



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 14th November, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

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

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Richard Beddoe explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Beddoe also declared that in his capacity as Chairman of Planning, he gets to know a number of property developers and planning consultants, although he does not consider them his friends. He added that any Members of the Majority Party who had or would make representations in respect of the applications on the agenda were his friends.

2.3 Councillor Beddoe then made the following further declaration as it related to the specific application on the agenda:

Item 1: That he had sat on the Committee that had considered a previous application.

- 2.4 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, Property and Corporate Services 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.
- 2.5 Councillor Mitchell then made the following further declarations as they related to the specific applications on the agenda:
- Items 1 and 3: That he had sat on the Committee that had considered previous applications.
- Item 6: That the application is in his Ward.
- 2.6 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 declared that she is the Deputy Cabinet Member for Housing. Councillor Burbridge 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.
- 2.7 Councillor Burbridge then made the following declarations as they related to the specific applications on the agenda:
- Item 1: That she had sat on the Committee that had considered a previous application.
- Item 3: That the application is in her Ward and that she had sat on the Committee that had considered a previous application.
- 2.8 Councillor David Boothroyd declared that he is Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. No current clients are in Westminster, and if there were, he would be precluded from working on them under the company's code of conduct.
- 2.9 Councillor Boothroyd further declared that some Thorncliffe clients have engaged planning consultants who are also representing the applicants at the meeting: Gerald Eve on items 1 and 4 and DP9 on item 2. However, he advised that he does not deal directly with clients or other members of project teams, and there is no financial link between the planning consultants and his employers.
- 2.10 Councillor Boothroyd then made the following further declarations as they related to the specific applications on the agenda:
- Items 1, 3 and 4: That he had sat on the Committee that had considered previous applications.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 24 October 2017 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 DEVELOPMENT SITE AT 19-35 BAKER STREET, 88-110 GEORGE STREET, 69-71 BLANDFORD STREET AND 30 GLOUCESTER PLACE, LONDON W1

Demolition of the existing buildings at 19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and redevelopment to create a mixed use scheme providing offices (Class B1), retail (Class A1 and flexible Class A1/A3 units) and up to 51 residential units (Class C3) within a new ground plus nine storey building (and an enclosed plant area) on Baker Street; a new stepped ground plus four to ground plus six storey building on George Street; refurbishment, extension and the change of use of the first floor from office to residential at 30 Gloucester Place; creation of a single storey basement level linking the Baker Street and George Street buildings to provide car and cycle parking, refuse and servicing; creation of a new central, publically accessible courtyard; removal of 5 trees and replacement trees across the site, a new publically accessible route at ground level connecting Baker Street and Gloucester Place; associated plant, landscaping, replacement pavements in part and other associated works.

Late representations were received from Councillors Iain Bott, Karen Scarborough and Ian Rowley (12.11.2017), David Cook (28.04.2017), Jonathan Walters (22.04.2017), Allan Yasin (25.01.2017), Emma Norden on behalf of residents of flats A-H, 112 George Street, London, W1U 8AF (13.11.2017), Robert Hook (14.11.2017), Memery Crystal LLP on behalf of residents of 73, 75, 77, 79, 83, 87 and 89 Blandford Street, London (14.11.2017), V Vasic (14.11.2017), Greater London Authority (14.11.2017) and Gerald Eve (14.11.2017).

The presenting officer tabled the following amended recommendation:

1. Subject to referral to the Mayor of London, conditional permission be granted, subject to a Section 106 legal agreement to secure:
 - i) provision of 10 affordable housing units at 30 Gloucester Place (including securing rent levels) to be made ready for occupation prior to the occupation of the market housing on George Street (building D)
 - ii) a financial contribution of £5 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)
 - iii) costs relating to highways works around the site to facilitate the development

- iv) provision of unallocated residential parking
- v) lifetime car club membership (25 years) for each residential unit payable on first occupation
- vi) a lift management and maintenance plan
- vii) a financial contribution to the carbon offsetting fund carbon offsetting fund of £84,780 for the non-residential and £145,800 for the residential prior to commencement of development
- viii) the applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway
- ix) Crossrail payment of **£1,465,499** (index linked) to be paid on commencement of development
- x) a financial contribution towards the cost of off-street tree planting on George Street, Gloucester Place and Blandford Street
- xi) monitoring costs.
- xii) An employment and training strategy

2. If the Section 106 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. 3. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway required to enable the development to take place. 4. Grant conditional listed building consent 5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

3. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 be authorised for the stopping up of the highway required to enable the development to take place.
4. Grant conditional listing building consent.
5. Agree the reasons for granting listed building consent as set out in Informatives 1 of the draft decision letter.

RESOLVED:

1. That subject to referral to the Mayor of London, conditional permission be granted, subject to a revised recommendation as set out above, an additional condition stating that no more than 50% of the retail shall be A3 use, and to a Section 106 legal agreement, including that details of a review mechanism on the affordable housing to be agreed by officers via the Section 106 agreement in discussion with Greater London Authority and the applicant, to secure:
 - i) provision of 10 affordable housing units at 30 Gloucester Place (including securing rent levels) to be made ready for occupation prior to the occupation of the market housing on George Street (building D)
 - ii) a financial contribution of £5 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)
 - iii) costs relating to highways works around the site to facilitate the development
 - iv) provision of unallocated residential parking
 - v) lifetime car club membership (25 years) for each residential unit payable on first occupation
 - vi) a lift management and maintenance plan
 - vii) a financial contribution to the carbon offsetting fund carbon offsetting fund of £84,780 for the non-residential and £145,800 for the residential prior to commencement of development
 - viii) the applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway
 - ix) Crossrail payment of £1,465,499 (index linked) to be paid on commencement of development
 - x) a financial contribution towards the cost of off-street tree planting on George Street, Gloucester Place and Blandford Street

- xi) monitoring costs.
 - xii) An employment and training strategy
2. That if the Section 106 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. 3. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway required to enable the development to take place. 4. Grant conditional listed building consent 5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.
 3. That the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 be authorised for the stopping up of the highway required to enable the development to take place.
 4. That conditional listing building consent be granted.
 5. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

2 PROPOSED DEVELOPMENT SITE AT 54-62, 66 AND 68 OXFORD STREET AND 51-58 RATHBONE PLACE, W1

Demolition of Nos 66 & 68 Oxford Street and redevelopment behind retained facades of Nos 54-62 Oxford Street and 51-58 Rathbone Place to provide a new building comprising four basement levels, ground and seven upper floor levels. Use of entire building either for retail (Class A1) or the use of part basements to first floor as retail (Class A1) and offices (Class B1) with a dual/alternative use of floors two to seven for either retail (Class A1) or office (Class B1) use; and associated works including plant at basement levels 3 and 4, the creation of terraces at sixth and seventh floors; external roof top plant at seventh floor level behind an acoustic attenuated louvred façade onto Perry's Place, and the installation of photovoltaic panels at roof level.

Additional representations were received from Nick Bailey on behalf of Fitzrovia West Neighbourhood Forum (08.11.2017), Transport for London (02.11.2017 and 07.11.2017) and Caneparo Associates (07.11.2017).

A late representation was received from Derwent London (undated).

The presenting officer tabled the following amended recommendation:

Amended recommendation:

1. Subject to the views of the Mayor, grant conditional permission, subject to a Section 106 legal agreement to secure the following:
 - i. Provision of £1,186,937 towards the City Council's affordable housing fund (index linked and payable on first occupation of the second floor for office purposes);
 - ii. A crossrail payment (**final figure to be agreed**)
 - iii. An employment and training strategy for the construction phase and operational phases of the development;
 - iv. A requirement for the applicant to enter into a S278 agreement to provide improved loading bay facilities on Oxford Street to accommodate the largest delivery vehicle they will need to use, only in the event that such vehicles continue to be allowed to service from Oxford Street;
 - v. Monitoring costs.
2. If the agreement has not been completed within six weeks 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.
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

RESOLVED:

1. That subject to the views of the Mayor, conditional permission be granted, subject to an amended recommendation as set out above and to a Section 106 legal agreement to secure the following:

- i) Provision of £1,186,937 towards the City Council's affordable housing fund (index linked and payable on first occupation of the second floor for office purposes);
 - ii) A crossrail payment (final figure to be agreed)
 - iii) An employment and training strategy for the construction phase and operational phases of the development;
 - iv) A requirement for the applicant to enter into a S278 agreement to provide improved loading bay facilities on Oxford Street to accommodate the largest delivery vehicle they will need to use, only in the event that such vehicles continue to be allowed to service from Oxford Street;
 - v) Monitoring costs.
2. That If the Section 106 legal agreement has not been completed within six weeks from 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.
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.

3 ESCA HOUSE, 34 PALACE COURT, LONDON, W2 4HZ

Variation of Condition 1 of planning permission dated 19 January 2016 (RN: 15/05691/FULL) for the demolition of Esca House, 34 Palace Court and demolition behind the retained facade of 1-4 Chapel Side. Redevelopment and change of use from office to provide up to 24 residential units over floors of basement, ground, first, second, third and fourth floor levels, including the accommodation of 18 car parking spaces, 24 cycle spaces and plant at basement level. NAMELY, to vary drawings and other documents listed on this decision letter to reflect the proposed increase in the number of flats from 24 to 28 units, amendments to the arrangement of car parking spaces and detailed design changes.

Additional representations were received from Eastern and Oriental PLC (08.11.2017), Chris Coulcher on behalf of BRA Committee (04.11.2017) and Shirley Hoyle (07.11.2017).

RESOLVED:

1. That conditional permission be granted, subject to the completion of a Deed of Variation to the original legal agreement for application reference 15/05691/FULL dated 19th January 2016, to ensure that all the previous planning benefits are secured with variations (in bold):
 - a) Provision of £750,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
 - b) A contribution of £10,000 (index linked and payable upon commencement of development) towards new tree planting in the vicinity of the site;
 - c) Provision of lifetime car club membership (minimum 25 years) for all 28 units;
 - d) All 18 off street residential parking spaces must be unallocated;
 - e) Provision of maintenance and management plan for the car stacking system prior to occupation and maintained for life of development;
 - f) A contribution of £28,000 per annum towards Environmental Monitoring for the demolition and construction phase of the development (index linked);
 - g) The costs of monitoring the Section 106 agreement;
 - h) Highways works to facilitate development including alteration to Chapel Side;
 - i) Dedication of highway on Moscow Road prior to occupation
2. That If the Deed of Variation 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.

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

Variation of Conditions 1, 7 and 28 of planning permission dated 16 August 2016 (RN 16/03582/FULL) for the use of the ground floor of 25 Eccleston Place for retail purposes (Class A1) and fitness centre (Class D2); use of ground floor of Chester House (11-19 Eccleston Pl) for retail purposes (Class A1), restaurant use (Class A3) and indoor flexible event space (Sui Generis); associated physical works at ground floor level and creation of shopfronts; relocation of substation; change of use of the courtyard 'giraffe sheds' to provide flexible retail / restaurant uses at ground and mezzanine levels (flexible Class A1 / A3) and associated physical works including shopfronts; change of use at 115A Ebury Street to provide retail use (Class A1) and associated physical works, shopfronts and provision of access to the inner courtyard via 115A Ebury Street, namely to vary drawings and other documents to include changes to fenestration, relocation of plant and extended gym opening hours.

RESOLVED:

That conditional permission be granted.

5 23-25 MORTIMER STREET, LONDON, W1T 3JE

Erection of a single storey extension at main roof level with associated alterations to the existing roof to create a new sixth floor with a terrace for use as a new residential flat (Class C3).

Application withdrawn by officers.

6 25 VILLIERS STREET, LONDON, WC2N 6ND

Use of an area of the public highway measuring 3.3m x 0.67m for the placing of one table and two chairs in connection with the existing ground floor use.

RESOLVED:

That conditional permission be granted for a temporary period of one year.

The Meeting ended at 8.27 pm.

CHAIRMAN: _____

DATE _____