



CITY OF WESTMINSTER

# MINUTES

## Planning Applications Sub-Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (4)** Committee held on **Tuesday 26th September, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Jonathan Glanz (Chairman), Angela Harvey, Iain Bott and Barbara Grahame

**Also Present:** Councillors

**Apologies for Absence:**

#### 1 MEMBERSHIP

- 1.1 There were no changes to the membership.
- 1.2 **RESOLVED:** That until the arrival of the chairman, Councillor Jonathan Glanz be elected to chair the meeting.

#### 2 DECLARATIONS OF INTEREST

- 2.1 Councillor Jonathan Glanz 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 Glanz declared that he knows various residents associations and amenity societies who may have made representations. In respect of item 1 he declared that he chairs the policy and scrutiny committee that covers

public health. He had received legal advice that this did not preclude him from considering the application. He further declared that he had no direct communications with the NHS on this particular application. With regards to item 2, he declared that the site is located in the West End Ward of which he is a local councillor. He had sat on the committee that had considered the previous application for the site but had not had any conversations with any of the objectors to the application. In respect of item 7 he declared that he had sat on the committee that previously considered the application.

- 2.3 Councillor Iain Bott declared in respect of item 1 that he is a governor of Central North West London NHS Trust.
- 2.4 Councillor Barbara Grahame declared a prejudicial interest in respect of item 2 in that she had expressed support for the application. She therefore advised that she would not participate in the consideration of the application and would leave the room during its consideration.
- 2.5 Councillor Angela Harvey declared in respect of item 1 that she is a non-executive director of Camden and Islington NHS Foundation Trust. She believed there was no connection between the Trust and Imperial College Healthcare NHS Trust.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 15 August 2017 be signed by the Chairman as a correct record of proceedings.

### **4 TREE PRESERVATION ORDER NO. 636 (2017) - 15-17 THE CLOSE, LONDON, NW8 0PG**

- 4.1 The City Council had made a Tree Preservation Order (TPO) to protect one Silver Birch located in the garden at The Close, 15-17 Marlborough Place, London, NW8 0PG. The TPO was provisionally effective for a period of six months from 12<sup>th</sup> April 2017 during which time it may be confirmed with or without modification. If not confirmed, the TPO would lapse after 12<sup>th</sup> October 2017.
- 4.2 The TPO was made because the tree has significant amenity value and makes a valuable contribution to the character and appearance of the Conservation Area. The City Council, having been made aware of the proposal to remove the Silver Birch considered it expedient in the interests of the amenity that the TPO was made in order to safeguard its preservation and future management.
- 4.3 Objection to the TPO had been made by David Clarke, Chartered Landscape Architect on behalf of Mr Novuzov.
- 4.4 The City Council's Arboricultural Officer had responded to the objections.

- 4.5 A late representation was received from David Clarke Chartered Landscape Architect and Consultant Arboriculturalist Ltd (22.9.17).
- 4.6 **RESOLVED:** The Committee agreed to confirm Tree Preservation Order No 636 (2017) without modification with permanent effect.

The committee requested that the Council's Arboricultural Team Examines the tree at an appropriate time to determine whether it has infected any other trees in the vicinity.

## 5 PLANNING APPLICATIONS

### 6 DEVELOPMENT SITE AT ST MARY'S HOSPITAL, PRAED STREET, LONDON

Demolition of existing buildings and the erection of a basement plus eight storey hospital building with associated link bridge (Use Class D1), with flexible Class D1/A1/A3 floorspace at ground floor level, and associated works including access, servicing and patient drop-off facilities.(EIA Application accompanied by an Environmental Statement).

Additional representations were received from Imperial College Healthcare NHS Trust (12.9.17) together with a revised recommendation to include an employment and training strategy as part of the Section 106 legal agreement.

Late representations were received from Councillor Heather Acton (24.9.17), Imperial College Healthcare NHS Trust (13.9.17 and 22.9.17) and Aecom (26.9.17).

The presenting officer tabled the following amendments:

#### Amended Draft Decision Letter

The draft decision letter has been amended to correct the drawing numbers (some drawings and documents were initially omitted in error), omit duplication between some of the conditions, improve the drafting of conditions, add a condition to secure amended entrance soffit detailing (as referred to in Section 8.2.4 of the Committee Agenda) and to add a condition to prevent doors opening over the highway. This replaces that set out on pages 54-70 of the Committee Agenda.

#### Amended Site Location Plan

It has come to the attention of officers that the site location plan on page 7 of the Committee Agenda is inaccurate and does not accurately reflect the true extent of the application site. Therefore the site location plan on page 7 of the Committee Agenda is replaced by the tabled amended site location plan.

#### Amended Summary of Representations from Adjoining Owners/ Occupiers and Other Representations

It has been brought to the attention of officers that the summary of the number of emails/ letters of support and objection at the start of the 'Adjoining Owners/ Occupiers and Other Representations Received' section on page 14 of the Committee Agenda is incorrect (the scheme has received a larger number of emails/ letters of support than stated in the Committee Agenda). The introductory text to this section of the report is therefore superseded by the text below in italics:

*“ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED*

*No. Consulted: 667.*

*Total No. of Responses: 66.*

*No. of Objections: 48.*

*No. in Support: 18.”*

**RESOLVED:**

1. The committee considered that the clinical needs cited by St Mary's Hospital, particularly their confirmation that a fit for purpose outpatients building needs to be of this size and scale and that this is the only site where they claim they can deliver the building within their campus, provides sufficient justification and public benefit to outweigh:
  - a. The significant loss of residents' amenity, resultant from loss of daylight and sunlight, sense of enclosure, and noise and disturbance from the overall intensification of activities on the site.
  - b. The loss of on-site car parking (30 spaces) for hospital staff.
2. Subject to 1 above conditional planning permission be granted subject to the views of the Mayor of London, and subject to:
  - A) a S106 legal agreement to secure the following:-
    - (i) Payment for the cost of highways works necessary to facilitate the development, including new footway, footway crossovers, revised parking bays.
    - (ii) £162,000 (index linked and payable on commencement) towards carbon offset fund.
    - (iii) £15,000 (index linked and payable on commencement) towards replacement of 3 street trees.
    - (iv) Monitoring costs.
    - (v) Employment and training strategy
  - B) The amended draft decision letter as tabled and referred to above;

- C) An additional condition that the hospitals hours of operation shall be limited to 07.00 to 21.00 daily;
- D) An additional condition reserving the detailed design of the bridge link;
- E) An amendment to condition 38 to require details of how the delivery and servicing plan will maximise the consolidation of deliveries to minimise the impact of the development on the environment;
- F) An additional informative to encourage the maximisation sustainability through energy savings within the scheme.

The final draft decision letter to be forwarded to the chairman for comments.

3. If within six weeks of the resolution to grant conditional permission the S106 planning obligation has not been completed or there is no immediate prospect of the planning obligation being completed, then
  - a) The Director of Planning shall consider whether it would be possible and appropriate to issue permission with additional conditions attached to secure the benefits 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 it has not proved possible to complete a S106 planning obligation within an appropriate timescale, and that the proposal is 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.

## **7 382-386 EDGWARE ROAD, LONDON, W2 1EB**

Construction of a part two, part three storey extension to the existing building incorporating green roofs and a terrace; basement excavation and external facade alterations in association with the provision of four retail units at ground floor level and 7 residential units and additional office (Class B1) floorspace on the upper levels.

An additional representation was received from the presenting officer as follows:

The officers report does not include full consideration of policy S1 (Mixed Use) of the City Plan. Accordingly, the second paragraph of section 8.1.2 should be amended as follows (amendments in bold):

*“The application site is not located within the Core Central Activities Zone (CAZ) or an Opportunity Area and is not in the CAZ Frontage, ~~or a Named Street.~~ **Accordingly, the uplift in office floorspace is not subject to Policy S1 of the City Plan (Mixed Use in the Central Activities Zone).** This site is on a Named Street (Edgware Road). As the proposal includes an uplift in residential*

***floorspace in excess of the net increase in office floorspace, the proposed development complies with policy S1 (Mixed Use) of the City Plan.”***

An additional representation was received from Forward Planning and Development (20.9.17)

Having declared a prejudicial interest Councillor Grahame vacated the room during the consideration of the application.

**RESOLVED:**

That conditional permission be granted.

**8 WESTERN MARBLE ARCH SYNAGOGUE, 1 WALLENBURG PLACE, CITY OF WESTMINSTER, LONDON, W1H 7TN**

Are Use of part fourth floor, new fifth floor extension and adjacent fifth floor plant room to provide hotel accommodation with associated terrace areas (Class C1) in connection with the hotel at 2 Wallenburg Place; installation of new access ladder, platform and access doors to the existing flue at rear second floor level and internal alterations at third and fourth floor levels. (APPLICATION SITE INCLUDES 2 WALLENBURG PLACE)

An additional representation was received from Ms Linda Flavell (undated).

**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 notice be agreed.

**9 53 GREAT TITCHFIELD STREET, LONDON, W1W 7PT**

Use of ground floor and basement as a restaurant (Class A3), alterations including the installation of full height extract duct and plant at rear basement level, installation of kitchen supply inlet, toilet extract and general extract to ground and first floor rear facade and installation of a cigarette bin to the shopfront on Great Titchfield Street.

An additional representation was received from the Fitzrovia Neighbourhood Association (18.9.17).

The presenting officer tabled the following replacement to condition 19:

You must apply to us for approval of an Operational Management Plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, prevent customers queuing on the street, manage customers who wish to smoke, prevent customers from taking their drinks outside, and ensure

deliveries and refuse are not stored on the highway and are carried out in a sensitive manner to ensure noise is minimised within agreed hours. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the approved Operational Management Plan at all times that the restaurant is in use. (C05JB)

No change to reason for conditions

Late representations were received from Kathy Sorenson (undated), Cathy MacNeil Hollinger (21.9.17) and Mark Hollinger (21.9.17)

**RESOLVED:**

That conditional permission be granted subject to:

- a) the replacement of condition 19 as tabled and set out above;
- b) an additional condition requiring a test of the plant post commissioning;
- c) amending condition 16 to limit the access to the rear basement courtyard at any time except for maintenance and for means of escape.
- d) amending condition 19 preserving details of the operational management plan which should also set out arrangements for the smoking bin.

The final draft decision letter to be forwarded to the chairman for comments.

**10 55 LONG ACRE, LONDON, WC2E 9JL**

Use of an area of the public highway on the Hanover Place frontage for the placing of four tables and eight chairs in an area measuring 7m x 1m in connection with the existing ground floor use

**RESOLVED:**

That conditional permission be granted subject to amending condition 3 so that the tables and chairs can only be put out on the pavement between 11.00 and 22.30 daily.

**11 97 WESTBOURNE PARK VILLAS, LONDON, W2 5ED**

Use of part basement and ground floors as 1 x 2 bedroom maisonette (Class C3) and external alterations including creation of front lightwell with associated railings, staircase and new windows to front elevation and installation of raised terrace with associated railings and doors to rear elevation.

**RESOLVED:**

That conditional permission be granted.

**12 EXEMPT REPORTS UNDER THE LOCAL GOVERNMENT ACT 1972**

**RESOLVED:** That under Section 100 (A) (4) and Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), the public and press be excluded from the meeting for the following item(s) of business because they involve the likely disclosure of exempt information on the grounds shown below and it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

Item No	Grounds	Para of Part 1 of Schedule 12A of the Act
7	Information relating to the financial and business affairs of an individual including the authority holding the information and legal advice	3

**13 16 LEINSTER TERRACE, LONDON, W2 3EU**

Sui generis mixed hotel and short stay hostel use comprising of 16 private bedrooms and 28 dormitory bedrooms (no more than 9 beds per dormitory bedroom) with minor temporary variations in the use of up to 8 rooms to accommodate guest requirements. (Addendum Report).

Additional representations were received from Robin Samra (14.9.17) Quod (19.9.17) and Ashurst LLP (20.9.17).

A late representation was received from Ashurst (25.9.17).

**RESOLVED:**

That a Certificate of Lawfulness be refused on the grounds that the evidence submitted is insufficiently consistent and unambiguous to demonstrate on the balance of probability that the use as a mixed hotel and short stay hostel use (Sui Generis) has been the lawful use of the application premises for the relevant 10 year period.

The Meeting ended at 9.10 pm

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

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