



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 7th August, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Gotz Mohindra (Chairman), David Boothroyd, Ruth Bush, Peter Freeman, Murad Gassanly, Jim Glen and Elizabeth Hitchcock

**Also Present:** Councillors Aicha Less (Item 1) and Aziz Toki (Item 2)

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

2.1 Councillor Gotz Mohindra explained that a week before the meeting, all seven 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 Murad Gassanly declared that as the Deputy Cabinet Member for Housing and Customer Services he had attended a briefing meeting where items 1, 2 and 3 were listed on the agenda. He left the briefing during the discussion on these items and had not seen the papers relating to them.

In relation to item 4 the application site was his former school and sixth form.

2.3 Councillor Boothroyd declared that he was the Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. No current schemes 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 DP9 as planning consultants, and DP9 were also representing applicants on items 4 and 5 on the agenda and the follow-on agenda. However he did not deal directly with clients or other members of project teams, and planning consultants were not themselves clients.

On items 1 to 3, the Councillors for Church Street ward were his friends, as was Achim von Malotki who had made comments on items 1 and 2.

With regards to item 5, he was a member of the committee which granted the original permission for the site.

- 2.4 Councillor Ruth Bush declared that in respect of items 1, 2 and 3 the Church Street Ward Councillors who had objected to the application were her friends.

In respect of item 4 she had sat on an earlier Planning Sub-Committee meeting which had considered a different application on the same site.

Councillor Bush also declared that she was a Trustee of the Westminster Tree Trust.

### **3 MINUTES**

#### **3.1 RESOLVED UNANIMOUSLY:**

That the minutes of the meeting held on 10 July 2018 be signed by the Chairman as a correct record of proceedings subject to the first sentence on item 2.1 being amended to read "...all seven members of the Committee...".

### **4 PLANNING APPLICATIONS**

#### **1 MARYLEBONE INSTITUTE SCHOOL HOUSE, 29 COSWAY STREET, LONDON, NW1 6TH**

Demolition of existing buildings and structures and erection of new building of up to five storeys plus basement floor to provide 49 residential units (Class C3); with car and cycle parking, storage and plant rooms at basement level and landscaping to central garden and site frontages and associated works (linked to redevelopment of 2 Ashbridge Street and Ashmill Street Car Park sites that are also on this agenda – Items 2 and 3).

An additional representation was received from the Church Street Futures Group (12/02/18).

Late representations were received from Councillor Matt Noble (07/08/18), the St Marylebone Society (06/08/18) and Honorary Alderman Barbara Grahame (07/08/18).

Councillor Aicha Less addressed the Sub-Committee in her capacity as Ward Councillor.

**RESOLVED (For: Councillors Mohindra, Boothroyd, Freeman, Gassanly, Glen and Hitchcock. Against: Councillor Bush)**

- 1) That subject to no new issues being raised by London Underground prior to 20 August 2018, conditional permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to completion of a unilateral undertaking to secure the following planning obligations:
  - i) Notice of commencement of development (three months prior to commencement).
  - ii) Provision of off-site affordable housing on the Repeater Station site, 2 Ashbridge Street and the Ashmill Street Car Park site (see Items 2 and 3 on this agenda) in accordance with the proposed tenure and unit size mix and to the affordability criteria agreed by the Head of Affordable Housing and Strategy, prior to occupation of the market housing on the application site.
  - iii) Provision of highway works outside the site in Cosway Street, Bell Street, Stalbridge Street and Shroton Street, including alterations to crossovers, provision of street trees, amendments to on-street parking bays
  - iv) Dedication of public highway along the eastern side of Stalbridge Street and where necessary around the remain of the site.
  - v) Provision of 'life time' (25 year) car club membership for each flat.
  - vi) Subject to further study, provision of a carbon off-set payment of £82,683 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit).
  - vii) Provision of link to future District Heat Network (DHN) and undertaking to make best endeavours to connect to a future DHN.
  - viii) Offer local employment opportunities during construction.
  - ix) Provision of costs for monitoring of agreement (£500 per head of term).
- 2) That if the unilateral undertaking to secure the planning obligations had not been completed by 1 October 2018 then:
  - i) The Director of Planning should 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 was authorised to determine and issue such a decision under Delegated Powers; however, if not;
  - ii) The Director of Planning should consider whether permission should be refused on the grounds that the proposals were unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

**2 REPEATER STATION, 2 ASHBRIDGE STREET, LONDON, NW8 8DS**

Demolition of existing BT Repeater Station building, with retention of BT service area and associated access. Redevelopment of the site to erect a five storey building to

provide 26 residential units, with existing basement floor used to provide parking, plant and services spaces accessed via a new ramp from Ashbridge Street. Removal of existing vehicular ramp to rear of site and provision of new landscaping to amenity space (linked to redevelopment 29 Cosway Street and Ashmill Street Car Park sites that are on this agenda – Items 1 and 3).

A late representation was received from Westminster City Council Environmental Health (02/08/18).

Councillor Aziz Toki addressed the Sub-Committee in his capacity as Ward Councillor.

### **RESOLVED UNANIMOUSLY:**

- 1) That conditional permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to a legal agreement or unilateral undertaking to secure the following planning obligations:
  - i) Provision of affordable housing on-site in accordance with the proposed tenure and unit size mix and to the affordability criteria agreed by the Head of Affordable Housing and Strategy.
  - ii) Notice of commencement of development (three months prior to commencement).
  - iii) Provision of highway works outside the site in Ashbridge Street, including alterations to crossovers and replacement of two street trees and on-street parking bays.
  - iv) Provision of 'life time' (25 year) car club membership for each flat.
  - v) Subject to further study, provision of a carbon off-set payment of £36,576 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit).
  - vi) Offer local employment opportunities during construction.
  - vii) Provision of costs for monitoring of agreement (£500 per head of term).
  
- 2) That if the legal agreement or unilateral undertaking to secure the planning obligations had not been completed by 1 October 2018 then:
  - i) 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 was authorised to determine and issue such a decision under Delegated Powers; however, if not;
  
  - ii) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals were unacceptable in the absence of the benefits which would have been secured; if so, the Director was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

### **3 ASHMILL STREET CAR PARK, ASHMILL STREET, LONDON**

Erection of 2 three storey dwellinghouses (Class C3) for use as affordable housing on southern half of existing surface level car park, provision of a new on-street car parking bay in Shroton Street, and associated works (linked to redevelopment of 29 Cosway Street and 2 Ashbridge Street sites that are also on this agenda – Items 1 and 2).

**RESOLVED (For: Councillors Mohindra, Freeman, Gassanly, Glen and Hitchcock. Against: Councillors Bush and Boothroyd)**

- 1) That conditional permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to completion of a unilateral undertaking to secure the following planning obligations:
  - i. Provision of affordable housing on-site in accordance with the proposed tenure and unit size mix and to the affordability criteria agreed by the Head of Affordable Housing and Strategy.
  - ii. Notice of commencement of development (three months prior to commencement).
  - iii. Provision of highway works in Shroton Street, including removal of crossover in footpath and provision of additional on-street residents' parking bay.
  - iv. Provision of 'life time' (25 year) car club membership for each dwellinghouse.
  - v. Provision of costs for monitoring of agreement (£500 per head of term).
- 2) That if the unilateral undertaking to secure the planning obligations had not been completed by 1 October 2018 then:
  - i) 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 was authorised to determine and issue such a decision under Delegated Powers; however, if not;
  - ii) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals were unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

### **4 NORTH WESTMINSTER COMMUNITY SCHOOL, NORTH WHARF ROAD, LONDON, W2 1LF**

Variation of Conditions 1, 3, 4, 6, 8, 9, 12, 17 and 30 of planning permission dated 22 February 2018 (RN: 16/12289/FULL) for: Demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated

landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space. Namely, to provide a second servicing bay accessed from the approved vehicular entrance in North Wharf Road, alterations to the car and cycle parking layout, relocation of substation from basement to ground floor level, amendment to the layout and quantum of ground floor commercial spaces (Classes A1, A3, B1 and D2), raising of the height of the gym block to accommodate second floor, amendment of gym block west facade alignment and detailing, amendments to landscaping including a revision to the locations of trees and planters, amendment of residential layouts including alteration to the mix of the market residential flats, facade amendments including the insertion of additional windows, balcony detailing and introduction of window mullions, introduction of balconies at Levels 18 and 19 to Block C to replace winter gardens and minor increases in the height of the buildings. NAMELY, external alterations to approved hotel, serviced apartments and school building, internal layout changes to hotel and serviced apartments with the number of hotel rooms increased from 224 to 373 rooms and serviced apartments increased from 55 to 247, internal alterations to school, and amendment of conditions to allow phased delivery of amended scheme and to amend condition triggers.

A late representation was received from Westminster Council's Deputy Director of Education (06/08/18).

#### **RESOLVED UNANIMOUSLY:**

- 1) That conditional permission be granted, subject to completion of a deed of variation to the original S106 agreement to continue to secure the originally secured planning obligations; namely:
  - i) Notice of commencement of development (three months prior to commencement).
  - ii) Provision of 64 on-site affordable housing units to the tenure and mix advised by the Housing Development Manager prior to occupation of more than 50% of the market housing units and a financial contribution of £873,000 to the affordable housing fund prior to commencement of development.
  - iii) Provision at a peppercorn rent of the social and community floor space (the new primary school premises).
  - iv) A financial contribution of £599,423 (index linked) prior to commencement towards the Social and Community Fund.
  - v) A financial contribution of £836,448 (index linked) prior to commencement towards the Education Fund.
  - vi) A financial contribution of £131,541 (index linked) prior to commencement to PATS.
  - vii) A financial contribution of £457,329 (index linked) prior to commencement towards PATEMS.
  - viii) A financial contribution of £22k pa for period of construction works to the Environmental Inspectorate to monitor construction impacts (four year construction period assumed by contribution not limited to this time period).
  - ix) A financial contribution of £6k pa for period of construction works to the Environmental Sciences Team to monitor construction impacts (four

- year construction period assumed by contribution not limited to this time period).
- x) Provision of garden space facing North Wharf Road as Public Open Space.
  - xi) Provision of public realm works in accordance with a public realm masterplan.
  - xii) Provision, maintenance and use of and access to the on-site public realm including the landscaped open space.
  - xiii) Provision of car club memberships (25 years) for 64 residential units (the affordable housing units).
  - xiv) Provision and management of on-site car parking including 25% of spaces to be provided on an 'un-allocated' basis and provision of affordable housing parking at nil cost.
  - xv) Provision, maintenance and access to on-site bus drivers toilet facility.
  - xvi) Provision of and adherence to an advertisement and shop front design strategy.
  - xvii) Provision and management of on-site car club spaces.
  - xviii) Provision and periodic review of a site wide travel plan.
  - xix) Provision of public highway enhancement works, required for the development to occur, in North Wharf Road and Harrow Road.
  - xx) Provision of Harrow Road Traffic Island prior to occupation.
  - xxi) Provision of and adherence to a Servicing Management Strategy.
  - xxii) Provision of on-site space for Mayor's cycle docking station.
  - xxiii) Provision and management of on-site CCTV.
  - xxiv) Developer undertaking to enter into discussions with adjoining sites to form a heat and/ or power network.
  - xxv) Demonstration of compliance with the Code of Construction Practice and signing up to the Considerate Constructors Scheme.
  - xxvi) Mitigation measures for television interference.
  - xxvii) Provision of and compliance with a Balcony Management Strategy.
  - xxviii) Provision of development in full accordance with submitted Code for Sustainable Homes and BREEAM assessments.
  - xxix) Adherence with the Council's Local Procurement Code.
  - xxx) Temporary relocation of North Wharf Road bus stand during construction works and permanent re-provision of bus stand in North Wharf Road at applicant's cost.
  - xxxi) Provision of costs for monitoring of agreement (£500 per head of term).

2. That if the deed of variation had not been completed by 3 September 2018 then:

- i) 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 was authorised to determine and issue such a decision under Delegated Powers; however, if not;
- ii) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals were unacceptable in the absence of the benefits which would have been secured; if so, the

Director of Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That the Sub-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 Growth, Planning and Housing, or other such proper officer of the City Council responsible for planning highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the orders as proposed. The applicant would be required to cover all costs of the Council in progressing the stopping up order.

**5 33 GROSVENOR PLACE, LONDON, SW1X 7HY**

Modification of S106 legal agreement dated 3 April 2017 (RN 16/08369/FULL) to amend the employment and training strategy.

**RESOLVED UNANIMOUSLY:**

That the modification of the Section 106 legal agreement dated 3 April 2017 be agreed.

The Meeting ended at 8.48 pm

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

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