



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

**Members Present:** Councillors Melvyn Caplan (Chairman), David Boothroyd, Geoff Barraclough, Jim Glen, Elizabeth Hitchcock and Robert Rigby

**Also Present:** Vincent Nally, Louise Francis, Joshua Howitt, Mike Walton, Max Jones, Robert Ayton, Kisi Smith-Charlemagne, Isaac Carter and Anthony Perera

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

2.1 The Chairman 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 emails 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 Boothroyd declared that he is the Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. He advised that 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 advised the Committee that some Thorncliffe clients have also engaged planning consultants who are separately representing the applicants tonight: Montagu Evans on item 1 and Gerald Eve on items 4, 5 and 6. However he does not

deal directly with clients or other members of project teams, and planning consultants are not themselves clients.

- 2.3 Councillor Boothroyd further added that with regards to item 3, Angela Piddock who was headteacher of Wilberforce School until 2011, is a friend. On item 4, he advised that he was a member of previous committees deciding applications for this site and have corresponded with objectors after the decisions. On item 5, Councillor Boothroyd declared that he was been a member of previous committees deciding applications for this site.
- 2.4 Councillor Glen advised that one application referred to trees, he declared that he is a trustee of the Westminster Tree Trust, however the Trust had no interest in the application.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on the 8 October 2019 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 2 - 14 PALMER STREET LONDON SW1H 0AP**

Demolition and redevelopment of existing building to provide a nine storey building (Basement, Lower Ground, Ground + 6 upper floors) and roof level plant, providing flexible commercial units at ground floor (Classes A1/A2/A3/D2) and lower ground floor (Class D2 gym), office accommodation (Class B1a) on upper levels, with cycle parking, changing facilities, waste storage and plant at basement level.

A late representation was received from Concilio in the form of a letter on the proposed development (06.11.19).

Marek Wojciechowski addressed the Sub-Committee in support of the application.

Agapi Fylaktou addressed the Sub-Committee in objection of the application.

**RESOLVED: (Councillors Melvyn Caplan, David Boothroyd, Robert Rigby, Jim Glen and Elizabeth Hitchcock for, Councillor Geoff Barraclough against)**

1. That conditional permission be granted including an additional condition to restrict hours of servicing to be agreed by the Chairman, and subject to a S106 legal agreement to secure the following:
  - a) All highway works immediately surrounding the site required for the development to occur, including any necessary changes to footway levels, on-street restrictions, removal of bollards and associated work (legal, administrative and physical).

b) A financial contribution towards employment, training and skills of £54,283 (index linked) payable on commencement of development.

c) A financial contribution (index linked) towards the City Council's affordable housing fund, payable upon commencement of development. The precise amount will be dependent upon the configuration of land uses at ground floor level.

d) Removal of two street lights immediately outside the application site and their relocation onto the new building (to be completed prior to occupation). A wayleave agreement will be required.

e) Monitoring costs.

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 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 is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3a) That Committee authorises 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 and creation of new public highway to enable this development to take place.

## **2 3 LANCELOT PLACE LONDON SW7 1DR**

The application was withdrawn by officers.

## **3 WILBERFORCE PRIMARY SCHOOL BEETHOVEN STREET LONDON W10 4LB**

Part a) proposed demolition of block b and c of Wilberforce Primary School following their relocation to block a. Part b) proposed new build special school in place of blocks b and c to accommodate the relocation of St Marylebone CE Bridge School, together with associated access, parking and landscaping works.

### **RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to a Grampian condition to secure highway works in Herries Street to relocate the existing metal barrier to outside of the new school entrance.

#### **4 19-35 BAKER STREET LONDON W1U 8EQ**

Variation of conditions 1 and 24 of planning permission dated 27 March 2019 (RN: 16/11376/FULL) for the: Demolition of the existing buildings at 19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and redevelopment to create a mixed use scheme providing offices (Class B1), retail (Class A1 and flexible Class A1/A3 units) and up to 51 residential units (Class C3) within a new ground plus nine storey building (and an enclosed plant area) on Baker Street; a new stepped ground plus four to ground plus six storey building on George Street; refurbishment, extension and the change of use of the first floor from office to residential at 30 Gloucester Place; creation of a single storey basement level linking the Baker Street and George Street buildings to provide car and cycle parking, refuse and servicing; creation of a new central, publicly accessible courtyard; removal of 5 trees and replacement trees across the site, a new publicly accessible route at ground level connecting Baker Street and Gloucester Place; associated plant, landscaping, replacement pavements in part and other associated works. Namely, to allow the revision of energy strategy to omit the gas-fired boilers and replace with all electric air source heat pumps across buildings C and D; revisions to facade design of 19-35 Baker Street (building C); and associated alterations.

Benjy Lesser addressed the Sub-Committee in support of the application.

Rosemary Hook addressed the Sub-Committee in objection of the application.

A late email was tabled by officers from Toyin Omodara (12.11.19)

A late email was tabled from Rosemary Hook to Councillor Iain Bott (06.11.19)

A late email was tabled from Robert Hook to Councillor Iain Bott (12.11.19)

A late email was tabled from Robert Hook to Councillor Iain Bott (11.11.19)

A late email was tabled from Robert Hook to Councillor Iain Bott (10.11.19)

**RESOLVED: (Councillors Melvyn Caplan, Robert Rigby, Jim Glen and Elizabeth Hitchcock for, Councillors David Boothroyd and Geoff Barraclough against)**

1. Subject to referral to the Mayor of London, grant conditional permission subject to a deed of variation to a S106 legal agreement to secure:
  - i) provision of 10 affordable housing units at 30 Gloucester Place, (including securing rent levels) to be made ready for occupation prior to the occupation of the market housing on George Street (building D)
  - ii) a financial contribution of £10 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)
  - iii) a viability review mechanism
  - v) costs relating to highways works around the site to facilitate the development

- v) provision of unallocated residential parking
  - vi) lifetime car club membership (25 years) for each residential unit payable on first occupation
  - vii) a lift management and maintenance plan
  - viii) a financial contribution to the carbon offsetting fund carbon offsetting fund of £76,665 for the residential part of the development prior to commencement of development
  - ix) the applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.
  - x) Crossrail payment of £2,696,155 (index linked) to be paid on commencement of development
  - xi) a financial contribution towards the cost of off-street tree planting on George Street, Gloucester Place and Blandford Street.
  - xii) monitoring costs
2. If the deed of variation to the S106 deed of variation 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 an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway required to enable the development to take place.

**5 DEVELOPMENT SITE AT 1 1/2 QUEENS GROVE AND 12-22 FINCHLEY ROAD LONDON NW8 6EB**

Variation of condition 1 of planning permission dated 21 December 2017 (RN: 17/00938/FULL) which itself varied Condition 2 of planning permission dated 2 November 2003 (RN: 02/06302/FULL) for the: Demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements. Namely, to allow the addition of mechanical ventilation and sprinklers at basement levels; smoke

extraction and sprinklers within the communal corridors at the upper levels; increase in floor to ceiling heights to 2.6 metres; lowering of the central ground floor slab; disabled access lift added to the ground floor entrances; introduction of escape windows to ground floor apartments; reduction in the floor areas of units 007 and 008; inclusion of photovoltaic panels at sixth and seventh floor roof level; and removal of seventh floor mezzanine.

Archie Avery addressed the Sub-Committee in support of the application.

Stuart Rackham (representing residents of Balmoral Court) addressed the Sub-Committee in objection of the application.

A late email was tabled by officers from Gerald Eve LLP (7.11.19)

A late email was tabled by officers from Gerald Eve LLP (8.11.19)

A late representation was received from Rackham Planning (12.11.19)

The presenting officer tabled the following revised changes to the conditions and draft decision letter.

#### **Item 5 Development Site 1 ½ Queen's Terrace and 12-22 Finchley Road NW8**

Following the publication of the Committee report, the agent has since clarified the use of the shared amenity space at the front of the development as set as in Section 8.14 of the Committee report .Therefore it is recommended to make further change to the wording of Condition 22 to reflect that the area highlighted in blue will be the amenity space for the affordable housing units and this will incur no service charge for the affordable units .

#### **Current Condition 22**

The external amenity space at the front of the development fronting onto Finchley Road as shown on drawing FIN-P-102 Rev I must be provided, maintained and retained and be made accessible for all residents across tenures within this development.

#### **New Condition 22**

The external amenity space at the front of the development fronting onto Finchley Road as shown on drawing FIN-P-102 Rev I must be provided, maintained and retained and be made accessible for all residents within the development and the area highlighted in blue shall be for the affordable housing units as set out in email dated 1 November 2019 and shall not incur a service charge.

**RESOLVED: (Councillors Melvyn Caplan, David Boothroyd, Robert Rigby, Jim Glen and Elizabeth Hitchcock for, Councillor Geoff Barraclough against)**

That conditional permission be granted subject to amendments to Condition 22 as tabled, the addition of condition to protect residents of the development from external

noise and vibration, and a deed of variation to the legal agreement dated to reflect this latest Section 73 application.

**6 52 - 54 DAVIES STREET LONDON W1K 5JF**

Use of 52-54 Davies Street for a temporary period until 2 July 2022 as ancillary back-of-house theatre space (sui generis) in connection with immersive theatre space and ancillary uses (sui generis) at 56 Davies Street.

Brian Hook addressed the Sub-Committee in support of the application.

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted for a temporary period until 2 July 2022, subject to the removal of Condition 4 as tabled.

The Meeting ended at 9.02 am

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

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