



CITY OF WESTMINSTER

MINUTES

Planning (Major Applications) Sub-Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 12th June, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Gotz Mohindra (Chairman), Ruth Bush, Peter Freeman, Murad Gassanly, Angela Harvey, Elizabeth Hitchcock and Pancho Lewis

1 MEMBERSHIP

- 1.1 It was noted that Councillor Angela Harvey and Pancho Lewis had replaced Councillors Jim Glen and David Boothroyd respectively.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Gotz Mohindra 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 Mohindra declared in respect of Item 1 that he has an interest in a property on Palace Street but that it was not so close to the site to be impacted by the proposals.
- 2.3 Councillor Bush declared that she is a Trustee of the Westminster Tree Trust which had relevance to a number of applications on the agenda.
- 2.4 Councillor Lewis declared in respect of Item 4 that he would step down from the Committee to make a ward member representation. He also declared a Prejudicial Interest in respect of Item 5 in that he had made representations

on the application and would therefore not take part in its consideration and would step down from the Committee.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 29 May 2018 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 ALEXANDRA BUILDINGS, PALACE STREET, LONDON, SW1E 5HW

Alterations and extensions to the North, South, Alexandra and Mews Buildings (Castle Lane/Palace Street) for use as affordable housing (Class C3) comprising 86 units; including creation of balconies; construction of a cycle/bin store, lift and staircase to the rear of North Building; soft and hard landscaping including children's play area; cycle parking and other associated works (amendments to planning permission 12/02189/FULL) (site also known as 2-4 Castle Lane)

The presenting officer tabled an amended recommendation and Section 106 Head of Terms (**in bold**):

1. That conditional permission be granted subject to a S106 legal agreement to secure the following:
 - a) The provision of affordable housing including affordability levels for each tenure type.
 - b) Free lifetime (25 years) car club membership for residents of the development **from first occupation of each residential unit.**
 - c) A fund for covering the Council's costs of providing White Badge disabled parking bays for residents of the development – **i.e. to pay the City Council with 10 working days of demand all reasonable costs of providing and where necessary removing White Badge disabled parking spaces (if demanded within 20 years from the date of first occupation).**
 - d) A fund to be used by the registered provider and residents of the development for the hiring of a community facility and details of how this fund will be administered **i.e. £46,000 to be paid to the Registered Provider within 5 working days of first occupation.**
 - e) **To pay £20,000 index linked RPI for the repair of footway and replacement of cracked and loose paving stones along Castle Lane on commencement of development.**
 - f) Monitoring costs.

2. If the S106 legal agreement has 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. The new affordable housing floorspace of 4,948 sqm (GIA) shall be considered as affordable housing credit to be drawn down by either Landsec or a third party developer instead of on-site provision (subject to committee approval) on other development sites in wards on an agreed list of wards in Westminster for a period of up to ten years in accordance with a memorandum of understanding with the City Council.

The presenting officer also tabled the following amendments to conditions and additional informative (in bold) to the draft decision letter:

Amended Conditions

Condition 8

You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 7 of this permission **and achieve the Overheating Standard as set out in CIBSE Guide A (2006)**. 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 the details approved before the residential units are occupied and thereafter retain and maintain.

Condition 21

Pre Commencement Condition. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. **This should be in line with the principles set out in the Flood Risk Assessment (Ref: WIE14185-100-R-2-3-2-FREA)**. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include: i) details of how the scheme shall be maintained and managed after completion **and ii) details of the proposed SuDS features**.

Condition 23

You must not use the roofs of the plant room and waste store at the rear of the North Block for sitting out or for any other purpose. You can however use the roofs to escape in an emergency **or for maintenance purposes**.

Additional Informatives

1. A ventilation scheme (with windows closed) achieving compliance with the Overheating Standard is recommended using the following Cooling hierarchy:
 - i. Minimise internal heat generation through efficient design.
 - ii. Reduce the amount of heat entering a building in summer through shading, light colouration, albedo, fenestration, insulation and green roofs and walls.
 - iii. Manage the heat within the building through exposed internal thermal mass and high ceilings and particularly from heat sources not directly under the control of the occupiers e.g. any communal hot water distribution systems.
 - iv. Passive ventilation.
 - v. Mechanical ventilation (e.g. MVHR (with summer override) giving at least 4 air changes per hour (ach);
 - vi. Active Cooling Systems in the following order of preference;
 - a. Free cooling technologies;
 - b. Mechanical active cooling systems (ensuring the system used is the lowest carbon option, will achieve the agreed temperature range, and will not deliver unnecessary cooling).
2. Approval for this residential use has been given on the basis that façade sound insulation and ventilation mitigation measures are being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment of noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation i.e. windows kept closed and ventilation scheme utilised

A late representation was received from Councillor Hyams (12.6.18).

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted subject to:
 - A. a S106 legal agreement to secure the following:
 - a) The provision of affordable housing including affordability levels for each tenure type.

- b) Free lifetime (25 years) car club membership for residents of the development from first occupation of each residential unit.
 - c) A fund for covering the Council's costs of providing White Badge disabled parking bays for residents of the development – i.e. to pay the City Council with 10 working days of demand all reasonable costs of providing and where necessary removing White Badge disabled parking spaces (if demanded within 20 years from the date of first occupation).
 - d) A fund to be used by the registered provider and residents of the development for the hiring of a community facility and details of how this fund will be administered i.e. £46,000 to be paid to the Registered Provider within 5 working days of first occupation.
 - e) To pay £20,000 index linked RPI for the repair of footway and replacement of cracked and loose paving stones along Castle Lane on commencement of development.
 - f) Monitoring costs.
- B. The amended conditions 8, 21 and 23 and the additional informatives as tabled and set out above. An additional condition to secure 105 cycle parking spaces within the development.
2. If the S106 legal agreement has 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. The new affordable housing floorspace of 4,948 sqm (GIA) shall be considered as affordable housing credit to be drawn down by either Landsec or a third party developer instead of on-site provision (subject to committee approval) on other development sites in wards on an agreed list of wards in Westminster for a period of up to ten years in accordance with a memorandum of understanding with the City Council.

2 WIDLEY ROAD GARAGE, WIDLEY ROAD, LONDON, W9 2LD

Demolition of existing building; excavation to create additional basement storey; erection of a residential (Class C3) building arranged over basement, lower ground,

ground and five upper storeys to provide up to 23no. residential dwellings; provision of external amenity space, associated on-site car parking and cycle parking facilities, landscaping works and other associated works.

Additional representations were received from the owner of 51 Southwold Mansions (5.6.18), the occupier of 10 Southwold Mansions (6.6.18 and 7.6.18), the Occupier of Upper Flat, 149 Shirland Road (7.6.18) and the Occupier of 3 Essendine Road (7.6.18).

RESOLVED: Deferred to address the submission of inaccurate housing density information and to require the correct information to be submitted to the Council and justified by the applicant and to enable further public consultation and assessment of this.

3 41 KINGSWAY, LONDON, WC2B 6TP

Use of first to seventh floors as a hotel (Class C1) and as a restaurant (Class A3) at ground floor and basement level, extension in the rear light well at first to seventh floors, extension and new dormer windows at seventh floor level, installation of new shopfronts and signage at ground floor level, installation of mechanical plant and an extract duct at podium and roof level.

The presenting officer tabled the following additional conditions and informative as set out below:

Condition 22:

You must submit a detailed method statement for the cleaning of the building that includes photographs of a small cleaned sample panel. 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 works according to the approved details.

Condition 23:

Prior to commencement of works to install the means of dealing with cooking smells arising from the restaurant, full details of these facilities shall be submitted to the City Council as local planning authority. The restaurant shall not be brought into use until such details have been approved in writing by the local planning authority and implemented in accordance with those approved details. The equipment shall be retained thereafter and fit for purpose for as long as the restaurant is in use.

Condition 24:

You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 20 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Additional Informative:

Informative 8:

Please contact our Environmental Health Service (020 7641 2971) to make sure that all ventilation and other equipment will meet our standards. Under environmental health law, we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to:

1. The additional conditions and informative as tabled and set out above, and
2. Amending Condition 13 so that the bar and bar seating provided does not take up more than 15% of the restaurant floor area.
3. Additional conditions to prevent the use of cooking ventilation other than during restaurant hours and to require internal acoustic lobbies to the two main doors.

4 50-57 NEWMAN STREET, LONDON, W1T 3DZ

Demolition and redevelopment to provide a building of three basement levels, ground and part five, part six upper floors for use as a hotel (Class C1) with ancillary restaurant, bar and wellness facilities, including terraces at 4th and 6th floors; plant equipment at 6th floor and roof level and associated works.

An additional representation was received in the form of a draft decision letter relating to the application.

Late representations were received from Councillor Glanz (12.6.18), LEEU Collection (6.6.18) and a brochure of the proposal from the applicant.

The presenting officer tabled a revised recommendation in relation to the Crossrail payment of £149,328 (subject to indexation).

The presenting officer tabled the following addition condition:

The terraces hereby permitted at 4th and 6th floor levels shall only be used between the hours of 08:00 and 22:00 daily, and no amplified music shall be played on the terraces.

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV6, ENV7, and TACE 10 of our Unitary Development Plan that we adopted in January 2007 (R12AC).

Councillor Lewis stepped down from the Sub-Committee and addressed Members in his capacity as a ward councillor after which he left the room during the consideration of the application.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted, subject to:
 - A. A Section 106 agreement to secure the following:
 - i) A Crossrail payment of £149,328 (subject to indexation)
 - ii) An employment and training strategy for the construction phase and operational phases of the development with an emphasis on Westminster residents;
 - iii) Monitoring Costs.
 - B. Additional conditions to restrict the use of the terraces and to require details of their screening.
 - C. An additional condition to secure light coloured materials to both the front and rear elevations at ground floor level.
2. If the 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 Undertaking 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

5 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 Perrys Place, and the installation of photovoltaic panels at roof level.

Having declared a Prejudicial Interest Councillor Lewis left the room during the consideration of the application.

The presenting officer tabled a statement clarifying the legal position in respect of the application.

RESOLVED: (For: Councillors Mohindra, Freeman, Gassanly, Harvey and Hitchcock; Against: Councillor Bush)

1. That conditional permission be granted 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 to seventh floor for office purposes);
 - ii. A Crossrail payment (£435,200 for the all retail scheme or £747,932 for the mixed use scheme) (maximum figures);
 - 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 S106 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.

6 56 RUTLAND GATE, LONDON, SW7 1PL

Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above. (Addendum report).

An additional representation was received from the Knightsbridge Association (undated).

A late representation was received from The Occupier of Ground Floor flat, 57 Rutland Gate (11.6.18).

RESOLVED: (For: Councillors Mohindra, Freeman, Gassanly, Harvey, Hitchcock and Lewis; Against: Councillor Bush)

That conditional permission be granted.

The Meeting ended at 9.17 pm

CHAIRMAN: _____

DATE _____