



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 15th November, 2022**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Ruth Bush (Chair), Nafsika Butler-Thalassis, Paul Fisher, Mark Shearer, Robert Rigby and Jason Williams

Also Present: Councillor Laila Cunningham (Item 1)

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Ruth Bush 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 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 Sub-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 Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Ruth Bush also declared that in respect of item 1 she had attended a presentation with a Council officer on the application but had expressed no opinion on it. In respect of item 3 she knew two of the objectors to the application, but she had not entered into any discussions with them regarding it. Finally, regarding all of the items she declared that was a Trustee of the Westminster Tree Trust.

- 2.3 Councillor Paul Fisher declared that in respect of item 5 the application sites were located within his ward, he also lived nearby to the sites but he did not consider this prejudicial. He had also met Mr Armstrong who was representing Grosvenor previously but had not entered into any discussions with him regarding the application, Grosvenor was also his landlord but this property was not related to the application before the Sub-Committee.
- 2.4 Councillor Robert Rigby declared that in respect of item 1 he and the relevant Cabinet Member had previously received a presentation from the applicant on the development but he had expressed no views on the application. In respect of item 4 the site was located within his ward, he also considered 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. In respect of item 5 he had sat on a Sub-Committee which had considered the original application on this site.
- 2.5 Councillor Mark Shearer declared that in respect of item 5 he had sat on a Sub-Committee which had considered the original application on this site.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 20 September 2022 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 114-150 QUEENSWAY, 57 AND 97-113 INVERNESS TERRACE, LONDON, W2 6LS

Demolition of 114-150 Queensway and 97-113 Inverness Terrace, and redevelopment to provide two buildings comprising basement, ground and up to six upper floor levels, providing retail use (Class E) at ground floor, residential units (Class C3) and Office (Class E) floorspace at upper floors, with associated amenity space, basement level secure cycle parking, ancillary facilities, and plant, with servicing provision to Cervantes Court.

Additional representations were received from two local residents (undated).

The presenting officer had circulated prior to the meeting the following amendments to the recommendation and conditions highlighted in bold:

- 1) Subject to the concurrence of the Mayor of London, grant conditional permission subject to a Section 106 agreement to secure the following:
 - a) Provision of 11 intermediate units on site (5x London Living Rent) and 6x Lower Quartile rents prior to the occupation of the market units .The affordable units to be provided at affordability

levels to be agreed with the Head of Affordable Housing and Partnerships.

- b) Provision of an early stage **and late stage** viability review mechanism, in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG;
 - c) A financial contribution of £5,546.00 (index linked) towards improvements to play space in the vicinity of the development, payable on the commencement of development.
 - d) Payment of a carbon offset payment of £341,871 (index linked) payable on the commencement of development;
 - e) Been Seen energy monitoring;
 - f) Submit an Employment and Skills Plan, and payment of a financial contribution of £293,977.00 (index linked) payable on the commencement of development towards the Westminster Employment Service prior to commencement of development;
 - g) Provision of lifetime (25 year) car club membership for each residential flat;
 - h) Costs of any highways works associated with the development (outside of the scope of the City Council's public realm and highways scheme for Queensway); and including Stopping Up;
 - i) Improvements to the Lady Samuels Garden prior to occupation of the development, including the feasibility of the keeping the garden in some form during construction and if not feasible to ensure that safe removal of the existing statue and plaque, their reinstatement and improvements to the Garden and at the applicant's cost;
 - j) Financial contribution of £20,000 for additional tree planting in the vicinity of the development (index linked) and payable on commencement of development;
 - k) Public art; and
 - l) Provision of S106 agreement monitoring costs.
- 2) If the Section 106 agreement has not been completed within three months of the Committee resolution, then:
- a) The Director of Town Planning and Building Control 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 Town Planning and Building Control is authorised to determine and issue such a decision under delegated powers; however if not:

- b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proven possible to complete an undertaking 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 Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers
- 3) a) That Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of part of the public highway on the corner of Inverness Terrace and Queensway to enable this development to take place.
- b) That the Director of Town Planning and Building Control or other such proper officer responsible for the highways 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.

Changes to draft conditions

Condition 10 – detailed design conditions

You must apply to us for approval of detailed drawings of the following parts of the development –

- a) new shopfronts at a scale of 1:20 including cross sections , including details of fascia's and canopies
- b) typical window details of the new office building scale 1:10
- c) typical window details of the new residential building scale 1:10
- d) new balconies for the residential flats scale 1:20
- e) new metal balustrades scale 1:20
- f) new gates to service yard
- g) **ASHP on the roof, any associated plant and their means of enclosure**

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 approved details (C26DB)

Condition 12 – Construction Logistics Plan

No demolition of the existing buildings shall take until a Construction Logistics Plan (CLP) to manage all the freight vehicle movements to and from the site has been submitted to and approved by the City Council in consultation with Transport for London in association with the demolition of the existing buildings. **A further CLP shall be submitted to and approved by the City**

Council in consultation with Transport for London in association with the construction of the new development.

The development shall be carried out in accordance with this approved CLP at all times.

Condition 20 Servicing Delivery Plan

Three months prior to the occupation of the commercial units you shall be submit a Servicing and Delivery Management Plan which will be the subject of consultation with the local amenity societies. **The hours of servicing shall be between 07.00 and 19.00 hours on Monday to Saturday and 10.00 - 17.00 on Sundays and Bank Holidays.**

Condition 38 Kitchen Extract Ventilation

All kitchen exhaust discharges must be designed internally and discharge at roof level and all kitchen exhaust air will be treated with UV/HEPA /carbon activated filtration to mitigate cooking smells. **The kitchen extract ducts shall be operational between the hours of 0700 to 23.30 hours.**

A late representation was received from Turley (09.11.22).

The presenting officer tabled the following changes to the draft conditions, highlighted in bold:

Condition 10 – detailed design conditions

You must apply to us for approval of detailed drawings of the following parts of the development -

- a) new shopfronts at a scale of 1:20 including cross sections , including details of fascia's and canopies
- b) typical window details of the new office building scale 1:10
- c) typical window details of the new residential building scale 1:10
- d) new balconies for the residential flats scale 1:20
- e) new metal balustrades scale 1:20
- f) new gates to service yard
- g) ASHP on the roof, any associated plant and their means of enclosure**
- h) pv panels on the green/brown roofs and any associated man safe system**

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 approved details (C26DB)

Condition 12 – Construction Logistics Plan

No demolition of the existing buildings shall take until a Construction Logistics Plan (CLP) to manage all the freight vehicle movements to and from the site has been submitted to and approved by the City Council in consultation with Transport for London in association with the demolition of the existing buildings. **A further CLP shall be submitted to and approved by the City Council in consultation with Transport for London in association with the construction of the new development.**

The development shall be carried out in accordance with this approved CLP at all times.

Condition 20 Servicing Delivery Plan

Three months prior to the occupation of the commercial units you shall be submit a Servicing and Delivery Management Plan which will be the subject of consultation with the local amenity societies. **The hours of servicing shall be between 07.00 and 19.00 hours on Monday to Saturday and 10.00 - 17.00 on Sundays and Bank Holidays.**

Condition 38 Kitchen Extract Ventilation

All kitchen exhaust discharges must be designed internally and discharge at roof level and all kitchen exhaust air will be treated with UV/HEPA /carbon activated filtration to mitigate cooking smells. **The kitchen extract ducts shall be operational between the hours of 0700 to 23.30 hours.**

The following changes to existing conditions and additional conditions are suggested:

Condition 13 Class E uses

You must use ground and basement retail units for the following uses within Class E

E(a) Display or retail sale of goods, other than hot food

E(b) Sale of food and drink for consumption (mostly) on the premises

E(c) Provision of: E(c)(i) Financial services,

E(c)(ii) Professional services (other than health or medical services), or

E(c)(iii) Other appropriate services in a commercial, business or service locality

No more than 30% of the units shall be used for uses falling within Class E(b), **and no amalgamation of the units shall take place to create larger units without the written approval of the City Council as local planning authority.**

You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended

September 2020 (or any equivalent class in any order that may replace it).
(C05AC)

New conditions

52 No takeaway deliveries after 23.00

In respect of the ground floor Class E units , there shall be no ancillary takeaway delivery after 2300 hours.

Reason In order to safeguard the amenities of existing residents and future residents of the development from noise and disturbance and to ensure the use of sustainable modes of transport, in accordance with policies 7, 33 and 24 in the City Plan 2019-2040 (April 2021)

53 Operational Management Plan for Class E(b) uses

Prior to the commencement of any use falling under Class E(b) a detailed operational management plan(OMP) shall be submitted to and approved by the City Council as local planning authority in consultation with the recognised local amenity societies . The use shall be in accordance with the approved OMP at all times.

Reason

In order to safeguard the amenities of existing residents and future residents of the development from noise and disturbance associated with the Class E b) uses and in accordance with policies 7 and 33 in the City Plan 2019-2040 (April 2021)

Councillor Laila Cunningham addressed the Sub-Committee in her capacity as Ward Councillor in support of the application.

Laurence Brooker addressed the Sub-Committee in support of the application.

Patrick Campbell addressed the Sub-Committee in support of the application.

John Zamit, representing the South East Bayswater Residents' Association, addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

- 1) That subject to the concurrence of the Mayor of London, conditional permission, as amended, be granted subject to:
 - i) An additional informative requesting that the applicant finds alternative locations in respect of the existing Post Office and the ATM machines; and
 - ii) a Section 106 agreement to secure the following:
 - a) Provision of 11 intermediate units on site (5x London Living Rent) and 6x Lower Quartile rents prior to the occupation of the market units. The affordable units to be provided at affordability levels to be agreed with the Head of Affordable Housing and Partnerships.

- b) Provision of an early stage and late stage viability review mechanism, in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG;
 - c) A financial contribution of £5,546.00 (index linked) towards improvements to play space in the vicinity of the development, payable on the commencement of development.
 - d) Payment of a carbon offset payment of £341,871 (index linked) payable on the commencement of development;
 - e) Been seen energy monitoring;
 - f) Submit an Employment and Skills Plan, and payment of a financial contribution of £293,977.00 (index linked) payable on the commencement of development towards the Westminster Employment Service prior to commencement of development;
 - g) Provision of lifetime (25 year) car club membership for each residential flat;
 - h) Costs of any highways works associated with the development (outside of the scope of the City Council's public realm and highways scheme for Queensway); and including Stopping Up;
 - i) Improvements to the Lady Samuels Garden prior to occupation of the development, including the feasibility of the keeping the garden in some form during construction and if not feasible to ensure that safe removal of the existing statue and plaque, their reinstatement and improvements to the Garden and at the applicant's cost;
 - j) Financial contribution of £20,000 for additional tree planting in the vicinity of the development (index linked) and payable on commencement of development;
 - k) Public art; and
 - l) Provision of S106 agreement monitoring costs.
- 2) That if the Section 106 agreement had not been completed within three months of the Committee resolution, then:
- a) The Director of Town Planning and Building Control 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 Town Planning and Building Control was authorised to determine and issue such a decision under delegated powers ; however if not :

- b) The Director of Town Planning and Building Control should consider whether permission should be refused on the grounds that it had not proven possible to complete an undertaking 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 Town Planning and Building Control was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3) a) That the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of part of the public highway on the corner of Porchester Gardens and Queensway be authorised.
- b) That the Director of Town Planning and Building Control or other such proper officer responsible for the highways 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.

2 57 AND 59 GLOUCESTER PLACE, LONDON W1U 8JH

Application 1:-

Change of use at 59 Gloucester Place and first to fourth floors of 57 Gloucester Place to accommodate residential use (Class C3), existing office (Class E) use retained at ground and basement floors of 57 Gloucester Place, with internal and external alterations including works to elevations, roof and vaults, provision of lift, provision of outdoor amenity spaces at rear, provision of waste storage and replacement plant at roof level and provision of plant basement vaults.

Application 2:-

External and internal alterations works to elevations, roof and vaults, provision of lift, provision of outdoor amenity spaces at rear, waste storage, basement vaults plant and replacement plant at roof level and provision of plant basement in connection with use of 59 Gloucester Place and first to fourth floors of 57 Gloucester Place for residential use (Class C3)

NB/ Linked by way of a land use swap to redevelopment of land at Garfield House, 86 - 110 Edgware Road and Bernard House 163-169 George Street, London, W2 ref. 22/05768/FULL.

The presenting officer had circulated prior to the meeting the following proposed changes to the draft decision notice:

1. Replace reference 049B with 49C (basement plan)
2. Decision letters to refer to 57& 59 Gloucester Place
3. Listed Building description of development to include “and continued use of ground and basement floors of 57 Gloucester Place for office use (Class E)” to be consistent with the Planning application description”.

To note:

Whilst the report indicates that a Statement of Community Involvement was not submitted. The applicant has subsequently advised in an email to officers “The Estate would, of course, have been willing to meet with local stakeholders to discuss the proposal. The Estate did in fact provide a letter to neighbouring residents, offering to discuss the proposal with us, but none of those consulted took the Estate up on that offer. Consequently, we did not provide a Statement of Community Involvement with the application, to ensure the documents remained proportionate to the scale and nature of that application and as agreed with Officers”

An Additional representation was received from The Portman Estate (09.11.22).

RESOLVED UNANIMOUSLY:

Application 1:-

- 1) That conditional permission be granted, subject to a S106 legal agreement to secure the following planning obligation:-
 - i) The residential use at this site as a land use swap from site at Garfield House, 86-110 Edgware Road and Bernard House 163-169 George Street, London W2 (as granted under 22/05768/FULL
 - ii) Provision of lifetime (25 year) car club membership for each residential flat.
- 2) That if the S106 legal agreement had not been completed within six weeks of the Committee resolution then:
 - a) The Director of Town Planning & Building Control should consider whether the permission can be issued with additional condition to secure the benefits listed above. If this was possible and appropriate, the Executive Director for Growth, Planning and Housing was authorised to determine and issue such a decision under Delegated Powers, however, if not
 - a) 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 Executive Director for Growth, Planning and Housing was authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

Application 2:-

- 1) That conditional listed building consent be granted.

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

3 DEVELOPMENT SITE AT 86-110 EDGWARE ROAD AND 163-169 GEORGE STREET, LONDON

Part demolition and reconfiguration of lower ground floor, demolition of ground and upper floors, for redevelopment comprising lower ground, ground plus 6 storeys plus rooftop room, rooftop plant and equipment and single storey triangle building, for retail, food and beverage, indoor recreation and community use (Sui Generis) at ground floor level, Office (Class E) use at ground and upper floors, community (Class F2) /Office (Class E) use at lower ground floor and associated ancillary space. [Linked to development at 57-59 Gloucester Place RN 22/05362/FULL and 22/05363/LBC]

The presenting officer had circulated prior to the meeting amendments to the report regarding the daylight and sunlight assessment.

The following amendments to the Sub-Committee report and draft decision notice, highlighted in bold, had also been circulated:

1. Committee Report clarifications:

- Page 179, in the land use table existing medical use should be 122m².
- Page 202, paragraph 9.6- clarifications in **bold** below:-

Construction

- 390 **job years** over 2.7 year construction period
- £687,000 constructor worker spending over the 2.7 construction period (local retail, food and refreshments and work/leisure activities)

Operational

- **655-730** jobs (uplift of **365-435**)
- £82-86m in Economic activity (**GVA**) per year (uplift of £53-57m)
- £25-**35m** in Tax revenues (Business rates, VAT, corporate and income tax) (uplift of £16-23m)
- Section 9.5 – Residential Amenity & Appendix 1 on daylight and sunlight– Amendments- see attached.

2. Proposed tweaks to conditions on the draft decision notice.

- Condition 19B

B. You must only use the ground floor and part of the basement annotated as "Hub" for uses including retail, restaurant, community **and indoor recreation** in accordance with the Operational Management Plan to be approved under condition 31 .You must not use them for any other purpose, including for any other use within Class E, Part A, Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it).

- Condition 20C

C. The useable areas under A above shall only be used **between i) upto level 4 -09.00-19.00 Monday to Friday; and ii) at levels 5,6 and the roof, between 09.00-22.00 Monday to Friday and no terraces shall be used on Saturdays and Sundays** (including cleaning, tidying and maintenance) unless used for emergency/escape access purposes.

- Condition 30

Prior to the installation of the lighting, you must apply to us with details of your proposed external lighting scheme, including hours of operation, showing how light spill is avoided and visual amenity is protected.

- Condition 31, part 1

1. Prior to the use of any of the Hub (including the triangle), you must apply to us for approval of an operational management plan for the Hub to show the following:-

The operational management plan shall include, but not be limited to, the following details/measures:-

A. Proposed floor plan annotated for specific quantum of each use
B Hours of use

C. Details of shopfront display, to show no painting, obscuring or blocking of shopfront

D. Ground floor Hub only for use for retail, restaurant, fitness uses and no other uses within Class E or F2

E. No delivery **use service**

F. Details of any required kitchen extract/ ventilation/sound insulation including drawings, acoustic/odour report.

~~**You must not use the external terraces until we have approved in writing what you have sent us.**~~ You must then carry out the measures included in the approved management plan at all times that the ~~**terrace is in use is in operation.**~~

Additional representations were received from the Marylebone Association (07.11.22), the Metropolitan Police (10.11.22), The Portman Estate (09.11.22).

Kay Buxton addressed the Sub-Committee in support of the application.

Simon Loomes addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission, as amended, be granted, subject to:
 - a) An additional informative requesting that deliveries to the site be undertaken by electric vehicles only; and
 - b) a S106 legal agreement to secure the following planning obligations:-
 - i) The residential use to have been relocated as part of a land use swap to 59 Gloucester Place (entirety) and 57 (first to fourth floors) Gloucester Place (As granted under application reference:- 22/05362/FULL) and not to occupy the development until the land use swap has been physically completed in all material respects to a standard ready for residential occupation and evidence has been submitted to the City Council to confirm completion of such works.
 - ii) Provision of Community Room for 25 years at Nil cost to the local community.
 - iii) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including creation of footway in Forset Street, provision of additional short stay cycle parking in the vicinity of the site (minimum of 22 spaces), changes or improvements to the footway and associated work (legal, administrative and physical). Changes to on-street restrictions (to be agreed as part of detailed design) including the relocation of any on-street parking bays, with no loss in number. All of the aforementioned to the Council's specification, at full cost (administrative, legal and physical) to the developer.(subject to detail design and the approval of the Highway Authority).
 - iv) Cycle parking survey assessing potential on-street locations for the provision of 69 short stay cycle parking spaces in the vicinity of the site including on Edgware Road and their subsequent provision where agreed by Westminster in liaison with TfL. All of the aforementioned to the Council's specification, at full cost (administrative,

legal and physical) of the developer.(subject to detail design and the approval of the Highway Authority). Where the full provision cannot be achieved the shortfall to be mitigated by a financial contribution towards TfL cycle hire scheme (index linked and payable on commencement of development).

- v) The area indicatively shown on Drawing number (4571-004-C) must be stopped up prior to commencement of development, at no cost to the Council, subject to minor alterations agreed by the Director of City Highways.
 - vi) The area on drawing number (4571-004-C), where the building line has been set back from the existing line, must be dedicated prior to occupation of development, at no cost to the Council, subject to minor alterations agreed by the Council
 - vii) A Financial contribution of £194,066.00 towards the Council's Carbon offset fund (Index linked and payable on commencement of development)
 - viii) A Financial contribution of £230,295.10 [or such figure as is confirmed by the Council's Economy Team] to support the Westminster Employment Service, (Index linked and payable on commencement of development).
 - ix) Provision of Public Art
 - x) Be Seen energy monitoring
 - xi) Monitoring costs
- 2) That if the S106 legal agreement had not been completed within six weeks of the Committee resolution then:-
- a) The Director of Town Planning & Building Control should consider whether the permission can be issued with additional condition to secure the benefits listed above. If this was possible and appropriate, the Executive Director for Growth, Planning and Housing was authorised to determine and issue such a decision under Delegated Powers, however, if not
 - b) The Director Town Planning & Building Control 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 Executive Director for Growth, Planning and Housing was authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

- 2)
 - a) That the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place be authorised.
 - b) That the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the dedication of parts of the land to enable this development to take place be authorised.
- 3) That the City Commissioner of Transportation be authorised to take all necessary procedural steps in conjunction with the making of the order/s and to make the order/s as proposed if there were no unresolved objections to the draft order/dedication. The applicant would be required to cover all costs of the Council in progressing the stopping up order/dedication.

4 **DEVELOPMENT SITE AT 26-46 LISSON GROVE AND 18 HAYES PLACE, LONDON, NW1 6TT**

Part retention of existing basement walls and demolition of ground and upper floors at 26-46 Lisson Grove and 18 Hayes Place, and redevelopment to provide a seven-storey building with a single storey basement comprising: office space and retail space commercial uses (Class E), alterations to public realm, servicing, ancillary plant, storage, cycle parking and other associated works.

The presenting officer circulated prior to the meeting the following amendments to the conditions highlighted in bold:

Amend condition 32

The areas shaded in grey and labelled as terraces on the plans hereby approved shall only be used between the hours of 07:00 - **20:00 21:00** Monday to Friday. The roofs of the building not marked as terraces shall not be accessible outside of these hours for sitting out or for any other purpose. You can however use the roofs for maintenance or to escape in an emergency at any time.

Amend condition 33

Prior to occupation, an Operational Management Plan shall be submitted to and approved by the City Council to indicate how the roof terraces will be managed, to include no amplified ~~or other~~ music shall be played on roof terraces. The terraces will then be managed in accordance with the plan for the lifetime of the development, or in accordance with any replacement Operational Management Plan, approved first in writing.

An additional representation was received from Viridis (09.11.22).

A late representation was received from a local resident (14.11.22).

The presenting officer tabled the following amendment to the draft decision letter:

Add informative 25:

In relation to condition 5 part (c), the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance: LPG document template (green) (london.gov.uk). To support the results provided in the template, the following minimum evidence requirements should be submitted at the same time:

- a) site energy (including fuel) use record,
- b) contractor confirmation of as-built material quantities and specifications,
- c) record of material delivery including distance travelled and transportation mode (including materials for temporary works),
- d) waste transportation record including waste quantity, distance travelled and transportation mode (including materials for temporary works) broken down into material categories used in the assessment,
- e) a list of product-specific EPDs for the products that have been installed.

The data collected at this stage will provide an evidence base that could help inform future industrywide benchmarks or performance ratings for building typologies. The postconstruction assessment should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. A copy and confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

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

James Hilton addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission, as amended, be granted subject to:
 - a) Condition 28 being amended in order to require that the details of the goods entrance be approved; and
 - b) Completion of a Section 106 Legal Agreement to secure the following:
 - i) Provision of a financial contribution of £315,294.37 (index linked) to provide employment, training and skills development for local residents;
 - ii) Highways works necessary to facilitate the proposed development including stopping up and dedication;

- iii) Provision of a financial contribution of £99,252 to the Carbon Offset Fund (index linked) payable prior to the commencement of development;
 - iv) Be Seen energy monitoring; and
 - v) 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 the Sub-Committee's resolution, then:
 - a) The Director of Town Planning and Building Control 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 Town Planning and Building Control 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 making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place be authorised.
- 4) That the Director of City Highways, Executive Director of Environment and City Management, 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 orders and to make the orders as proposed if there are no unresolved objections to the draft orders.

5 SITE 1 DEVELOPMENT SITE BOUND BY BROOK STREET, DAVIES STREET AND SOUTH MOLTON LANE (EXCLUDING 58 DAVIES STREET) AND 10, 15-25, 27 AND 42 SOUTH MOLTON; SITE 2- 14 NORTH ROW LONDON W1K 7DQ; AND SITE 3 -MARLBOROUGH HEAD 24 NORTH AUDLEY STREET LONDON W1K 6WD

Site 1:

Variation of Conditions 1, 17, 20, 31, 39, 47, 49, 53, 54, 55, 56 and 57 of planning permission dated 8 April 2022 (RN: 20/03987/FULL) (as amended) for, 'Part demolition, excavation (including beneath Davies Mews), erection of new buildings and alterations to existing buildings comprising: redevelopment of 60 Brook Street; redevelopment of 48, 50, 56 and 58 Brook Street and 16

Davies Mews behind retained Brook Street facades at; redevelopment behind retained and partially reconstructed facade at 52-54 Brook Street; refurbishment with alterations and addition of turret and gables at 40-46 Brook Street and 40 South Molton Lane; redevelopment behind retained Davies Mews and South Molton Lane elevations and front roof at 1-7 Davies Mews and 28-30 South Molton Lane; refurbishment and alterations at 50 Davies Street; refurbishment with alterations and partial demolition and redevelopment of upper floors at 52-54 Davies Street; redevelopment behind reconstructed and extended facade at 56 Davies Street (including the removal and reinstatement of certain building features), and Brookfield House (44-48 Davies Street and 62 and 64 Brook Street); part demolition of ground floor and refurbishment at 10 South Molton Street; refurbishment and alterations at 15-25, 27 and 42 South Molton Street; all to provide a development of up to 9 storeys including Class B1 (Business), Class A1 (Shops), Class A3 (Restaurant and Cafes), Class A4 (Drinking Establishment), composite use comprising public house and guest accommodation (sui generis), Class C3 (Dwellinghouses), Community Infrastructure and Facilities, and Class C1 (Hotel) uses, improvements to public realm and pedestrian routes, servicing, ancillary plant and storage, cycle parking and other associated works'; NAMELY, to allow amendments to the approved development. (Application under Section 73 of the Act).

Site 2:

Extension to roof, facade amendments, associated works and use of enlarged building to provide Community Infrastructure and Facilities of flexible education training facility (Class F1) or medical centre (Class E).

Site 3:

Use of part ground and first to fourth floors as three residential dwellings (Class C3). External alterations including the removal of existing plant and installation of additional plant within acoustic enclosures, creation of a terrace (for use in association with the proposed Flat 1) and green roof at rear first floor level and associated works. Erection of an extract duct routed internally terminating above main roof level. Internal alterations at all levels.

For Site 1 additional representations were received from Stephenson Harwood (10.08.22) and Grosvenor (09.11.22). The presenting officer had also circulated prior to the meeting the draft decision letter.

For Site 2 an additional representation had been received from Historic England (10.11.22). The presenting officer had also circulated prior to the meeting the draft decision letter.

For Site 3 additional representations had been received from the Highways Planning Officer (01.11.22) and the Waste Project Officer for Highways Planning (05.10.22). The presenting officer had also circulated prior to the meeting the draft decision letter.

The presenting officer tabled the following amended conditions for Site 1:

Amended Condition 17

The primary use of at least 50% of approved floorspace within the non-office commercial ground and basement units within the North Block (excluding 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first floors of 52 Davies Street), the South Block, **and at least 50% of the** commercial units at basement and ground floors of Nos. 10, 17-25, 27 and 42 South Molton Street, and the commercial units at ground floor of Nos. 15-16 South Molton Street shall be for the display or retail sale of goods, other than hot food, principally to visiting members of the public.

No change to reason

Amended Condition 60

All staff working with the 'micro-retail units' on South Molton Lane shown on the approved drawings shall be given access to the 'Staff Acc. WC' within the basement of 24 ~~23~~ South Molton Street at all times.

No change to reason

Amended Condition 65

Upon commencement of the expanded public house, the windows within the Davies Street frontage of the basement of 52-54 Davies Street and the ground and first floors of 52 Davies Street shall be fixed shut after ~~23.00~~ **22.00** daily.

No change to reason

Simon Armstrong addressed the Sub-Committee in support of the application.

Catherine Kelly addressed the Sub-Committee in objection to the application.

Luis Garrido addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

Site 1 – South Molton Triangle

- 1) That conditional permission, as amended, be granted subject to a legal agreement to secure the following:
 - a) Provision of 11 x affordable housing units, made up of 7 x social housing units (rents set at London Affordable Rents) at 23-25 South Molton Street and 4 x intermediate housing units (rents set at London Living Rent) at 27 South Molton Street. Increases in rent and eligibility to be agreed with the Head of Affordable Housing and Partnerships. Completed affordable housing to be managed by and transferred into the legal ownership of a

Registered Provider. The office floorspace within the North Block or South Block (whichever is completed first) not to be occupied until all 11 x affordable housing units are ready for occupation.

- b) Provision of an Early Stage Viability Review if substantial implementation (i.e. (i) Completion of demolition, ground preparation, piling and permanent foundation and below ground structural works and the ground floor slab for the North Block or the South Block; or (ii) The completion of the shell and core of the affordable housing units at 23, 24, 25 and 27 South Molton Street) has not occurred by 7 April 2025.
- c) The office floorspace within the North Block or the South Block (whichever is completed second) not to be occupied until the market residential units at 10, 15-22 and 42 South Molton Street are ready for occupation.
- d) The office floorspace within the North Block or the South Block (whichever is completed first) not to be occupied until the 8 x residential units at part first and the second floors of Claridge House, 32 Davies Street pursuant to planning permission dated 7 September 2020 (Ref: 20/02661/FULL) are ready for occupation. The office floorspace within the North Block or South Block (whichever is completed first) to be ready for occupation within 8 years of these residential units being made ready for occupation.
- e) Undertaking of highway works on Davies Mews, South Molton Lane, Davies Street, Brook Street and South Molton Passage, including associated traffic order making, tree planting, cycle parking, provision of loading bays, wayleaving of existing street lighting, details of highways management and any other associated works to accommodate the development. Highway works / management / threshold levels to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development. If undertaken by the owner, highway works to Davies Mews, South Molton Lane, Davies Street and Brook Street to be completed prior to occupation of any part of the North Block (excluding 50 Davies Street), the South Block or the occupation of 40-46 Brook Street and 40 South Molton Lane as a hotel (unless otherwise agreed in writing with the City Council). Not to occupy any part of the North Block (except 50 Davies Street) or any part of the South Block (whichever is completed first) until the highways management arrangements have been approved by the City Council. Highway management arrangements secured for the life of the development. If undertaken by the applicant, highway works to the South Molton Passage to be completed prior to the occupation of the affordable housing units at 23, 24, 25 and 27 South Molton Street.

- f) Submission of a management plan for the City Council's approval setting out the management, maintenance and enforcement of activities upon land retained in applicant's ownership on South Molton Lane. Adherence to the approved management plan for the life of the development.
- g) An Employment and Skills Plan(s) for the demolition, construction and operational (for the commercial elements) phases of the development and a contribution of £346,000 to support the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the relevant development phase. Financial contribution payable prior to the commencement of development.
- h) Car club membership for the occupiers of all 33 x residential units for a period of 25 years.
- i) A financial contribution of £25,000 to provide an extension to a nearby Cycle Hire docking station(s) (payable prior to commencement of development).
- j) The submission for the City Council's approval of a management strategy for the passageway beneath 10 South Molton Street in terms of inspecting it for anti-social behaviour, cleaning, lighting and generally maintaining it. Not to occupy the North Block or the South Block (whichever is completed first) prior to the approval of the management strategy. Adherence to the approved management strategy for the life of the development.
- k) The provision of at least 127 sq.m of either formal or informal place space either within Grosvenor Square Gardens or an alternative location within Mayfair (design and alternative location (if applicable) to be agreed with the City Council). The playspace to be provided prior to any of the residential units being occupied.
- l) The provision of the replacement community infrastructure and facilities floorspace within the ground, mezzanine and basement floors of the North Building (698 sq.m) and within the entirety of 14 North Row (471.7 sq.m) (both to be ready for tenant fit out) within 8 years of the commencement of the demolition of 48 Brook Street or 56 Brook Street.
- m) Not to occupy 40-46 Brook Street and 40 South Molton Lane as a hotel until the office floorspace within either of the North or South Block is ready for occupation.
- n) Submission (prior to commencement of development of each phase) of a revised Energy Strategy setting out whether

operational zero carbon can be met and, if not, require the residual carbon emissions for a notional 30 year development life to be either: (i) Off-set through a financial contribution to the City Council's carbon offset fund (payable prior to commencement of development); or (ii) To be made by the applicant off-site within the City through the delivery of an identified carbon savings project(s).

- o) The costs of stopping up of an area of public highway on the south of Davies Mews (payable and stopping up order confirmed prior to commencement of the South Block phase of development).
 - p) The costs of monitoring the S106 legal agreement.
- 2) That if the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
- a) The Director of Town Planning and Building Control 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 Town Planning and Building Control was authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Town Planning and Building Control 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 Town Planning and Building Control was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3) That conditional listed building consent for all six applications be granted.
- 4) That the reasons for granting the six applications for listed building consents as set out in Informative 1 of the draft decision letters be agreed.

Site 2 – 14 North Row

- 1) That conditional permission be granted subject to a legal agreement or undertaking to secure the following:
- a) Not to occupy the building as an education training facility (Class F1) or medical centre (Class E) until all three of the permitted residential units at 24 North Audley Street are ready for occupation.

- b) Undertaking of highways works on the south side of North Row to extend the footway across the width of the site. If undertaken by the owner, highway works to be completed prior to occupation of the building as an education training facility (Class F1) or medical centre (Class E).
 - c) The costs of monitoring the S106 legal agreement.
- 2) That if the S106 legal agreement or undertaking had not been completed within six weeks of the date of this resolution then:
- a) The Director of Town Planning and Building Control 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 Town Planning and Building Control was authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Town Planning and Building Control should consider whether the permission should be refused on the grounds that it had not proved possible to complete an agreement or undertaking 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 Town Planning and Building Control 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 consents as set out in Informative 1 of the draft decision letter be agreed.

Site 3 – 24 North Audley Street

- 1) That conditional permission be granted.
- 2) That the reasons for granting listed building consents as set out in Informative 1 of the draft decision letter be agreed.

The Meeting ended at 10.52 pm

CHAIRMAN: _____

DATE _____

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