



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 12th December, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Richard Beddoe (Chairman), David Boothroyd, Susie Burbridge and Tim Mitchell

#### **1 MEMBERSHIP**

1.1 There were no changes to the membership.

#### **2 DECLARATIONS OF INTEREST**

2.1 Councillor Richard Beddoe 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 e-mails 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 Beddoe also declared that in his capacity as Chairman of Planning, he gets to know a number of property developers and planning consultants, although he does not consider them his friends. He added that any Members of the Majority Party who had or would make representations in respect of the applications on the agenda were his friends.

2.3 Councillor Boothroyd read out the following declaration:

"I am Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. No current schemes are in Westminster; if there were I would be precluded from working on them under the company's code of conduct.

Some Thorncliffe clients have engaged planning consultants who are also representing applicants tonight: DP9 on items 1 and 7, Rolfe Judd Planning on item 4, and Gerald Eve on items 5 and 6. However I do not deal directly with clients or other members of project teams, and planning consultants are not themselves clients.

On item 1, I was a member of the committee in April 2013 deciding the previous application for a single dwelling house. Cllr Adam Hug, who has made representations, is a friend but we have not discussed this application”.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 14 November 2017 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 SITE AT 94 PICCADILLY, 95 PICCADILLY, 12 WHITE HORSE STREET, 42 HALF MOON STREET & 90 - 93 PICCADILLY, LONDON**

Demolition and rebuilding of 42 Half Moon Street, 11 White Horse Street and 12 Shepherd Market; demolition (with exception of retained facade) and rebuilding of 10 White Horse Street and erection of a 5 storey extension at vacant site at 12 White Horse Street. Refurbishment of all other existing buildings including minor demolition works, alterations and extensions, excavation to provide additional accommodation at basement level, removal of courtyard tree and installation of new plant and other associated works, all in association with the use of the site as an hotel (Class C1) and seven residential apartments (Class C3).

The presenting officer referred the Sub-Committee to a point of clarification regarding the daylight assessments referred to in the report in that there had been changes to some of the percentage levels, however, as these were minor this had not led to a change to the officer assessment.

#### **RESOLVED:**

1. That conditional permission be granted subject to a s106 legal agreement to secure:
  - i) a contribution of £439,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development)
  - ii) a Crossrail payment (currently calculated at £464,332) which will be reduced to £nil after being offset against the Mayoral CIL as permitted by the Crossrail SPG

- iii) costs relating to highways works around the site to facilitate the development (including the creation of a vehicular crossover)
  - iv) a carbon offset payment of £63,000 (index linked and payable on commencement of development)
  - v) arrangements for public access to grand first floor rooms as part of the Open House programme
  - vi) an employment and training opportunities strategy
  - vii) s106 monitoring costs
2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:
- a) The Director of 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 Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3 That conditional listed building consent be granted.
4. That reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision notice be agreed.

## **2 THEATRE ROYAL, CATHERINE STREET, LONDON, WC2B 5JF**

Use of the ground floor and basement of no. 6 Catherine Street as a restaurant (use class A3), together with associated elevational changes at ground floor level (No. 6 Catherine Street); creation of a new opening between no. 6 Catherine Street and Vinegar Yard; enclosure of the rear part of Vinegar Yard; demolition of a redundant generator shed in Vinegar Yard; installation of exterior plant equipment on the Theatre Royal Drury Lane and Vinegar Yard; and the creation of a publically-accessible terrace on the Theatre Royal at the corner of Russell Street and Catherine Street. Internal works to the front of house, auditorium, stage area and back of house of the Theatre Royal. (site includes Theatre Royal and 6 Catherine Street).

Late representations were received from the Really Useful Theatres Group including a summary of proposals (6.12.17) and The Victorian Society (12.12.17).

## **RESOLVED:**

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

### **3 72 BROADWICK STREET, LONDON, W1F 9EP**

Demolition and rebuilding of the part first, second, third and fourth floors, full demolition and rebuilding of fifth and sixth floors and the erection of a seventh floor for office use, use of part first and part second floors as nine residential units incorporating winter gardens and a new retail unit at ground floor level on Ganton Street. External alterations to the whole building, including new facades. Associated cycle parking and a vertical garden at first to third floor incorporating public art. Installation of new plant and photovoltaic panels and green roof at roof level.

The application was withdrawn by the applicant prior to the meeting.

### **4 107 NEW BOND STREET, LONDON, W1S 1EF**

A lifeguard Demolition behind the retained New Bond Street facade (including demolition of building fronting Haunch of Venison Yard) and erection of a building comprising basement, ground and three upper storeys to New Bond Street and ground and four upper storeys to Haunch of Venison Yard. Use of basement, ground, and first floors (New Bond Street)/ first and second floors (Haunch of Venison Yard) as retail (Class A1); use of second and third floors (New Bond Street)/third and fourth floors (Haunch of Venison Yard, including entrance at ground floor level) as offices (Class B1). Office and retail servicing entrance to be via Haunch of Venison Yard. Erection of roof level plant within enclosure.

A late representation was received from Toby Walzer (8.12.17).

## **RESOLVED:**

That conditional permission be granted.

### **5 123 BUCKINGHAM PALACE ROAD, LONDON, SW1W 9DZ**

Extension of existing office and retail building and associated works to provide additional office floorspace at roof level, use of part of the ground floor for retail use within Classes A1, A3 or A4, part demolition and alterations to the stone facade fronting Buckingham Palace Road and the part removal of the glazed building canopy, alterations to the public realm, creation of high level terraces, alterations to bus facility on Bulleid Way and roof top plant along with highway, landscaping and other works.

The presenting officer referred to a minor correction to the total proposed GIA set out in the table on page 227 of the committee report where there was a slight increase from 65,254 to 65,886.

A late representation was received from Gaw Capital Advisors UK Ltd (8.12.17).

**RESOLVED:**

1. That conditional permission be granted subject to a S106 legal agreement to secure:
  - i) Provision of bus passenger facilities, including public toilet facilities, in Bulleid Way at a peppercorn rent for period of 25 years.
  - ii) A contribution of £141,000 (index linked) towards fit out of the bus passenger facilities.
  - iii) Replacement highway lighting to building side footway to Bulleid Way.
  - iv) Highway works to Bulleid Way to include amended kerblines to provide a new loading area, amend traffic orders to provide for loading areas and deep clean to building side footway.
  - v) Employment and training strategy. vi) Legible London contribution of £10,000 (index linked).
  - vii) Provision of essential bus operator access to and from Bulleid Way through the building.
  - viii) Crossrail payment of £2,014,200.
  - ix) The applicant to agree to restrictions on infilling remaining internal atrium space without applying for planning permission.
  - x) Monitoring costs.
2. If the S106 legal agreement has not been completed within six weeks from the date of the Committee's resolution then:
  - a) The Director of 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 Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the

application and agree appropriate reasons for refusal under Delegated Powers.

## **6 12 CARDINAL WALK, LONDON, SW1E 5JE**

Use of 12 Cardinal Walk as restaurant (Class A3), and associated external alterations including the setting out of external tables and chairs.

A late representation was received from Councillor Louise Hyams (10.12.17).

### **RESOLVED:**

1. That conditional permission be granted subject to a deed of variation to the S106 legal agreement dated 31 May 2002 (00/01841/FULL) to remove the obligation (Clause 4) which requires the provision of exhibition and community space on site within the Cardinal Place development and replace it with a new obligation securing a financial payment, in lieu, of £2, 875, 000 index linked, towards social and community facilities in the St James Ward.
2. If the deed of variation to the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
  - a) The Director of 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 Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of 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 Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## **7 PROPOSED DEVELOPMENT SITE AT 54-62, 66 AND 68 OXFORD STREET AND 51-58 RATHBONE PLACE, W1**

54-62 Oxford Street and 51-58 Rathbone Place to provide a new building comprising four basement levels, ground and seven upper floor levels. Use of entire building either for retail (Class A1) or the use of part basements to first floor as retail (Class A1) and offices (Class B1) with a dual/alternative use of floors two to seven for either retail (Class A1) or office (Class B1) use; and associated works including plant at basement levels 3 and 4, the creation of terraces at sixth and seventh floors; external roof top plant at seventh floor level behind an acoustic attenuated louvered façade onto Perry's Place, and the installation of photovoltaic panels at roof level.

Additional representations were received from Fitzrovia West Neighbourhood Forum (7.10.17, 8.10.17, 5.11.17 and 6.11.17).

The presenting officer tabled a revised recommendation in that the words (maximum figures) should be incorporated at the end of paragraph 1.(ii) in relation to the crossrail payment.

**RESOLVED:**

1. The Sub-Committee considered that the public benefits of the scheme outweighed the less than substantial harm to the significance of the designated heritage assets;
2. Subject to 1. above and the views of the Mayor, that conditional permission be granted, subject to a Section 106 legal agreement to secure the following:
  - i. Provision of £1,186,937 towards the City Council's affordable housing fund (index linked and payable on first occupation of the second floor for office purposes);
  - ii. A crossrail payment (£435,200 for the all retail scheme or £747,932 for the mixed use scheme) (maximum figures);
  - iii. An employment and training strategy;
  - iv. A requirement for the applicant to enter into a S278 agreement to provide improved loading bay facilities on Oxford Street to accommodate the largest delivery vehicle they will need to use, only in the event that such vehicles continue to be allowed to service from Oxford Street;
  - v. Monitoring costs.
3. If the S106 legal agreement has not been completed within six weeks from the date of the Committee's resolution then:
  - a) The Director of 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 Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
4. That conditional listed building consent be granted.
5. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

The Meeting ended at 8.54 pm

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

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