



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 24th September, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Gotz Mohindra (Chairman), David Boothroyd, Geoff Barraclough, Murad Gassanly, Jim Glen and Peter Freeman

1 MEMBERSHIP

- 1.1 It was noted that Councillor Peter Freeman had replaced Councillor Elizabeth Hitchcock.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Gotz Mohindra explained that a week before the meeting, all six 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 then made the following declarations as they related to the agenda:
- Item 1: That he had several business interests which rented in the area which the planning application site were located.
- Item 3: That he had attended a pre-application meeting with Council officers.
- Item 3: That he was a former member of the Arts Club which was adjacent to the site.

- 2.3 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 schemes are in Westminster; if there were he would be precluded from working on them under the company's code of conduct. Some Thorncliffe clients have also engaged planning consultants who are separately representing the applicants at the meeting, these being: Gerald Eve on item 1, DP9 on item 3, and Savills on item 4. However, Councillor Boothroyd stated that he did not deal directly with clients or other members of project teams, and planning consultants are not themselves clients.

In respect of Item 2, he was the Ward Councillor and had met some individuals who had made representation when a previous application was being considered. A representation has been made by Cllr Adam Hug, who was a friend.

In respect of Item 4, he was a member of previous committees deciding applications on this site.

- 2.4 Councillor Murad Gassanly declared that he was a Deputy Cabinet Member for Housing and had an indirect interest in respect to Item 2. Councillor Gassanly advised that if granted the built-out proposal would fall under the 'Affordable Housing' Portfolio. Councillor Gassanly advised that he had no previous involvement with this application, the proposed development fell within the ambit of a separate Portfolio, and that he was not involved in any of the discussions of Cabinet Reports which mentioned the proposal. Legal advice was taken, and the Chairman clarified that for Council-own applications all councillors are likely to have an indirect interest as the ultimate beneficiary of such schemes will be the Council (as a whole) and its residents.
- 2.5 Councillor Peter Freeman declared a conflict of interest in respect of items 4 and advised that he was the Chairmen of Chesterfield Lodge. Councillor Freeman withdrew from the Meeting whilst the Application was being considered.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 2 July 2019 be signed by the Chairman as a correct record of proceedings subject to amendments being made to Item 2 Declaration of Interests and reads: -

Councillor Gotz Mohindra declared that he had several business interests that rent properties in the area which the planning application site for Items 4 & 5 were located.

4 PLANNING APPLICATIONS

1 PORTLAND HOUSE BRESSENDEN PLACE LONDON SW1E 5BH

Ground plus 14 storey extension along Bressenden Place to provide Class B1 (office) accommodation and Class A1 (retail) accommodation at ground floor. Use of Level 28 and new pavilion extension at main roof level for restaurant and bar (sui generis) use. The installation of two external lifts on the northern elevation of the building. Works to the existing building façade, including the replacement of the treatment of the top of the building, the replacement of the existing windows and the cleaning of the existing façade and associated works. The reconfiguration of the existing ground and first floor to provide Class A3 (restaurant) accommodation, the provision of a flexible Class A1/A3 (retail/restaurant) unit at ground floor, the use of the basement for Class A3, Class B1 (office), flexible Class A1/A3/D2 (retail/restaurant/gym). Removal of part of the existing canopy, works to the public realm, the provision of cycle parking spaces and associated works.

Additional representations were received from Thorney Island Society (18.09.19), Arboricultural Services (06.09.19) and Landsec (Unknown).

Late Representation was received from Cathedral Area Residents Group (20.09.19), two local resident (20.09.19) and (20.09.19) and Councillor Louise Hyams (24.09.19).

Beth West addressed the Sub-Committee in support of the application.

David Samuel addressed the Sub-Committee in objection of the application

Peter Roberts addressed the Sub-Committee in objection of the application

The Presenting Officer tabled the following amendments to the Recommendations and Conditions.

Grant conditional permission, subject to additional neighbour notification and subject to a S106 legal agreement to secure the following:

- I. An Employment and Skills Plan
- II. A financial contribution of £ 395,953 to support the Westminster Employment Service (Payable on commencement of development).
- III. A strategy for the dismantling, storage and relocation of the Big Painting public art.
- IV. To secure the public realm benefits through a bespoke or modified Walkways Agreement.
- V. A contribution of £20,000 (index linked and payable on commencement) to update wayfinding signage.
- VI. Monitoring payment of £500 for each obligation.

If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

a) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Place Shaping and Town 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; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Delete Condition 24

No properties shall be occupied until confirmation has been provided that all water network upgrades required to accommodate the additional flows from the development have been completed.

Additional Conditions

You must apply to us for approval of details to demonstrate that either all water network upgrades required to accommodate the additional flows from the development have been completed; or a development and infrastructure phasing plan has been agreed with Thames Water to allow the additional development to be occupied. Where an infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed infrastructure phasing plan. You must not occupy any part of the approved office extension or the roof top pavilion extension until we have approved what you have sent us in consultation with Thames Water.

No construction shall take place within 5m of the water main. Information detailing how you intend to divert the asset / align the development so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by us in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Revised condition 41

The energy measures set out in the approved Energy Strategy Rev 3 shall be provided, unless otherwise agreed in writing with us. If any of the approved A1, A3 or sui generis retail units (save for the existing Class A3 unit at ground, basement and first floor levels) require a separate energy supply, details of how the applicant will promote the occupiers of these units to source their energy from 100% renewable sources shall be submitted and approved prior to occupation of the relevant unit.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission be granted as amended subject to additional neighbour notification and subject to a S106 legal agreement to secure the following:

- I. An Employment and Skills Plan
 - II. A financial contribution of £395,953 to support the Westminster Employment Service (Payable on commencement of development).
 - III. A strategy for the dismantling, storage and relocation of the Big Painting public art.
 - IV. To secure the public realm benefits through a bespoke or modified Walkways Agreement.
 - V. A contribution of £20,000 (index linked and payable on commencement) to update wayfinding signage.
 - VI. Monitoring payment of £500 for each obligation.
- 2) If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
- a) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Place Shaping and Town 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; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers and
- 3) That an additional Condition requiring approval of details for privacy and lighting mitigation measures be extended to the external lifts.

2 BLOMFIELD MEWS LONDON

Demolition of 28 single storey garages and erection of replacement three storey buildings, with the exception of one building comprising four storeys fronting Warwick Crescent and two lower floors to connect with the mews, to provide 18 residential units comprising 4 dwelling houses and 14 flats (Class C3), car parking spaces and waste and cycle storage. Reconfiguration of communal landscaping of gardens to the rear of Warwick Crescent including removal of 3 trees.

Additional representations were received from Affordable Housing and Strategy (19.09.19).

Late representations were received from, Westbourne Terrace Road Resident Association (23.09.19), (23.09.19), Nicholas Taylor and Associates (05.03.19), Anstey Home (01.03.19) and Councillor Adam Hug (24.09.19)

Max Plotnek addressed the Sub-Committee in support of the Application.

Claudia Danser addressed the Sub-Committee in objection of the Application.

Justin Cavell addressed the Sub-Committee in objection of the Application.

The Presenting Officer tabled the following amendments to the Recommendations and Conditions.

Amended Recommendation

1. Grant conditional permission *under the Town and Country Planning Act 1990 as modified by the Town and Country Planning Regulations 1992*, subject to the completion of a unilateral undertaking to secure the following planning obligations:
 - i. Notice of commencement of development.
 - ii. Provision of on-site affordable housing prior to occupation of the market residential units, to the quantum, mix, tenure and affordability set out in Section 8.1, *with annual rent increases restricted to CPI+1%*, and subject to an early stage review process.
 - iii. Provision of lifetime (25 year) car club membership for all affordable units.
 - iv. Provision of a financial contribution to the Carbon Off-Setting Fund of £26,388 (index linked).
 - v. Costs of monitoring the agreement (£500 per head of term).

2. If the unilateral undertaking to secure the planning obligations has not been completed within 6 weeks of the Sub-Committee date then:
 - a) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;

 - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Revised Condition 6

You must apply to us for approval of detailed drawings of the following parts of the development:

~~(a) Railings to the front elevation of the townhouse.~~

(a) Louvred screens to balconies.

(b) Windows and doors

(c) Sliding vehicular gate to parking area *entrance at ground floor level below the southern end of the development.*

(d) Balconies to rear elevation.

(e) Entrance stairs and railings *to front elevation* of townhouse.

(f) The folded facade at first and second floor levels to the central block within the news

(g) Stained glass windows.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings.

Revised Condition 13

You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. *Not more than 4 of the 9 car parking spaces within the development shall be used for the parking of cars by the occupiers of Units 1, 2, 3 and 4.*

RESOLVED by majority (Councillors Gotz Mohindra, Murad Gassanly, Peter Freeman and Jim Glen for, with Councillor Geoff Barraclough and David Boothroyd against)

1. That Conditional permission, amended be granted subject to the completion of a unilateral undertaking to secure the following planning obligations:

- i. Notice of commencement of development.
- ii. Provision of on-site affordable housing prior to occupation of the market residential units, to the quantum, mix, tenure and affordability set out in Section 8.1.
- iii. Provision of lifetime (25 year) car club membership for all affordable units.
- iv. Provision of a financial contribution to the Carbon Off-Setting Fund of £26,388 (index linked).
- v. Costs of monitoring the agreement (£500 per head of term).

2. If the legal agreement and deed of variation to secure the planning obligations has not been completed within six weeks of the Sub-Committee date then:

- a) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
- b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3 70-72 PICCADILLY LONDON W1J 8HP

Part demolition of, and extensions to, the existing buildings, including a 2 storey roof extension; the refurbishment of the existing and creation of new office (Class B1), hotel (Class C1), retail (Class A1 – A3) and Leisure and non-residential institutions (Class D1 - D2) floorspace with ancillary functions; basement refurbishment works; the erection of a 6 storey pavilion on the corner of Piccadilly and Dover Street; Installation of plant at roof level; hard and soft landscaping works as part of an improved public realm offering at Dover Yard and pedestrian route between Dover Street and Berkeley Street and other ancillary works.

Matt Mason addressed the Sub-Committee in support of the application

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted subject to Condition 11 and 15 being amended and for a Servicing Management Plan to be agreed by the Chairmen and Officers which would restrict all servicing in Dover Yard to 00:00hours to 07:00hours and subject to a legal agreement to secure the following:
 - i) A financial contribution towards employment, training and skills of £ (index linked) payable on commencement of development.
 - ii) A servicing management plan
 - ii) A walkways agreement
 - iv) The costs of monitoring the S106 legal agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:
 - a) The Director of Place Shaping and Town 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 Place Shaping and Town 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.

4 CHESTERFIELD LODGE, 75 ST JOHN'S WOOD TERRACE, LONDON NW8 6LF

Councillor Peter Freeman declared a conflict of interest in respect of items 4 and advised that he was the Chairmen of Chesterfield Lodge. Councillor Freeman withdrew from the Meeting whilst the Application was being considered.

Variation of condition 1 of planning permission dated 30 January 2017 (RN 16/00492/FULL) for Demolition of existing building and the erection of a four-storey building to accommodate 44 residential dwellings (Class C3) and associated works including landscaping and the provision of car parking. NAMELY, to allow amendments to the design of the facade to increase to the building footprint and other internal and external alterations.

RESOLVED UNAMIOUSLY:

That conditional permission be granted subject to a completion of a Deed of Variation to the Legal Agreement at 1-18 York Terrace East to reflect this new permission in order to secure the construction/provision of these 44 affordable housing units.

The Meeting ended at 10.25 pm

CHAIRMAN: _____

DATE _____