



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 7th May, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

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

1 MEMBERSHIP

- 1.1 It was noted that Councillor Geoff Barraclough had replaced Councillor Ruth Bush.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Mohindra Gotz 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 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 Mohindra declared in respect of item 2, that he had attended a meeting with the applicant on 23 November 2018 as set out in the papers. In respect of item 3, he declared that he had met the applicant on 18 April 2019.
- 2.3 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.

- 2.4 Councillor Boothroyd further declared that some Thorncliffe clients have engaged DP9 as planning consultants, who are also representing the applicants on items 1 and 2. However he does not deal directly with clients or other members of project teams, and planning consultants are not themselves clients.
- 2.5 On item 1, he that you declared that he was a member of the committee in December 2015 which granted the conversion to residential and that Graham Cotton who had submitted a late objection is a friend.
- 2.6 Councillor Gassanly declared in respect of item 2, that he chaired the Licensing Sub-Committee that approved the extension of licensing hours to G.A.Y. that had objected to the application.

3 MINUTES

- 3.1 That the minutes of the meeting held on 23 April 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 DENISON HOUSE, 292 VAUXHALL BRIDGE ROAD, LONDON, SW1V 1AE

Demolition of existing building to basement slab level and erection of a new building comprising basement, ground and 11 upper levels together with rooftop plant to provide a hotel (Class C1) with associated ancillary facilities including all necessary enabling works.

Additional representations were received from the occupier of 85 Carlisle Mansions, Carlisle Place, SW1P 1HZ together with a petition from residents of 300 Vauxhall Bridge Road who objected to the proposed development (1.5.2019) and the Victoria Area Bid (30.4.2019)

Late representations were received from the Victoria Neighbourhood Forum (7.5.2019), Public Protection and Licensing Environmental Sciences (3.5.2019), the Cathedral Area Residents Group (7.5.2019) and Councillor Selina Short (7.5.2019).

The Presenting Officer tabled the following amendments to the conditions in the draft decision letter:

Revised Condition 8

You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Conditions 6 and 7 of this permission.

You must not start 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 details.

Reason: Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary

Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

Revised Condition 23

Pre Commencement Condition. Notwithstanding the submitted Energy Strategy and Sustainability Statement, prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority for approval of a revised Energy Strategy and Sustainability Statement, in consultation with the Greater London Authority. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application. You must carry out the works according to the approved details and thereafter retain and maintain in accordance with the details. (See informative 23 for what should be included in the revised Energy Strategy and Sustainability Statement).

REASON: To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

Revised Condition 24

Subject to what is agreed under Condition 23, you must apply to us for approval of detailed drawings of the termination of the District Heating and/or CHP flue (including details of its height and location). You must not occupy the development until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason: To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

Revised Condition 25

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

Reason: The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

Revised Condition 29

Pre Commencement Condition. Notwithstanding the submitted Flood Risk Assessment, prior to the commencement of any demolition or construction on site

the applicant shall submit an approval of details application to the City Council as local planning authority for approval of a revised Flood Risk Assessment & Surface Water Drainage Strategy, in consultation with the Greater London Authority. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application. You must carry out the works according to the approved details and thereafter retain and maintain in accordance with the details. (See informative 24 for what should be included in the revised Flood Risk Assessment & Surface Water Drainage Strategy).

Reason: To utilise sustainable drainage systems (SUDS) and conserve and protect water supplies and resources as required by Policy 5.13 and Policy 5.15 of the London Plan 2016.

New Condition 33

Pre Commencement Condition. Notwithstanding the submitted Air Quality Assessment, prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority for approval of a revised Air Quality Assessment. The air quality assessment shall contain the following information:

- Assess the existing air quality in the study area (existing baseline);
- Predict the future air quality without the development in place (future baseline);
- Predict the future air quality with the development in place; (This should include an assessment of road traffic sources, energy centre sources and any other relevant sources)
- Assess and describe the significance of the development impact on air quality
- Identify mitigation measures
- An air quality neutral assessment must be provided and suitable mitigation measures recommended should the assessment demonstrate that the development is not air quality neutral.
- An assessment should be made of the proposals to connect the development to the Pimlico District Heating Undertaking system.

Any mitigation measures recommended by the assessment must be installed prior to the occupation of the development and permanently retained thereafter.

Reason: To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

New Condition 34

Pre Commencement Condition. You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason: To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

Chris Beard addressed the Sub-Committee in support of the application and on behalf of the applicant offered to reduce the proposed development by one storey equating to 3.25 meters.

Sarah MacDonald Eggers addressed the Sub-Committee in support of the application.

Peter Roberts/Cathedral Area Residents Group addressed the Sub-Committee in objection to the application which he withdrew following the offer by the applicant to reduce the proposed development by one storey.

Councillor Short addressed the Sub-Committee on behalf of all of the Vincent Square ward councillors and following the offer by the applicant to reduce the proposed development by one storey withdrew her objection.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted subject to :
 - a) The changes to the draft decision letter as tabled and set out above;
 - b) an amending condition to reduce the proposed development by one floor reducing the overall height of the building by 3.25 m; and
 - c) referral to the Mayor of London.

2 127-133 CHARING CROSS ROAD, LONDON, WC2H 0EA

Refurbishment and extensions to existing building including three additional floors at roof level and rooftop plant enclosure, replacement of external facades and terraces at first to sixth floor level; to provide retail (Class A1), office (Class B1) and nightclub (Sui Generis) floorspace.

Late representations were received from Concilio (2.5.2019) and DP9 (25.4.2019).

Sarah Jones addressed the Sub-Committee in support of the application.

Richard Ward addressed the Sub-Committee in support of the application.

Jeremy Joseph addressed the Sub-Committee in objection to the application.

Councillor Jonathan Glanz addressed the Sub-Committee in objection to the application.

RESOLVED: (For: Councillors Mohindra, Boothroyd, Hitchcock Gassanly and Glen; Against: Councillor Barraclough)

1. That conditional permission be granted subject to:
 - a) a S106 legal agreement to secure the following:
 - i) A payment of £1,713,303.47 towards the Council's affordable housing fund (index linked and payable on commencement of development).
 - ii) Carbon offset payment of £41,400 (index linked and payable on commencement of development).
 - iii) Monitoring costs.
 - b) an additional condition to ensure adequate lighting during construction and temporary signage particularly in respect of affected businesses in the immediate vicinity (Goslett Yard and Orange Yard).
2. If the S106 legal agreement has not been completed within four weeks of the Committee resolution then:
 - a) The Executive Director for Growth, Planning and Housing shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth, Planning and Housing is authorised to determine and issue such a decision under Delegated Powers, however, if not
 - b) The Executive Director for Growth, Planning and Housing shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate

timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

3 46 BERKELEY SQUARE, LONDON, W1J 5AT

Flowers arranged over scaffolding on front elevation for a temporary period from 19 May 2019 -27 May 2019

Late representations were received from Jon Dingle Ltd (7.5.2019).

Jon Dingle addressed the Sub-Committee in support of the application.

Councillor Jonathan Glanz addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

1. That contrary to the recommendation of the Executive Director, Growth, Planning and Housing conditional advertisement consent be granted for a limited period from 19 May 2019 to 27 May 2019. The conditions to be agreed under delegated powers.
2. The Sub-Committee agreed to grant advertisement consent on the basis of exceptional circumstances in that the advertisement was for a very limited period and of a type of advertisement that would not result in such harm to the setting of this listed building and the terrace. The Sub-Committee noted the applicants undertaking to have no more than 2 adverts a year (Christmas and the Chelsea flower show) and requested an additional informative that the granting of this consent does not prejudice the future decisions for such signage on this building.

CHAIRMAN: _____

DATE _____