



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 22nd December, 2020**, Please note that this will be a virtual meeting..

**Members Present:** Councillors Robert Rigby (Chairman), David Boothroyd, Geoff Barraclough, Jim Glen, Louise Hyams and James Spencer

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### RESOLVED:

That Councillor Jim Glen be elected as the substitute Chairman for the meeting in the event that the Chairman loses connection.

#### 2 DECLARATIONS OF INTEREST

- 2.1 The Chairmen explained that a week before the meeting, all six Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report; together with bundles of the letters or e-mails received in respect of this application containing objections or giving support. 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 Sub-Committee, it did not mean that the issue has been ignored.
- 2.2 Councillor Robert Rigby declared that in respect of Item 1 he had attended a pre-application meeting several months ago and advised that he came to the meeting with an open mind.
- 2.3 Councillor Jim Glen declared that in respect of Item 1 he was a Trustee of the Westminster Trees Trust and advised that he had had no correspondence about the Application.
- 2.4 Councillor David Boothroyd declared that he was 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 also engaged Gerald Eve planning consultants who were separately representing the applicants on Item 1. However, he did not deal directly with clients or other members of project teams, and planning consultants were not themselves clients.

- 2.5 Robert Ayton Design Officer declared that in respect of Item 1 he was a Member of the Georgian Group and the Victorian Society and advised that both Organisations had objected to the Application. Mr Ayton confirmed that he was not involved with any of the objections.

### **3 MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 10 November 2020 be signed by the Chair as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 DEVELOPMENT SITE BOUND BY BROOK STREET, DAVIES STREET AND SOUTH MOLTON LANE (EXCLUDING 58 DAVIES STREET) AND 10, 15-25, 27 AND 42 SOUTH MOLTON STREET LONDON,**

Part demolition, excavation (including beneath Davies Mews), erection of new buildings and alterations to existing buildings comprising: redevelopment of 60 Brook Street; redevelopment of 48, 50, 56 and 58 Brook Street and 16 Davies Mews behind retained Brook Street facades at; redevelopment behind retained and partially reconstructed facade at 52-54 Brook Street; refurbishment with alterations and addition of turret and gables at 40-46 Brook Street and 40 South Molton Lane; redevelopment behind retained Davies Mews and South Molton Lane elevations and front roof at 1-7 Davies Mews and 28-30 South Molton Lane; refurbishment and alterations at 50 Davies Street; refurbishment with alterations and partial demolition and redevelopment of upper floors at 52-54 Davies Street; redevelopment behind reconstructed and extended facade at 56 Davies Street and Brookfield House (44-48 Davies Street and 62 and 64 Brook Street); part demolition of ground floor and refurbishment at 10 South Molton Street; refurbishment and alterations at 15-25, 27 and 42 South Molton Street; all to provide a development of up to 9 storeys including Class B1 (Business), Class A1 (Shops), Class A3 (Restaurant and Cafes), Class A4 (Drinking Establishment), composite use comprising public house and guest accommodation (sui generis), Class C3 (Dwellinghouses), Class D1 (Non-Residential Institutions) and Class C1 (Hotel) uses, improvements to public realm and pedestrian routes, servicing, ancillary plant and storage, cycle parking and other associated works.

An additional representation was received from Grosvenor (15.12.20).

A late representation was received from Councillor Timothy Barnes (22.12.20).

The presenting officer tabled the following revised recommendations, an amendment to Condition 14 and additional Conditions.

**Item 1: Development Site Bound by Brook Street, Davies Street and South Molton Lane (excluding 58 Davies Street) and 10, 15-25, 27 and 42 South Molton Street, London, W1.**

**Amended Recommendation 1 (b):**

~~The office floorspace within the North Block not to be occupied in advance of first occupation of the office floorspace within the South Block.~~ **No part of the North Block (except 50 Davies Street) shall be occupied in advance of first occupation of the office floorspace within the South Block.**

**Amended Recommendation 2:**

If the S106 legal agreement has not been completed within ~~six~~ **twelve** weeks of the date of this resolution then:

**Amended Condition 14**

~~{b Pre-Commencement Condition}~~

~~The development hereby approved shall not commence unless:~~

- ~~— The primary use of all the commercial units at ground and basement floors of 23-25 South Molton Street and 27 South Molton Street is for the display of retail sale of goods, other than hot food, principally to visiting members of the public.~~
- ~~— The use, or part use, of all the commercial units at ground and basement floors of 10, 15, 16, 18-22 and 42 South Molton Street is for the following purposes: (i) For the display or retail sale of goods, other than hot food, principally to visiting members of the public; and / or (ii) For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises.~~

Following commencement of the development **in relation to each of the following parts of the development** hereby approved, the primary use of the commercial units at basement and ground floors of 23-25 South Molton Street and 27 South Molton Street shall only be for the display or retail sale of goods, other than hot food, principally to visiting members of the public. You must not use these units for any other purpose, including within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

Following commencement of the development **in relation to each of the following parts of the development** hereby approved, the commercial units at basement and ground floors of 10, 17-22 and 42 South Molton Street, the commercial units at the ground floors of 15 and 16 South Molton Street and the non-office commercial units within the North and South Block (excluding 50 Davies Street) shall only be used, or part used, for the following purposes: (i) For the display or retail sale of goods, other

than hot food, principally to visiting members of the public; and / or (ii) For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises. You must not use these units for any other purpose, including within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

**No change to reason.**

### **Additional Condition 62**

You must apply to us for approval of detailed drawings and/or full particulars of the following parts of the development:

1. Extent of reuse of natural Portland stone from the existing Brookfield House in the facades of new Brookfield House
2. Extent of reuse of natural Portland stone from the existing 56 Davies Street in the facade of new 56 Davies Street

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 / particulars.

#### Reason

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

### **Additional Condition 63**

The privacy screens to the terraces to the rear of the South Molton Street Properties shall be erected in accordance with the approved drawings prior to occupation of the relevant residential units and shall remain in situ for the life of the development.

#### Reason

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

James Raynor addressed the Sub-Committee in support of the application.

Jace Tyrrell addressed the Sub-Committee in support of the application.

**RESOLVED UNANIMOUSLY:**

- 1) That subject to referral to the Mayor of London, conditional permission, as amended and additional conditions be granted subject to a legal agreement to secure the following:
  - a) Provision of 11 x affordable housing units, made up of 7 x social housing units (rents set at London Affordable Rents) at 23-25 South Molton Street and 4 x intermediate housing units (rents set at London Living Rent) at 27 South Molton Street. Increases in rent and eligibility to be agreed with the Head of Affordable Housing and Partnerships. Completed affordable housing to be managed by and transferred into the legal ownership of a Registered Provider. The office floorspace within the South Block not to be occupied until all 11 x affordable housing units are ready for occupation.
  - b) No part of the North Block (except 50 Davies Street) shall be occupied in advance of first occupation of the office floorspace within the South Block.
  - c) Provision of an Early Stage Viability Review if substantial implementation (i.e. completion of demolition, ground preparation, piling and permanent foundation and below ground structural works and the ground floor slab) for the South Block has not been completed within three years of the date of the planning permission.
  - d) The office floorspace within the North Block not to be occupied until the market residential units at 10, 15-22 and 42 South Molton Street are ready for occupation.
  - e) The office floorspace within the South Block not to be occupied until the 8 x residential units at part first and the second floors of Claridge House, 32 Davies Street pursuant to planning permission dated 7 September 2020 (Ref: 20/02661/FULL) are ready for occupation. The office floorspace within the South Block to be ready for occupation within 8 years of these residential units being made ready for occupation.
  - f) Undertaking of highways works and public realm works on Davies Mews, South Molton Lane, Davies Street, Brook Street, South Molton Passage, South Molton Street and the new passageway beneath 10 South Molton Street, including associated traffic order making, tree planting, cycle parking, provision of loading bays, wayleaving of existing street lighting, details of highways management and any other associated works to accommodate the development. Highway works / management and public realm works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development. Highway works and public realm works to be completed prior to occupation of any part of the North Block (excluding 50 Davies Street), the South Block or the occupation of 40-46 Brook Street and 40 South Molton Lane as a hotel and highway management arrangements secured for the life of the development.
  - g) Submission of a management plan for the City Council's approval setting out the management, maintenance and enforcement of activities upon land retained in applicant's ownership on South Molton Lane. Adherence to the approved management plan for the life of the development.

- h) An Employment and Skills Plan and a contribution of £346,000 to support the Westminster Employment Service (submitted and payable, respectively, prior to the commencement of development).
  - i) Car club membership for the occupiers of all 33 x residential units for a period of 25 years.
  - j) A financial contribution of £25,000 to provide an extension to a nearby Cycle Hire docking station(s) (payable prior to commencement of development).
  - k) The submission for the City Council's approval of a management strategy for the passageway beneath 10 South Molton Street in terms of inspecting it for anti-social behaviour, cleaning, lighting and generally maintaining it. Adherence to the approved management strategy for the life of the development.
  - l) The provision of at least 127 sq.m of either formal or informal place space either within Grosvenor Square Gardens or an alternative location within Mayfair (to be agreed with the City Council). The playspace to be provided prior to any of the residential units being occupied.
  - m) The provision of at least 1,205 sq.m of replacement social and community floorspace within the basement of the North Building or an alternative location within Mayfair (to be ready for tenant fit out within 8 years of the commencement of the demolition of 48 Brook Street or 56 Brook Street).
  - n) Not to occupy any of the office floorspace within the North Block until 40-46 Brook Street and 40 South Molton Lane cease to be occupied as offices and shall not be used as offices thereafter.
  - o) The costs of monitoring the S106 legal agreement.
- 2) That If the S106 legal agreement has not been completed within twelve weeks of the date of this resolution then:
- a) The Director of Place Shaping and 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 Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Place Shaping and Planning shall consider whether the 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 Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3) That the Sub-Committee authorises the making of a draft order pursuant to s247 or s248 of the Town and Country Planning Act 1990 for the stopping up of a part of the public highway on the south-west side of Davies Mews. That the Director

of Place Shaping and Planning, Executive Director of Environment and City, Director of City Highways or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

- 4) That conditional listed building consent for all six applications be granted.
- 5) That the reasons for granting the six applications for listed building consents as set out in Informative 1 of the draft decision letters be agreed.
- 6) That an additional informative encouraging provision of facilities for food waste storage and collection be included.

**2 LECONFIELD HOUSE CURZON STREET, LONDON W1J 5JB  
(WITHDRAWN)**

The Application was withdrawn by the Planning Officers.

The Meeting ended at 8.50 pm

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

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