



CITY OF WESTMINSTER

# MINUTES

## Planning (Major Applications) Sub-Committee

### MINUTES OF PROCEEDINGS

Minutes of a virtual meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 26<sup>th</sup> May, 2020**.

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

**Also Present:** Councillor Tim Barnes, in his capacity as Ward Councillor, addressed the Sub-Committee on Item 4 in support of the application.

#### 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 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 Jim Glen declared that in respect of Item 2 he was a Trustee of the Westminster Tree Trust and advised that he had held no discussions with regard to the Application. In respect of Item 5 he had sat on the Licensing Sub-Committee which had granted the application site a premises licence but had held no discussions regarding the application and was approaching it with an open mind.

2.3 Councillor Louise Hyams declared that, in respect of Item 1, she had previously received information briefings from the applicant on this and other application sites but was entering the meeting with an open mind and had not made any statements regarding the application. In respect of Item 5 she had met with the applicant previously as they owned many properties located in her ward but had not discussed with them the application before the Sub-Committee.

- 2.4 Councillor Boothroyd declared that he was the 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 planning consultants who were separately representing the applicants tonight: DP9 on items 1 and 2, 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.
- 2.5 Councillor Boothroyd also declared that one of the representations on item 1 was from Graeme Cottam, who he regarded as a friend. In respect of Items 1, 2 and 4 he also declared that he was a member of previous committees determining applications on these sites.

### **3 MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 11 February 2020 be signed by the Chair as a correct record of proceedings.

### **4 REINTRODUCTION OF PUBLIC SPEAKING**

#### **RESOLVED:**

That public speaking at virtual Planning Application Sub-Committee meetings be reintroduced.

### **5 PLANNING APPLICATIONS**

#### **1 BROADWAY COMPLEX, 55 BROADWAY, SW1H 0BD**

Conversion of buildings for use as hotel (Class C1) with ancillary flexible retail, leisure/spa, restaurant or bar use and other associated facilities, use of 10th floor roof terraces, internal and external alterations including creation of new service bay off St Ermin's Hill, reconfiguration of entrances/exits to St James's Park Underground Station and rooftop plant.

Additional representations were received from Blue Orchid Hotels (20.05.20) and The Thorney Island Society (21.05.20)

Oliver Sheppard addressed the Sub-Committee in support of the application.

Tony Matharu addressed the Sub-Committee in support of the application.

Simon Owen addressed the Sub-Committee and requested that the application be deferred.

Graeme Cottam, representing the Queen Anne's Gate Residents Association, addressed the Sub-Committee and requested that the application be deferred.

**RESOLVED UNANIMOUSLY:**

- 1) That conditional permission and conditional listed building consent be granted subject to:
  - (a) a S106 legal agreement to secure the following:
    - i) Employment and Training Strategy for the construction phase and operational phase of the proposed development.
    - ii) Payment for all necessary highway works including the following to be carried out prior to the occupation of the hotel:
      - Changes to parking and loading restrictions in St Ermin's Hill.
      - Footway widening to retain Pedestrian Comfort Level (PCL) A on Petty France and Broadway.
    - iii) Cost of monitoring.
  - b) The following additional conditions:
    - i) An Operational Management Plan for the hotel, restaurants, bars, retail, event spaces, external roof terraces and spa/gym facilities.
    - ii) The setting up of a Community Liaison Group including the Queen Anne's Gate Residents Association and St Ermin's Hotel and to consult them, where relevant, as part of the discharge of conditions.
    - iii) A requirement to keep the North/South passage open to the public.
  - c) An additional informative making the applicant aware of the desirability to introduce local convenience uses within the designated flexible ground floor areas.
- 2) That if the S106 legal agreement had not been completed within four weeks of the Committee resolution then:
  - a) The Director of Place Shaping and Town Planning should consider whether the permission can be issued with additional condition to secure the benefits listed above. If this was possible and appropriate, the Director of Place Shaping and Town

Planning was authorised to determine and issue such a decision under Delegated Powers, however, if not

- b) The Director of Place Shaping and Town Planning should consider whether permission be refused on the grounds that it had not proved possible to complete an agreement within an appropriate timescale, and the proposal was unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.
- 3) That conditional listed building consent be granted.
- 4) 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 MILLBANK COMPLEX, 21-30 MILLBANK, SW1P 4QP**

Variation of Conditions 1 and 43 of planning permission dated 28th June 2016 (15/07756/FULL) for 'Refurbishment and replacement of facades and erection of 2 additional floors and plant enclosure to both Millbank Tower and 1 additional floor to the Y buildings; excavation of basement levels; demolition of rear car park in association with re-landscaping and reconfiguration of wider site; all in association with the use of the Tower as 207 private residential flats (Class C3) and Skybar (ancillary to adjacent Class C1), the south podium and part of tower as an arts / cultural facility (Class D1) and the north podium and Y buildings as a hotel (Class C1) with restaurant, bar and café at ground floor level. Use of roof of podium building as a terrace with associated alterations' NAMELY to allow changes to list of approved plans to allow an increase in number of hotel bedrooms from 150 to 232, complete demolition and rebuilding of the prow to allow for reconfiguration of arts/cultural facility, amendments to the residential mix/layouts in the tower, re-configuration of basement car parking and servicing area, adjustments to landscaping and associated amendments.

Late representations were received from the Basio Holdings (undated and 22.05.20) and Environmental Health (undated).

The presenting officer tabled the following revised conditions:

### **Revised Condition 46**

You must not start work on site until an updated assessment has been undertaken and submitted to the Council for approval to confirm that the development results in no adverse impacts to local air quality.

Should the updated assessment continue to demonstrate adverse impacts to local air quality, a mitigation scheme to reduce these impacts as far as

practicable, shall be submitted to the Council for approval. No work can start until the further assessment and the mitigation scheme has been approved by the Council.

Should air quality mitigation measures be required these shall be implemented as set out in the approved document, prior to first use of the development, maintained and retained.

#### **Revised Condition 47**

You must not start work on site until a revised air quality neutral assessment has been undertaken and submitted to the council for approval. The air quality neutral assessment should use data taken from the approved transport assessment and use the selected plant required by the energy centre operating at a maximum capacity for a full calendar year and include any back up combustion technology testing maintenance cycles. If the updated Air Quality Neutral Assessment shows that the approved scheme will not be air quality neutral for either transport or building emissions, you must apply for us for approval for of appropriate offsetting and mitigation measures onsite and offsite, where these are not feasible a financial contribution.

You must not start work on the site until we have approved details of the appropriate arrangements.

In the case of each of the appropriate offsetting and mitigation measures, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing.

#### **RESOLVED (For - Councillors Rigby, Boothroyd, Glen, Hyams and Spencer. Against – Councillor Barraclough):**

- 1) That conditional permission, as amended, be granted subject to the views of the Mayor and subject to a deed of variation to the S106 legal agreement dated 28th June 2016 (ref 15/07756/FULL) to secure:
  - i. The provision of a cultural facility on a 125 year lease with a peppercorn rent for 50 years, with the end user to be agreed by the City Council prior to the occupation of the cultural facility;
  - ii. A contribution of £2.5million (index linked) towards the fitting out of the cultural facility to be paid prior to the proposed occupier of the cultural facility starting its works to fit out the proposed cultural facility;
  - iii. The provision of a publicly accessible 'Skybar' with no admission fee;
  - iv. Costs of all highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions, returning the footway on Thorney Street and footway repaving;

- v. Provision of public art to the sum of £100K (index linked);
  - vi. Comply with the Council's Code of Construction Practice, to provide a Site Environmental Management Plan and provide a financial contribution of £110,000 (£55,000 per annum based on 2 year demolition / construction period) prior to commencement of demolition to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
  - vii. A payment of £59,115.84 (index linked and payable on commencement) towards Employment, Training and Skills Development;
  - viii. Costs of monitoring the S106 agreement;
  - ix. Unallocated parking.
  - x. A payment of £619,000 towards Carbon Offset (index linked and payable on commencement)
  - xi. A payment of £1,685,577 towards the council's affordable housing fund (index linked and payable on commencement of development) with a late stage review mechanism.
- 2) That if the S106 legal agreement had not been completed within six weeks of the date of the Committee resolution (7 July 2020) then:
- a) The Director of Place Shaping and Town Planning should consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Place Shaping and Town Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Place Shaping and Town Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an agreement within the 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 Town 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 listed building consent as set out in Informative 1 of the draft decision letter be agreed.

**3 65 HORSFERRY ROAD, SW1P 2ED**

This application was withdrawn from the agenda by officers.

**4 46 BERKELEY SQUARE AND 46 HAY'S MEWS, W1J 5AT**

Installation of plant enclosure, mechanical plant and plant screen at roof level, internal alterations at third floor level; and external alterations to 46 Hay's Mews, including retention of roof terrace within the mansard roof (part retrospective).

An additional representation was received from Caprice Holdings (undated).

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

Councillor Tim Barnes addressed the Sub-Committee in his capacity as Ward Councillor in support of the application.

**RESOLVED UNANIMOUSLY:**

That permission and listed building consent be refused on the grounds that:

- 1) Due to the height, bulk, design and architectural relationship to the listed building, the plant on the roof of the main building, would harm the special architectural and historic interest of this grade 1 listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area; and
- 2) Due to its height, bulk and design, the roof level plant would harm the setting of the neighbouring grade 1 listed buildings at 44 and 45 Berkeley Square and grade 2 star listed building at 47 Berkeley Square.

**5 40-42 WILLIAM IV STREET, WC2N 4DD**

Variation of conditions 5 and 6 of planning permission dated 9th April 2019 (RN:18/03910/FULL) for the 'Use of part ground and basement floors as drinking establishment (Class A4).' Namely, to amend the approved Operational Management Plan to allow increase in number of customers permitted on site from 90 to 135.

A late representation was received from Shaftesbury (22.05.20).

The presenting officer tabled a revision to Condition 4 so that servicing could only take place between 08:00 and 20:00 each day.

Jan Donovan addressed the Sub-Committee in support of the application.

Mark Browning, representing the Resident's Association of William IV Street, addressed the Sub-Committee in objection to the application.

**RESOLVED UNANIMOUSLY:**

That conditional permission, as amended, be granted.

The Meeting ended at 9.53 pm

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

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