CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 14th April, 2020**, Please note that this will be a virtual meeting..

Members Present: Councillors Robert Rigby (Chairman), Mark Shearer, Selina Short and Guthrie McKie

1 MEMBERSHIP

- Membership

It was noted that Councillor Guthrie McKie had replaced Councillor Tim Roca.

- Election of Deputy Chairman

The Chairmen proposed that Councillor Mark Shearer be appointed as Deputy Chairman for the duration of the Meeting. There being no other nominations it was

RESOLVED:

That Councillor Mark Shearer be appointed as Deputy Chairman for the duration of the Meeting.

2 DECLARATIONS OF INTEREST

The Chairman stated that Councillor Iain Bott had an interest in respect of Item 8 on the agenda. He advised that in line with guidance agreed by the City Council's Standards Committee, members of the Majority party sitting on the Committee were no longer required to apply for a dispensation from the Code of Conduct provided they could declare that they only know Councillor Bott through their membership of the Majority party and see him at Council and related events. He advised that he was able to give that declaration in relation to Councillor Bott. Other members of the Majority Party on the Committee made the same declaration.

In respect of Item 1 he declared that he had met with the Developers alongside Officers in the previous month.

Councillor Selina Short declared that the application site for Item 1 was located in her Ward and advised that she had been involved in discussions and would leave the virtual meeting whilst the Item was being considered.

Councillor Mark Shearer declared that in respect of Item 6 he was the Deputy Cabinet Member for Community Services and Digital and that the portfolio included overseeing the Sports Portfolio and advised that he had no involvement with the Application or held any discussions about the proposals.

3 MINUTES

RESOLVED:

That the minutes of the meeting held on 18 February 2020 be signed by the Chairman as a correct record of proceedings.

4 SUSPENSION OF PUBLIC SPEAKING

The Chairman sought agreement for a temporarily suspension of public speaking at Planning Applications Sub-Committee (s) meetings during the Coronavirus (COVID-19) pandemic.

RESOLVED:

That public speaking at Planning Applications Sub-Committee meetings be temporarily suspended during the Coronavirus (COVID-19) pandemic.

5 PLANNING APPLICATIONS

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.

1 DEVELOPMENT SITE AT 268-282 VAUXHALL BRIDGE ROAD LONDON

Having made an earlier declaration of Interest in respect of Item 1; Councillor Selina Short left the virtual meeting whilst the Application was being considered.

Demolition of existing buildings and erection of a new building comprising basement, ground and 7 upper levels plus rooftop plant to provide a hotel with associated

ancillary facilities including restaurant/bar and gym (Class C1), 2 x 2 bedroom apartments (Class C3), plant, cycle parking and other associated works.

Late representations had been received from ROK Planning on behalf of the applicant 4C Hotel Group (14.04.20), the Applicant's PR Company 4C (14.04.20) and a local resident (25.03.20)

The presenting officer tabled the following additional Condition and amendment to Condition 32:

Item 1 Development Site At 268-282 Vauxhall Bridge Road London

Additional Condition:
33.

You must provide a minimum of 10% of the hotel bedrooms as wheelchair accessible.

Reason:
As required by Policy 4.5 of the London Plan 2016.

Amendment to Condition:
32.

You must apply to us for approval of an Operational Management Plan for the approved hotel use. You must not start the hotel use until we have approved what you have sent us. You must then carry out the measures included in the approved Operational Management Plan at all times that the hotel is in use. (C05JB)

Points of Clarification

Section 7 should read:	*Existing GIA (sqm)*	*Proposed GIA (sqm)*	*+/-*
Office (Class B1)	*2073.2*	*0*	*-2073.2*
Hotel (Class C1) including ancillary uses	*435.4*	*5273*	*+4837.6*
Residential (Class C3)	*195.8*	*202*	*+6.2*
Total	***2704.4***	***5475***	***+2770.6***

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted as amended and subject to an additional Condition as set out above and the completion of a S106 legal agreement to secure:

    I. Financial contribution of £95,467 to the Westminster Employment Service (index linked and payable on commencement of development).
    II. Carbon off-setting payment of £2,100 (index linked and payable on commencement of development).
    III. Payment of cost of monitoring the agreement (£500 per head of term).

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

3. That an additional Condition be included which requests for details on how EMF from the substation would be addressed.

2 BERGER HOUSE 36-38 BERKELEY SQUARE LONDON W1J 5AE

Demolition of the existing building and redevelopment of the site to provide a new office (Class B1) use building, of sub-basement, part basement, part ground and eight upper storeys with a plant enclosure above, with flexible retail and/or office (Class A1 and / or B1) use at part ground, part basement and part sub-basement levels floor and associated works.

Additional representations were received from Councillor Jonathan Glanz (06.04.20), Gerald Eve LLP (09.04.20) and Astrea Asset Management (unknown)

RESOLVED UNANIMOUSLY:

1. That subject to the views of the Mayor of London, conditional permission be granted subject to Condition 12 being amended to restrict all servicing until

21:00hrs and from Farm Street only and subject to the completion of a legal agreement to secure the following:

i. A financial contribution to the Affordable Housing Fund of £1,182,731 (index linked), payable prior to occupying in excess of 11,431 sqm of the building as offices (Class B1).

ii. A financial contribution towards the Westminster Employment Service of £101,962 (index linked) payable on commencement of development.

iii. Undertaking of highway works in the vicinity of the site, including resurfacing and formation of a new pedestrian footway in Farm Street. Highway works to be agreed prior to commencement of development and highway works to be completed prior to occupation of any of the building.

iv. Costs of monitoring the S106 agreement.

2. That If the S106 legal agreement has not been completed within eight weeks of the date of this resolution, then:

   a) The Director of Place Shaping and Town 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 Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

   b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That the 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 parts of the public highway. That the Director of Place Shaping and Town 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 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.

3 35 ELIZABETH STREET LONDON SW1W 9RP

Demolition of existing buildings at 35 -37 Elizabeth Street and erection of a new five storey building with retail unit (Class A1) retained at part ground floor and residential (Class C3) at part ground to fourth floor levels (3 x 2 bed, 1 x 1 bed); Creation of roof terrace with balcony to rear in connection with existing residential accommodation at 39 Elizabeth Street; Use of ground and basement of 141 Ebury Street and part ground floor of new building at 35 Elizabeth Street as restaurant (Class A3) and associated alterations including: installation of full height extract duct, plant machinery and changes to shopfront.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

4 5 CURZON STREET LONDON W1J 5HE

Increase in height of lower roof, erection of slate screen, and replacement of existing railings with a black painted metal balustrade to create a roof terrace with bar, seating and bathroom facilities, for use in association with the existing hotel use (Class C1).

Additional representations were received from a local resident, (16.03.20), (13.03.20) local resident (17.03.20) and local resident (17.03.20).

The Presenting Officer tabled the following additional Condition.

Item 4 – 5 Curzon Street

In the verbal presentation tonight, officers will refer to the requirement for the following additional condition to be imposed:

Condition 8
You must not play live or recorded music on the roof terrace hereby approved.

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

RESOLVED UNANIMOUSLY:

That conditional permission be granted, subject to the additional Condition 8, as set out above, and an additional ‘amending condition’ requiring an increase to the height of the proposed western screen to a height of 1.8 m.

5 15 HATTON STREET LONDON NW8 8PL

Dual/alternative use of ground and first floor as offices (Class B1) or as music audio production and training facility and recording studio (Sui Generis) and alterations to front entrance to provide glazed foyer.

A late representation was received from residents of 17 Hatton Street (14.04.20)

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to the amendment of Condition 9 to require the use of headphones prior to 09:00hrs.

6 ATHLETICS TRACK PADDINGTON RECREATION GROUND CARLTON VALE LONDON NW6 5EP

Construction of a new floodlit Multi Use Games Area (MUGA) with associated fencing. Installation of calisthenics equipment, sprint track and parkour area. Installation of replacement and new lighting and fencing.

RESOLVED UNANIMOUSLY:

That conditional permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992.

7 45-49 EDGWARE ROAD LONDON W2 2HZ

Use of ground and basement floors as a mixed delicatessen and restaurant use (Sui Generis) and the installation of external full height kitchen extract duct within rear lightwell.

Additional representations were received from Connaught Court Tenants Association / Connaught Court Residents Management Limited (06.04.20), (09.04.20) and (06.04.20),

Late representations were received from a local resident (14.04.20), local resident (10.04.20) and local resident (10.04.20)

RESOLVED: Against: Councillors Rigby, Shearer and Short: For: Councillor McKie

That permission be refused, on the grounds of the Application being contrary to policy TACE 9 and the cumulative impact of an additional mixed A1/A3 use on

residential amenity and Stress Area. The reasons of refusal to be agreed under delegated powers in consultation with the Chairman.

8 37 GLOUCESTER MEWS LONDON W2 3HE

1.Variation of condition 1 of the listed building consent dated 28 January 2020 (RN: 19/08416/LBC) for extension to rear courtyard at lower ground floor level, replacement of lower ground floor external windows and doors, internal alterations including conversion of vaults in association with lower ground floor flat , NAMELY, variation of the floor layout. Linked to 20/00962/NMA

2. Non-material amendments to planning permission dated 28 January 2020 (RN: 19/08415) for extension to rear courtyard at lower ground floor level, replacement of lower ground floor external windows and doors. NAMELY, variation of the floor layout.

RESOLVED UNANIMOUSLY:

1. That conditional listed building consent be granted and that the reasons for granting conditional listed building consent as set out in Informative One of the draft decision letter be agreed.

2. That non-material amendment be agreed.

9 9 MARYLEBONE LANE LONDON W1U 1DA

Amendments to planning permission dated 26 September 2014 (RN: 14/03625) for the demolition of existing building and redevelopment to provide a building comprising lower ground, ground and seven floor levels, excavation to provide three sub-basement levels. Use of the building as 21 residential units, terraces at sixth and seventh floors, together with landscaping of existing access road, landscaped communal amenity space. Associated ancillary leisure facilities, car and cycle parking, mechanical plant and associated works at lower basement levels; NAMELY, to enable amendments to the design and size of the internal window fins.
A late representation was received from DP9 on behalf of the Applicant (14.04.20)

The Presenting Officer tabled the following amendment:

Item 9 9 Marylebone Lane London W1U 1DA

In the verbal presentation tonight, officers will refer to the requirement for the amendment (shown in bold type below) to Condition 1 to this case:

Condition 1

*The internal window fins, as shown on the approved drawings, must be installed in their entirety within **2 months** of the date of this decision. They must thereafter remain in situ for the lifetime of the development*

RESOLVED UNANIMOUSLY:

That non-material amendment be agreed subject to the amendment of Condition 1.

PART 2

The reports below (item 10 & 11) are not available for public inspection because the public will be excluded while it is being considered. This report is exempt from disclosure by virtue of the Local Government Act 1972, Schedule 12A Part 1, paragraph 3 (as amended), in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

10 41 MARLBOROUGH HILL LONDON NW8 0NG

Remove one bay tree (T7)

Additional representations were received from MWA Arboriculture Limited (02.04.20), Head of Building Control, Growth, Planning and Housing Westminster City Council (08.04.20) and Legal Services Westminster City Council (07.04.20)

RESOLVED: For: Councillors Rigby, Shearer and Short: Against: Councillor McKie

That conditional consent be granted and that T7 be replaced with a tree of similar character.

11 39 MARLBOROUGH HILL LONDON NW8 0NG

Remove one lime tree (T8)

Additional representations were received from MWA Arboriculture Limited (02.04.20), Head of Building Control, Growth, Planning and Housing Westminster City Council (08.04.20) and Legal Services Westminster City Council (07.04.20)

RESOLVED: For: Councillors Rigby, Shearer and Short: Against: Councillor McKie

That consent be refused

The Meeting ended at 9.40 pm

CHAIRMAN: _____ **DATE** _____