



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 11th September, 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:** Councillor Selina Short (Item 1)

#### 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 Mohindra declared a non-prejudicial interest in respect of item 3 in that he is an employee and shareholder of a company that rents a property, which the Howard de Walden Estate is the freeholder.

2.3 Councillors Bush and the Glen declared that they are trustees of the Westminster Tree Trust.

2.4 Councillor 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 schemes are in Westminster; if there

were he would be precluded from working on them under the company's code of conduct.

Councillor Boothroyd further declared that some Thorncliffe clients have engaged Montagu Evans as planning consultants, who are also representing the applicant on item 4. However he did not deal directly with clients or other members of project teams, and planning consultants are not themselves clients.

On item 1, he declared that he was a member of the committee deciding both Denison House and 1 Neathouse Place referred to in the report. On item 4, he worked close to the Lambeth end of Lambeth Bridge.

- 2.5 Councillor Gassanly declared in respect of item 4 that Chelsea Bridge and Grosvenor Bridge are partially located within his ward.

### **3 MINUTES**

- 3.1 **RESOLVED:** That the minutes of the meeting held on 7 August 2018 be signed by the Chairman as a correct record of proceedings

### **4 PLANNING APPLICATIONS**

#### **1 DEVELOPMENT SITE AT 268-282 VAUXHALL BRIDGE ROAD, LONDON**

Demolition of existing buildings and erection of a new building comprising basement, 2 lower levels (basement level -1 and sub-basement -2), ground and 9 upper levels plus rooftop plant to provide a hotel with associated ancillary facilities including restaurant/bar and gym (Class C1), 2 x 2 bedroom apartments (Class C3), plant, cycle parking and other associated works.

Additional representations were received from the occupier of 68 Carlisle Mansions, Carlisle Place, London SW1P 1HZ (4.9.18 and 6.9.18).

Late representations were received from Vincent Square Ward councillors and a brochure from the applicant.

Councillor Selina Short addressed the committee on behalf of the Vincent Square Ward councillors.

**RESOLVED: (Refuse: Councillors Freeman, Hitchcock, Glen, Boothroyd and Bush; Defer - to seek a reduction to the height of the proposed building: Councillors Mohindra and Gassanly)**

That permission be refused on the grounds that the increased height and bulk at the site will result in an unacceptable increase in the sense of enclosure and loss of light to neighbouring residents.

#### **2 134 OXFORD STREET, LONDON, W1D 1LU**

Demolition of 134-140 Oxford Street and 77-84 Wells Street (Wells House) and the erection of a new building comprising basements, ground plus nine upper floors, with plant accommodation and part Sui Generis (nightclub) at basement level 02; cycle parking, plant accommodation and part Class A1 (retail) at basement level 01; part Class A1 (retail) accommodation and part Class B1 (office) at ground floor level, Class A1 (retail) and associated plant accommodation at first floor level, flexible Class A1 (retail) or Class B1 (office) at second floor and Class B1 (office) accommodation at third to seventh floors; plant accommodation and Class B1 (office) accommodation at eighth floor; Class B1 (office) accommodation at ninth floor; the creation of terraces on levels 6 to 8 and a rooftop terrace area at level 9 (all for use in association with office accommodation); photovoltaic panels on level 9 and the roof; and other associated works including short stay cycle parking spaces in Adam & Eve Court.

An additional representation was received from Councillor Jonathan Glanz (6.9.18).

Late representations were received from M&G Real Estate Ltd including a summary of proposals (7.9.18) and Councillor Timothy Barnes (11.9.18).

The presenting officer referred to the following error on land use Table 1 at p. 64 of the papers:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	7,302	<del>40,987</del> <b>10,872</b>	+3,570
Retail (Class A1)	2,410	3,011	+601
Nightclub ( <i>Sui Generis</i> )	561	561	0
<b>Total</b>	<b>10,273</b>	<b>14,444</b>	<b>+4,171 (+41%)</b>

Table 1: Option A (i.e. if the second floor is used for office (Class B1) purposes).

The presenting officer also tabled the following amendments to the draft decision letter:

## Condition 22

You must provide the following sustainability features as shown on the approved drawings and as set out within the approved Wells House Energy Strategy (dated 25 July 2018) before occupation of any part of the development:

- Rainfall attenuation tank (with a capacity of at least 60 cubic metres).
- Photovoltaic panels (with an area of at least 172 sq.m).
- Low-e double and solar control glazing, ~~as specified within Table 2 of the Wells House Energy Strategy (dated 25 July 2018).~~
- A Ground Source Heat Pump system, ~~as specified within Table 3 of the Wells House Energy Strategy (dated 25 July 2018).~~
- Allowance for connections to any future heat network in the vicinity of the site.

You must not remove any of these features

[No change to reason for condition]

## Condition 25

### Pre Commencement Condition.

- a) You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), **you must provide a Design Stage Interim BREEAM rating and certificate of assessment** ~~this review must showing~~ that **the development is expected to you have achieved an 'excellent' rating in respect to the office element of the development and a 'very good' rating in respect to the retail and nightclub element of the development under BREEAM UK New Construction 2014.** If you use another method, you must achieve an equally high standard.
- b) **You must apply to us for approval of details of a post construction stage report which demonstrates that the office part of the development meets an "Excellent" rating and the retail and nightclub meets a "Very Good" rating" under BREEAM UK New Construction 2014. This report shall be submitted to us within 6 months of the occupation of any part of the building. If you use another method, you must achieve an equally high standard.**

[No change to reason for condition]

## New Condition 26

### Pre Commencement Condition.

Updated Energy Calculations (and relevant design drawings) shall be provided prior to the commencement of development to demonstrate that the development will achieve at least a 20.9% reduction in regulated carbon dioxide emissions beyond Part L the 2013 Building Regulations. You must provide all the environmental sustainability features referred to in the review before you start to use any part of the building. You must then not remove any of these features.

Reason:

To make sure that the development affects the environment as little as possible and minimises carbon dioxide emissions, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016) and Policy 5.2 of the London Plan (2016).

### **UNANIMOUSLY RESOLVED:**

1. Subject to the views of the Mayor of London, conditional permission be granted subject to the changes to the draft decision letter as tabled and set out above and the completion of a legal agreement to secure the following:

- a) A contribution to the City Council's Affordable Housing Fund of £851,000 (index linked), payable in the event that the second floor is occupied as offices (Class B1).
  - b) A Carbon Offset Contribution of £140,790 (index linked), payable prior to commencement of development.
  - c) A Crossrail contribution of £478,140 (index linked) payable within 60 days of commencement of development and an additional Crossrail contribution of £75,750 (index linked) payable in the event that the second floor is occupied as offices (Class B1) (both minus any relevant Mayoral Community Infrastructure Levy paid).
  - d) Undertaking of highways works in the vicinity of the site, including short-stay cycle parking in Adam and Eve Court, resurfacing the footway in Wells Street, removing the existing crossovers and providing a new crossover and any associated works to accommodate the development.
  - e) An employment and training strategy.
  - f) Secure the re-provision of the nightclub (Sui Generis) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site.
  - g) Costs of monitoring the S106 agreement.
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 Delegate Powers.

### **3 1 CAVENDISH SQUARE, LONDON, W1G 0LA**

Use of building as a restaurant/ drinking establishment (sui generis), addition of a mezzanine floor, erection of a roof extension, removal of steps to provide level access to building, internal modifications, and associated works.

Additional representations were circulated in the form of draft decision letters associated with any potential planning permission and listed building consent.

A late representation was received from Environmental Health (7.9.18).

The Presenting Officer tabled the following amendments:

### **Condition 12**

The kitchen extract ventilation shall be limited to a recirculation system **(i.e. with no external expulsion of air)** approved by the Local Planning Authority and all cooking and reheating of food within the premises shall operate by electricity only and not by gas or solid fuels such as coal or wood.

[No change to reason for condition]

### **Additional Condition 19**

Only the areas annotated as 12, 13, 14, 15, 16 and 17 at basement floor level on drawing number E17-011 PRP001 shall be used as a kitchen. The windows to the kitchen area shall be permanently fixed shut. The external door to the kitchen area shall be fitted with a self-closing mechanism prior to occupation of the building as a restaurant / drinking establishment (sui generis) and shall not be left open. This self-closing mechanism shall be retained for the life of the development.

#### Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

The presenting officer tabled the following amendments to conditions:

### **Condition 12**

The kitchen extract ventilation shall be limited to a recirculation system **(i.e. with no external expulsion of air)** approved by the Local Planning Authority and all cooking and reheating of food within the premises shall operate by electricity only and not by gas or solid fuels such as coal or wood.

[No change to reason for condition]

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#### Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

## **UNANIMOUSLY RESOLVED:**

1. That conditional permission be granted subject to the changes to conditions as tabled and set out above.
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.

## **4 WATERLOO BRIDGE, LONDON**

The architectural illumination, as part of the Illuminated River proposal, of Waterloo Bridge (Application 1), Golden Jubilee Bridge (Application 2), Westminster Bridge (Application 3), Lambeth Bridge (Application 4), Vauxhall Bridge (Application 5), Grosvenor Bridge (Application 6) and Chelsea Bridge (Application 7) including the installation of fixtures, fittings and ancillary equipment and associated works.

The presenting officer tabled the following amendments to the draft decision letters:

### **Additional conditions**

The illuminated displays hereby approved must not include corporate sponsorship or any form of advertising.

### **Condition 6**

- (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, 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, 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 proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, 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, 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 proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
  - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
  - (i) The proposed maximum noise level to be emitted by the plant and equipment.

**UNANIMOUSLY RESOLVED:**

Waterloo Bridge (Application 1):

1. That conditional permission and conditional listed building consent be granted subject to the changes to the draft decision letter as tabled and set out above.
2. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

Golden Jubilee Bridge (Application 2):

That conditional permission be granted subject to the changes to the draft decision letter as tabled and set out above.

Westminster Bridge (Application 3):

1. That conditional permission and conditional listed building consent be granted subject to the changes to the draft decision letter as tabled and set out above.
2. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

Lambeth Bridge (Application 4):

1. That conditional permission and conditional listed building consent be granted subject to the changes to the draft decision letter as tabled and set out above.
2. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

Vauxhall Bridge (Application 5):

1. That conditional permission and conditional listed building consent be granted subject to the changes to the draft decision letter as tabled and set out above.
2. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

Grosvenor Bridge (Application 6):

That conditional permission be granted subject to the changes to the draft decision letter as tabled and set out above.

Chelsea Bridge (Application 7):

1. That conditional permission and conditional listed building consent be granted subject to the changes to the draft decision letter as tabled and set out above.
2. 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 8.18 pm

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

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