



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 January, 2019**, 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

#### 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 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 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 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 engaged JLL and Turleys as planning consultants, and they were also representing the applicants on items 1 and 2 respectively. However he did not deal directly with clients or other members of project teams, and planning consultants were not themselves clients.

In respect of Item 1, the applicants were part of the Freshwater Group, who had also been clients of Thorncliffe in respect of development schemes in Lambeth and Tower Hamlets, most recently in 2014. Other companies in the Freshwater Group were also lessors of his home in Paddington, and managing agents of the block. One of the objectors was David Bieda who was a friend.

In respect of Item 2, he was a member of several previous committees dealing with applications connected with this development.

- 2.3 Councillor Bush declared she was a Trustee of the Westminster Tree Trust. In respect of Item 1, an objector to the application was considered a friend; however, she had not discussed the item with them. In respect of Item 2, she had sat on a previous Sub-Committee that had considered an application on the same site.
- 2.4 Councillor Mohindra declared that in respect of Item 1 he had attended a meeting with the applicant during which a Westminster City Council Planning Officer had been in attendance.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 27 November 2018 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 DEVELOPMENT SITE AT 127-143 OXFORD STREET, 53-55 BERWICK STREET AND 201-205 WARDOUR STREET, LONDON**

Demolition of 127 Oxford Street and 205 Wardour Street, 129-131 Oxford Street, 133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street) (behind retained Oxford, Wardour and Berwick Street facades and partially retained interior), 137 Oxford Street, 139-143 Oxford Street (behind retained façade) and 55 Berwick Street. Excavation to provide new Basement 02 and Basement 03 levels. Redevelopment of site to provide ancillary plant and facilities at Basement 03 and part Basement 02 level; nightclub (sui generis) at part Basement 02 and part Basement 01 level (with ground floor entrance at No. 55 Berwick Street); retail (Class A1) floorspace at part Basement 01, part ground and part first floor levels; and office (Class B1) at part ground, part first and second to sixth floor levels, and roof top plant.

Additional representations were received from Daejan Investments Ltd (16/01/19) and Historic England (26/11/18).

A late representation was received from the Soho Society Planning Committee (22.01.19).

The Presenting Officer tabled the following amendments:

## Planning Application (Ref: 18/00175/FULL)

### **Amended Condition 28**

~~The retail floorspace (Class A1) hereby approved shall not be used as food retailing.~~  
**Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the Class A1 retail accommodation hereby approved shall not be used as a food retail supermarket outlet or similar.**

No change to reason.

### **Additional Condition 31**

There shall be no primary cooking on site such that you must not cook raw or fresh food on the premises.

Reason:

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

## Listed Building Consent Application (Ref: 18/00176/LBC)

### **Delete Condition 5**

~~You must apply to us for approval of a comprehensive method statement and drawings of the following parts of the development.~~

~~Proposals for jacking up and modifying the retained street facades of 134-143 Oxford 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 documents.~~

### **Amend Condition 6**

You must apply to us for approval of a comprehensive method statement and drawings of the following parts of the development.

Proposals for the reuse of existing internal features, including the main staircase.

You must not start any ~~work on these parts of the development~~ **demolition of Ilford House (133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street))** until we have approved what you have sent us. You must then carry out the work according to these documents.

No change to reason.

**RESOLVED: Grant: Councillors Mohindra, Freeman, Gassanly, Glen and Hitchcock; Refuse: Councillors Boothroyd and Bush**

1. That conditional permission, as amended, be granted, subject to Condition 30 being amended to permit the nightclub to open until 04:00 hours on Mondays to Saturdays, and subject to a legal agreement to secure the following:
  - a) A contribution to the City Council's Affordable Housing Fund of £1,735,000 (index linked), payable prior to commencement of development.
  - b) A Carbon Offset Contribution of £80,000 (index linked), payable prior to commencement of development.
  - c) A Crossrail payment of £516,309 (index linked) payable within 60 days of commencement of development (minus any relevant Mayoral Community Infrastructure Levy paid).
  - d) Undertaking of highways works in the vicinity of the site, including alterations to the crossroad of Oxford Street, Wardour Street and Berners Street including but not necessarily limited to kerb line alterations (to enable widening of the footway outside the site on Wardour Street), wayleaving of street light in Wardour Street onto the application site's frontage, associated traffic order making, alterations to crossing points, associated carriageway marking positions and any other associated works to accommodate the development (highways works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development).
  - e) An employment and training strategy.
  - f) The re-provision of a 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) The costs of monitoring the S106 legal agreement.
2. That if the S106 legal agreement had not been completed within six weeks of the date of this resolution then:
  - a) The Director of Place Shaping and Planning should consider whether it would 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 was authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Place Shaping and Planning should consider whether the permission should be refused on the grounds that it had not proved possible to complete an agreement within an appropriate timescale,

and that the proposals were unacceptable in the absence of the benefits that would have been secured; if so the Director of Place Shaping and Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That the Committee authorised the making of a draft order pursuant to s247 or s248 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway. That the Director of Place Shaping and Planning, Executive Director of City Management and Communities, 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 were no unresolved objections to the draft order. The applicant would be required to cover all costs of the Council in progressing the stopping up order.
4. That conditional listed building consent be agreed.
5. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

## **2 DEVELOPMENT SITE AT 14 TO 17 PADDINGTON GREEN, LONDON**

Variation of condition 1 of planning permission and listed building consent dated 21 December 2017 (RN: 16/11562/FULL and 16/11563/LBC) for the Demolition and redevelopment of 14-16 Paddington Green; alteration and partial demolition of 17 Paddington Green; development of land to the east and south of 14-17 Paddington Green (part of site known as 'West End Green') to provide buildings ranging between 4 and 14 upper storeys to provide up to 200 residential units, with associated landscaping, basement car and cycle parking and servicing provision. NAMELY, to allow addition of one floor of residential accommodation to Block G and to parts of Block H to add 16 residential units and to reduce carbon offset payment to allow connection to Church Street District Heating Scheme.

The following minor amendments were circulated by the Planning Officer to the Sub-Committee (17.01.19):

1. ADD the following to section 6.2.2 on page 76:

“16/11563/LBC

Demolition and redevelopment of 14-16 Paddington Green; alteration and partial demolition of 17 Paddington Green; development of land to the east and south of 14-17 Paddington Green (part of site known as 'West End Green') to provide buildings ranging between 4 and 14 upper storeys to provide up to 200 residential units, with associated landscaping, basement car and cycle parking and servicing provision. This application is accompanied by an Environmental Impact Assessment (Linked to application RN: 16/11562/FULL)

Application Permitted      21 December 2017

*Application RN's 16/11562/FULL and 16/11563/LBC were implemented in December 2018."*

REASON FOR AMENDMENT:

The above approval is the subject of this application and was left out of the site history section in error. The fact that both applications have been recently implemented was also omitted.

2. AMEND the first paragraph of section 8 on page 78 as follows (amendments in bold):

"The development approved under application RN: **16/11562/FULL** and **16/11563/LBC** remains extant and is a material consideration when assessing the subject application. There have also been no significant policy changes since **those** applications **were** decided and that relate specifically to the changes proposed by the applicant. **The applicant has also implemented these permissions.** The extant permissions **are** therefore a viable fallback position and it is considered appropriate in this instance to consider only the impact of the changes proposed."

REASONS FOR AMENDMENT:

The draft report contained incorrect application numbers. The fact that the applicant has also implemented the extant permissions adds further weight to officer's view that these permissions are a viable fallback position.

3. DELETE condition 3 on page 114.

REASON FOR AMENDMENT:

This condition was added in error as it was not attached to the original permission.

4. AMEND condition 9 on page 116 as follows (amendments in **bold**):

*"You must put up the plant screens shown on the approved drawings as amended by the drawings as secured by condition **8** to main roof level of each of the relevant buildings before you use the machinery within. You must then maintain them in the form shown for as long as the machinery remains in place."*

REASON FOR AMENDMENT:

The draft report refers to condition 7 in error when it should refer to condition 8.

5. AMEND condition 20 on page 119 as follows (amendments in **bold**):

*"You must apply to us for approval of the following elevation drawings:-*

- *South elevation to the **16** storey block*
- *North elevation to the **16** storey block*
- *South-west elevation to the **13** storey block*
- *North-east elevation to the **9** storey block*
- *North elevation to the **5** storey block*
- *West elevation to the **5** and **7** storey blocks to their Paddington Green frontage.*

*These elevation drawings must be annotated to show proposed use of materials. 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 drawings.”*

**REASONS FOR AMENDMENT:**

The draft report contains incorrect building heights for the relevant blocks.

A late representation was received from Turley (17.01.19).

**RESOLVED UNANIMOUSLY:**

1. That conditional permission, as amended, be granted, subject to a deed of variation to the section 106 agreement for application RN: 15/11677/FULL dated 21 December 2017 to secure:
  - a) 45 affordable units on-site comprising 18 social rented units and 27 intermediate units and a financial contribution to the Council's affordable housing fund of £600,000 (payable on commencement and index linked);
  - b) A carbon offset payment of £122,407.00 (index linked and payable on commencement of development);
  - c) A reduction of £56,339 (index linked) from the £631,000 education contribution secured under application ref: 15/11677/FULL, in the event that this permission was implemented;
  - d) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street;
  - e) Provision of lifetime car club membership (25 years) for each residential unit in the development;
  - f) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
  - g) Offering local employment opportunities during construction;
  - h) Provision of public art on the application site; and
  - i) Payment of cost of monitoring the agreement (£2500).
2. That if the S106 legal agreement had not been completed by 5 March 2019 then:
  - a) That the Director of Place Shaping and 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 Place Shaping and Planning was authorised to

determine and issue the decision under Delegated Powers; however, if not;

- b) The Director of Place Shaping and Planning should consider whether the 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 Place Shaping and Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That conditional listed building consent be granted.
  4. That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

The Meeting ended at 7.57pm.

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

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