



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 4th June, 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, Elizabeth Hitchcock and Peter Freeman

**Also Present:** Councillors Jim Glen, Angela Harvey and James Spencer (Item1).

#### 1 MEMBERSHIP

1.1 It was noted that Councillor Peter Freeman had replaced Councillor Jim Glen.

#### 2 DECLARATIONS OF INTEREST

2.1 The Chairman 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 that in respect of Items 1 and 2 he had attended pre-planning minutes with the applicants, the minutes of which were contained within the agenda papers. In respect of Item 4 he declared that he had a prejudicial interest and would therefore step down from the Sub-Committee and leave the room during the consideration of this item.

2.3 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.

- 2.4 Councillor Boothroyd further declared that some Thorncliffe clients had also engaged planning consultants who were separately representing the applicants: DP9 on Items 1, 2, and 3, Gerald Eve on item 4, and Rolfe Judd on item 5. 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, he had no input into the consultation response put in on behalf of the Labour group; it was put in by Cllr Paul Dimoldenberg who was a friend. Several friends lived in Dolphin Square but he had not discussed the application with them.

In respect of Item 3, representations had been made by Cllr Pancho Lewis who was a friend. Councillor Boothroyd was also a member of previous committees deciding applications on the site.

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

In respect of Item 5, he went to a briefing and had a tour of their property holdings given by the applicant on 9 May 2019.

- 2.5 Councillor Gassanly declared that in respect of Item 1, he had friends who lived at Dolphin Square but he had not discussed the application with them. He also represented Westminster City Council on the Board of Westminster Community Homes.

- 2.6 Councillor Barraclough declared that in respect of Item 1, he had no input into the consultation response put in on behalf of the Labour Group; it was put in by Cllr Paul Dimoldenberg who was a friend. Several friends lived in Dolphin Square but he had not discussed the application with them. In respect of Item 5, he had attended a briefing tour provided by the applicant of its property holdings on 9 May 2019.

- 2.7 The Council's Design Officer, Susanna Miller, declared that in respect of Item 1 she had previously worked for Eric Parry Architects, however as this was 16 years previously it was not considered a prejudicial interest.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 7 May 2019 be signed by the Chairman as a correct record of proceedings.

## 4 PLANNING APPLICATIONS

### 1 DOLPHIN SQUARE LONDON

Part redevelopment and refurbishment of Dolphin Square including the reconfiguration of existing residential (Class C3) apartments; demolition and reconstruction of Rodney House to provide a new ground plus 9 storey building with 2 basement levels to provide residential (Class C3), serviced apartments (Class C3 temporary sleeping accommodation), retail (Class A1-A4), leisure (Class D2); single storey rooftop extensions to the retained and refurbished Houses to provide additional residential (Class C3); new row of townhouses (Class C3) to the Western Carriageway; landscaping and new publicly accessible open space; new and reconfigured access points; and all necessary enabling works.

Additional representations were received from Councillor Paul Dimoldenberg (27.05.19) and three local residents (23.05.19, 28.05.19 and 30.05.19).

Late representations were received from Dolphin Square Ltd (Undated), Westminster City Council's Director of Place Shaping and Town Planning (04.06.19) and eight local residents (01.06.19, 02.06.19 and 03.06.19).

The presenting officer tabled the following amendments to the recommendation and draft decision notice:

#### **Recommendation:**

1. Grant conditional permission **subject to the views of the Mayor** and the completion of a S106 legal agreement to secure the following:
  - i. 57 affordable/intermediate housing units to the quantum, mix, tenure and affordability set out in the memo from the Head of Affordable Housing and Strategy dated 19 February 2019, with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability' SPG.
  - ii. Walkways agreement to secure public access to the internal courtyard garden to be completed prior to first occupation of the new residential units.
  - iii. Extension of the Thames Path prior to first occupation of the new residential units.
  - iv. Strategy to secure the measures to protect the option B tenants during and after the building works.
  - v. Carbon offset payment (index linked) payable on commencement of development (amount TBC subject to revised Energy Strategy).
  - vi. A financial contribution towards employment, training and skills of £100,351.09 (index linked) payable on commencement of development.
  - vii. Monitoring costs.
2. If the S106 legal agreement has not been completed within **six** weeks of the Committee resolution then:

- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional condition 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 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 Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

**Condition 8:**

You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) showing the following alteration(s) to the scheme:

A reduction in height and proportion of the windows by approximately 30% to the new roof extension with the addition of more articulation in the window designs to reflect the scale and design of the existing fenestration below, showing details of the natural ventilation and indicating that the windows are openable. All new windows and doors to be painted timber to reflect the existing fenestration below.

You must not start on the roof extension until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Dame Shirley Oxenbury addressed the Sub-Committee in support of the application.

Mark Donnor addressed the Sub-Committee in support of the application.

Tony Hambro addressed the Sub-Committee in objection to the application.

David Weeks addressed the Sub-Committee in objection to the application.

Clive Aslet, representing Pimlico FREDAs, addressed the Sub-Committee in objection to the application.

Councillor Jim Glen, in his capacity as Ward Councillor, addressed the Sub-Committee in objection to the application.

Councillor James Spencer, in his capacity as Ward Councillor, addressed the Sub-Committee in objection to the application.

Councillor Angela Harvey, in her capacity as Ward Councillor, addressed the Sub-Committee in support of the application.

## **RESOLVED UNANIMOUSLY:**

That subject to the views of the Mayor of London permission be refused, contrary to the recommendation of the Director of Place Shaping and Town Planning, on the following grounds:

- 1) The demolition of Rodney House would cause significant harm to the Dolphin Square Conservation Area with the proposed replacement building considered an inferior design along with the inappropriate rooftop extensions to retained and refurbished Houses, which would adversely affect the area's character and appearance.
- 2) The lack of family sized units was considered unacceptable and not the appropriate mix of housing required to retain families in Westminster; and
- 3) The proposed intensification of short term let residential property was considered excessive and deemed likely to negatively impact on the amenity of local residents.

## **2 TOWNSEND HOUSE, GREYCOAT PLACE, LONDON, SW1P 1BL**

Demolition of existing building and redevelopment to provide a building of basement, ground and five upper floors with plant enclosure at roof level, comprising a retail unit and office reception at ground level, offices at first to fourth floors and two residential (Class C3) units at fifth floor; ancillary plant, cycle and refuse storage at basement level.

An additional representation was received from a local resident (25.05.19).

Late representations were received from Alpha real Estate Advisers (29.05.19), the Cathedral Area Residents' Group (02.06.19) and one local resident (30.05.19).

Henry Squire addressed the Sub-Committee in support of the application.

Julian Black addressed the Sub-Committee in objection to the application.

Councillor Selina Short, in her capacity as Ward Councillor, addressed the Sub-Committee in objection to the application.

## **RESOLVED UNANIMOUSLY:**

That the application be deferred to allow the applicant an opportunity to amend the proposals in order to address concerns raised, relating to the loss of light to the bedroom/study windows located at 10 Rochester Row as well as the increased sense of enclosure to several adjoining properties.

## **3 DEVELOPMENT SITE AT 47-50 POLAND STREET AND 54-57, GREAT MARLBOROUGH STREET, LONDON**

Demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed facade) and part demolition of 49-50 Poland Street to provide a

building comprising ground plus seven storeys with louvred plant room and two basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with two basement levels onto Poland Street, all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage, plant rooms at fifth, sixth, seventh floors and roof level, services and associated works.

An additional representation was received from the Westminster District Surveyors' Service (30.05.19).

Late representations were received from Councillor Jonathan Glanz (31.05.19), Councillor Pancho Lewis (04.06.19), The Soho Society (Undated), the Marshall Street Residents Association (31.05.19), one local resident (04.06.19) and Shiva Hotels (29.05.19)

The presenting officer tabled the following amendments to the conditions:

#### Condition 23 (re-worded)

Prior to commencement of the basement excavation works a Vibration assessment shall be submitted for approval by the local planning authority to show the potential for changes to the re-radiated ground-borne noise and vibration levels within adjacent properties brought about by the development. Any mitigation measures must be identified, implemented and thereafter retained in-situ. The vibration assessment shall adhere to the acceptability criteria set out in the Crossrail Information Paper D10: Ground borne Noise and Vibration.

#### New Condition 40

The flat roof at sixth floor level shall only be used for maintenance or means of escape purposes only.

Reason: To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

Mark Bruce addressed the Sub-Committee in support of the application.

#### **RESOLVED UNANIMOUSLY:**

- 1) That conditional permission, as amended, be granted, subject to a S106 legal agreement to secure the following:
  - i) Dedication of land as public highway;
  - ii) A Carbon Off-set Contribution of £44,586 (index linked), payable prior to commencement of the development.
  - iii) A walkways agreement

- iv) S106 monitoring costs.
- 2) That if the S106 legal agreements had not been completed within six weeks of the date of the Committee resolution, then:
- (a) The Director of Place Shaping and Town 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 Town Planning was authorised to determine and issue the decision under Delegated Powers; however, if not;
  - (b) The Director of Place Shaping and Town 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 Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

#### **4 DEVELOPMENT SITE AT 63 - 65 CURZON STREET, LONDON**

Demolition of existing buildings and redevelopment, including excavation to create up to three basement storeys, ground and eight storeys to be used for up to 42 residential flats, creation of a ground floor arcade link between Stratton Street and Curzon Street for use as retail and/or restaurant uses (Classes A1 and A3), provision of up to 28 car parking spaces within the sub-basement levels. Provision of plant at basement and rooftop areas. Creation of terrace/balcony areas on both elevations.

Late representations were received from Maple Springfield (29.05.19), Audley Property Management Company (29.05.19) and Astrea Asset Management (29.05.19).

Councillor Mohindra declared that he had a prejudicial interest in the application and therefore left the room during the consideration of this item.

Nominations for the post of Chairman for Item 4 were invited. One nomination was received and seconded. There were no further nominations.

#### **RESOLVED:**

That Councillor Murad Gassanly be appointed Chairman of the Planning (Major Applications) Sub-Committee for Item 4 only.

Fred Pilbrow addressed the Sub-Committee in support of the application.

#### **RESOLVED UNANIMOUSLY:**

- 1) That conditional permission be granted, subject to a S106 legal agreement to secure the following:

- i) Car Club Membership for 25 years for all the flats;
  - ii) Unallocated parking (as there are less car parking spaces than proposed flats)
  - iii) Walkway Agreement;
  - iv) Car Lift Maintenance;
  - v) Highways alterations required for the development to occur (at no cost to the City Council);
  - vi) Stopping up and dedication of land; and
  - vii) The costs of monitoring the S106 agreement.
- 2) That if the S106 legal agreements had not been completed within six weeks of the date of the Committee resolution, then:
- a) The Director of Place Shaping and Town 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 Town Planning was authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Place Shaping and Town 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 Town 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 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.
- 4) That the Executive Director of City Management & Communities or other appropriate officer 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.

## **5 72 BROADWICK STREET, LONDON W1F 9EP**

Demolition and rebuilding of fifth and sixth floors and erection of two storey extension above the UKPN substation fronting Marshall Street, in connection with the use of the part basement and ground for restaurant purposes (Class A3), flexible/alternative use of part first floor as either offices (Class B1), or for up to two restaurants (Class A3), continued use of the part basement, part ground, second, third and fourth floors as offices (Class B1) with flexible/alternative use of part ground, part first, second

and third floors as gym (Class D2) and the provision of 15 residential flats with external terraces at fifth floor level. External alterations to the whole building, including new roof profile, facade alterations, shopfront alterations, painting of existing brickwork, creation of office roof terrace at 6th floor level. Installation of a biodiverse roof, along with new plant and photovoltaic panels.

An additional representation was received from a local resident (30.05.19).

Late representations were received from Shaftesbury (29.05.19) and Councillor Pancho Lewis (04.06.19).

The presenting officer tabled the following additional condition:

#### New Condition 44

You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- The sixth-floor roof terrace to be set back on the eastern side by 1.5m (to where the access door is located). You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

#### **RESOLVED UNANIMOUSLY:**

- 1) That conditional permission, as amended, be granted, subject to:
  - a) An additional condition relating to the details on how the applicant would prevent anti-social behaviour occurring on the corner of Broadwick Street and Carnaby Street; and
  - b) A S106 legal agreement to secure the following:
    - i) The costs relating to Highway Alterations including works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway;
    - ii) 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.
    - iii) Lifetime (25 years) Membership to a Car Club for each of the 15 flats proposed;
    - iv) A financial contribution to the carbon offsetting fund carbon offsetting fund of £31,338 (index linked and payable prior to commencement of development).
    - v) S106 monitoring costs.

- 2) That if the S106 legal agreements had not been completed within six weeks of the date of the Committee resolution, then:
  - a) The Director of Place Shaping and Town 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 Town Planning was authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Place Shaping and Town 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 Town 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 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.
- 4) That the Executive Director of City Management & Communities or other appropriate officer 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 would be required to cover all costs of the Council in progressing the stopping up order.

The Meeting ended at 10.15pm.

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

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