission be granted.

11 100-101 ST MARTIN'S LANE, LONDON, WC2N 4AZ

Installation of trellis and "faux buxus" screening, associated refurbishment and restricted use of existing flat roof areas at third, fourth and fifth floor levels and part of the lower ground courtyard as amenity spaces in connection with the existing office use contrary to condition 3 of the planning permission dated 30 March 1988. Installation of new door and external staircase from ground to courtyard level.

RESOLVED:

That permission be refused due to the unacceptable impact the proposed use of the terraces and courtyard would have on the amenity of existing residents.

12 12 ST JAMES'S STREET, LONDON, SW1A 1EF

Use of the basement, ground and mezzanine of 12 St James's Street as a fitness club (Class D2) personal to Equinox St James Limited together with the installation of plant at roof level and to the rear lightwell and associated alterations.

Late representations were received from Councillor Louise Hyams (13/02/17), Virginia Chichester (undated) and Equinox (08/02/17).

RESOLVED:

That conditional permission be granted.

13 BASEMENT AND GROUND FLOOR, 173 WARDOUR STREET, LONDON, W1F 8WT

Use of basement and ground floor as retail, café and hot food takeaway purposes (Sui Generis).

RESOLVED:

That conditional permission be granted.

14 87 - 88 MOUNT STREET, LONDON, W1K 3NE

Replacement of shopfronts on Mount Street and South Audley Street with fixed stallriser and openable windows.

Late representations were received from Councillor Glenys Roberts (07/02/17) and two local residents (undated and 13/02/17).

The Planning Officer tabled the following amendments to the Conditions:

Condition 1

(1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the private members' club, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property when the windows within the shopfront are open, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within private members' club, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property when the windows within the shopfront are open, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved when the windows within the

shopfront are open. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

[No change to reason for condition]

RESOLVED:

- 1) That conditional permission be granted.
- 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 decision letter be agreed.

The Meeting ended at 9.59 pm

CHAIRMAN: _____

DATE _____