



CITY OF WESTMINSTER

# MINUTES

## Planning Applications Sub-Committee (2)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** Committee held on **Tuesday 16th January, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Melvyn Caplan (Chairman), Ruth Bush, Paul Church and Gotz Mohindra

**Also Present:** Councillors Adam Hug and David Boothroyd (Item 2) and Councillor Jan Prendergast (Items 11 and 12)

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

2.1 Councillor Melvyn Caplan 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 Bush declared that in respect of Item 2 she was aware of the application and was friends with Councillors Hug and Boothroyd who both supported the application but she had not discussed the application with them and had not formed any opinion on it.

2.3 Councillor Paul Church declared that in his capacity as Ward Councillor for West End Ward and Deputy Cabinet Member for Adult Social Services & Public Health, he met and engaged regularly with residents, residents' groups,

developers and others. He considered members of both the Majority and Minority party as friends and met with them regularly.

- 2.4 Councillor Church also declared that Items 1, 4 and 6 were all situated within his ward.
- 2.5 Councillors Caplan, Bush, Church and Mohindra all declared that in respect of Item 6 they had sat on the Sub-Committee held on 3 October 2017 that had considered a previous application at the site.
- 2.6 In respect of Items 11 and 12 Councillors Caplan and Mohindra declared that they had sat on the Sub-Committee held on 5 December 2017 which had considered the application previously. Councillors Caplan and Bush declared that they had attended a site visit to the application.

### **3 MINUTES**

#### **RESOLVED:**

That the Minutes of the meeting held on 5 December 2017 be signed by the Chairman as a correct record.

### **4 PLANNING APPLICATIONS**

#### **1 70-88 OXFORD STREET, LONDON, W1D 1BS**

Demolition of 70-88 Oxford Street (Oxford House) and the erection of a new building comprising sub-basement, basement, ground plus seven upper floors and plant level, for the purpose of cycle parking and plant accommodation at sub-basement level, Class A1 (retail) accommodation at basement to first floor levels, a flexible Class A1 (retail) and / or Class B1 (office) use on the second floor and Class B1 (office) accommodation at third to seventh floors; the creation of a rooftop terrace area at plant level; the creation of a service yard to the rear of building and other associated works.

Late representations were received from Gerald Eve (11/01/18 and 15/01/18), Great Portland Estates (10/01/18), Westminster City Council's Highways and Public Realm Team (10/01/18), Highways Planning (12/01/18), Steer Davies Gleave (05/01/18), TfL (11/01/18 and 15/01/18)

The Presenting Officer circulated updated representations from the Greater London Authority, Thames Water, Crossrail, TfL, TfL London Underground, Historic England the Metropolitan Police Service, Lambeth London Borough Council and Westminster City Council's Highways Planning Officer.

The Presenting Officer tabled the following revised recommendation and amendment to the draft decision letter:

## Revised Recommendation

1. Subject to the views of the Mayor of London, grant conditional permission subject to a legal agreement to secure the following:
  - a) A carbon off-set payment of £150,000 (index linked and payable prior to commencement of development).
  - b) A Crossrail payment of either £541,780 (if the second floor is used as retail) floorspace or £619,330 (if the second floor is used as office floorspace), minus the mandatory Mayor CIL as permitted by the Crossrail SPG (March 2016).
  - c) The cost of highways works, including relocating a parking bay on Newman Street and associated traffic order making (traffic orders to have been confirmed prior to commencement of development).
  - d) **Submission of a detailed Servicing Management Plan for the City Council's approval for the development that accommodates the current and potential future servicing requirements of the adjacent site at Nos. 54-62, 66 and 68 Oxford Street and 51-58 Rathbone Place (prior to occupation). Adherence to the approved Servicing Management Plan.**
  - e) 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 this resolution then:
  - a) The Director of Planning shall 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 Planning was 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 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 Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## Delete Condition 21

~~Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development that accommodates the servicing requirement of the adjacent site at Nos. 54-62, 66 and 68 Oxford Street and 51-58 Rathbone Place. All servicing shall be undertaken in accordance with the approved strategy.~~

## **RESOLVED:**

1. That subject to the views of the Mayor of London, conditional permission as amended, be granted subject to a legal agreement to secure the following:
  - a) A carbon off-set payment of £150,000 (index linked and payable prior to commencement of development).
  - b) A Crossrail payment of either £541,780 (if the second floor is used as retail) floorspace or £619,330 (if the second floor is used as office floorspace), minus the mandatory Mayor CIL as permitted by the Crossrail SPG (March 2016).
  - b) The cost of highways works, including relocating a parking bay on Newman Street and associated traffic order making (traffic orders to have been confirmed prior to commencement of development).
  - d) Submission of a detailed Servicing Management Plan for the City Council's approval for the development that accommodates the current and potential future servicing requirements of the adjacent site at Nos. 54-62, 66 and 68 Oxford Street and 51-58 Rathbone Place (prior to occupation). Adherence to the approved Servicing Management Plan.
  - e) 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 this resolution then:
  - a) The Director of Planning shall 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 Planning was 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 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 Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## **2 309 - 311 HARROW ROAD, LONDON, W9 3RG**

Retention of the existing public house use at part basement and part ground floor levels. Use of first and second floors and new roof extension to provide Student Accommodation (34 bed spaces) with an associated four storey, plus basement extension to the rear, as well as external alterations including new windows to the front elevation at ground floor level.

Amendments to the officer's report and the draft decision notice were circulated prior to the meeting.

Additional representations were received from Westminster City Council's Tree Section (09/01/18), three local residents of 2 Woodfield Road (04/01/18), 5 Woodfield Road and Flat 1, 1 Woodfield Road (08/01/18) and an interested party of 37a Chippenham Mews (05/01/18).

Late representations were received from Nexus Planning (15/01/18), YPP (12/01/18) and one local resident 1c Chippenham Mews (16/01/18).

Councillors Adam Hug and David Boothroyd both addressed the Sub-Committee in their capacity as Ward Members in support of the application.

### **RESOLVED:**

That the application be refused on the following grounds:

1. The student accommodation did not meet an identified local housing need and would occupy scarce land that could accommodate market and/or affordable housing;
2. Due to the detailed design of the mansard roof and rear extension, the proposed development would harm the appearance of the building and that part of the City;
3. The rear and roof extensions would make the residents living at 313-319 Harrow Road feel too shut in. This was because of the development's proposed bulk and height and its close proximity to the windows of that property;
4. The third floor terrace would lead to unacceptable noise levels for people in neighbouring properties;
5. The applicant had not provided any information to demonstrate that the proposed student accommodation would not be subject to excessive noise from the public house and/or from mechanical plant on-site; and
6. Insufficient information had been submitted to demonstrate that a protected tree would be adequately safeguarded during excavation of the front lightwell.

### **3 FRANKLIN HOUSE, 151 STRAND, LONDON, WC2R 1HL**

Demolition of existing building and redevelopment to provide a building of basement, lower ground, ground and part five/part six upper floors with roof terrace and mechanical plant at roof level; for use as an apart-hotel (Class C1) with private members' bar (sui generis) at lower ground floor level.

The Presenting Officer tabled the following amendments to the draft decision letter:

**Condition 4:**

You must apply to us for approval of further information (as set out below) of the following parts of the development:

- a) New windows, dormers, rooflights and doors (drawn elevations, plans and sections at 1:5);
- b) New shopfront including associated metalwork (drawn elevations, plans and sections at 1:10);
- c) Overall profiles through front and rear facades (drawn elevations, plans and sections at 1:20).
- d) Junction details with Somerset House showing waterproofing, sound attenuation, and vibration attenuation with detailed acoustic report addressing these issues (drawn elevations, plans and sections at 1:10).

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 5:**

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

- a) Front elevation brickwork to be plain but finely jointed Flemish or English bonding (amended drawn elevations at 1:25) and either red or yellow in colour or other suitable alternative.
- b) Deletion of main front elevation parapet or redesigned parapet to relate better to the immediate architectural context (amended drawn elevations and sections at 1:20).

You must not start on these parts of the work until we have approved what you have sent us.

You must then carry out the work according to the approved drawings. (C26UB)

**Condition 20:**

You must not cook raw or fresh food within the private members' bar at lower ground floor level.

**RESOLVED:**

That the application be deferred to a future Planning Sub-Committee meeting to allow the applicant to submit a re-designed proposed façade of the building which would be more appropriate for its setting.

**4 2 - 4 NOEL STREET, LONDON, W1F 8GB**

Use of part basement and part ground floors as shop (Class A1) and / or a restaurant (Class A3) and installation of full-height extract duct to rear elevation.

The Presenting Officer circulated an updated representation from Westminster City Council's Highways Planning Officer.

**RESOLVED:**

That conditional permission be granted.

**5 GROUND FLOOR, 100 ST MARTIN'S LANE, LONDON, WC2N 4AZ**

Dual use of part of the ground floor as either offices (Class B1) and/or showroom (Sui Generis) for display of clothing and accessories range.

**RESOLVED:**

That conditional permission be granted subject to the Operational Management Plan coming before the Sub-Committee for approval.

**6 23 MEARD STREET, LONDON, W1F 0EL**

Variation of Condition 9 of planning permission dated 03 October 2017 (RN 17/06840/FULL) for, 'Use of the ground and basement floors of 23 Meard Street as retail (Class A1) in association with the existing retail unit at 74 Wardour Street to include the installation of a ground floor frontage to 23 Meard Street including new emergency and disabled access door and internal openings between 74 Wardour Street and 23 Meard Street'; NAMELY, to vary the opening hours to 07:00 to 00:00 daily for the retail unit at ground and basement floors at No. 74 and from 09.00 to 22.30 daily for the additional retail space at ground and basement floors of No. 23 Meard Street.

An additional representation was received from a local resident (08/01/18).

A late representation was received from Councillor Jonathan Glanz (15/01/18).

**RESOLVED:**

That the application be refused on the grounds that the proposed hours would have an unacceptable impact on the amenity of nearby residents.

**7 19 BERWICK STREET, LONDON, W1F 0PX**

The application was withdrawn from the agenda by officers.

**8 117 EDGWARE ROAD, LONDON, W2 2HX**

Use of the ground floor for mixed retail / restaurant use (Class A1/A3); use of basement as restaurant (Class A3), installation of a retractable canopy, recirculation ventilation system and electrical heaters.

Late representations were received from Michael Burroughs Associates (15/01/18) and one local resident of 4 Parkwest Place (undated).

**RESOLVED:**

That the application be refused on the grounds it would result in the loss of a lawful Class A1 retail unit which contributed to the character, function, vitality and viability of that part of the Central Activities Zone and Edgware Road.

**9 FLAT 6, 15 HYDE PARK GARDENS, LONDON, W2 2LU**

Installation of 2 air conditioning units with an acoustic enclosure to front roof area at second floor level.

An additional representation was received from Westminster City Council's Environmental Health Team (08/01/18).

**RESOLVED:**

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

**10 FLAT 5, 28 HATHERLEY GROVE, LONDON, W2 5RB**

Erection of a mansard roof extension.

**RESOLVED:**

That conditional permission be granted.

**11 KEITH HOUSE, 47 CARLTON VALE, LONDON, NW6 5EX**

Demolition of single storey garages and erection of two buildings ranging between one and three storeys to provide 6 residential units (Class C3), with associated alterations and landscaping.

A late representation was received from Westminster City Councils Sports and Leisure Contracts Manager (15/01/18).

Councillor Jan Prendergast addressed the Sub-Committee in her capacity as Ward Member in objection to the application.



## **RESOLVED:**

That conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, including a Grampian condition to secure the removal and replacement of trees adjacent to the site in Paddington Recreation Ground, be granted.

### **12 HELMSDALE HOUSE, 43 CARLTON VALE, LONDON, NW6 5EN**

Demolition of single storey garages and erection of buildings ranging between two and four storeys to provide 6 residential units (Class C3), with associated alterations and landscaping.

Councillor Jan Prendergast addressed the Sub-Committee in her capacity as Ward Member in objection to the application.

## **RESOLVED:**

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

### **13 35 - 50 RATHBONE PLACE, LONDON, W1T 1AA**

Variation of Conditions 8 and 10 of planning permission dated 11 July 2016 (RN: 15/10824/FULL) which was for: "*Variation of Condition 1 of planning permission dated 17 February 2014 (RN : 13/04844) for Substantial demolition of existing buildings and redevelopment of the site to provide a mixed use scheme accommodated in two L-shaped buildings rising to nine storeys plus basements and rooftop plant with frontages to Rathbone Place and Newman Street set around a central open space; use of new buildings for up to 162 residential dwellings (Class C3) with communal garden, offices (Class B1), shops (Class A1), flexible space for use as shops (Class A1) and/or restaurant (Class A3) and/or bar (Class A4); provision within basement of plant rooms and car/cycle parking with vehicular access via lifts from Newman Street; ground floor loading bay with access from Newman Street; new pedestrian routes through the site from Newman Street and Rathbone Place and associated works; namely the submission of substitute drawings showing re-distribution of floorspace areas at ground and basement levels having the effect of increasing the amount of offices (Class B1) and decreasing shops (Class A1/A3); associated changes to street elevations including new retail frontage with full height glazing, louvres and signage zones on Rathbone Place; change to rooflight arrangement to a linear pattern along southern side of the central garden; levels changes in central garden; additional louvres along the central garden elevation and south facing retail elevations; changes to parapet details; and alterations to office entrance doors on Newman Street and to vary the wording of condition 24 to allow dual swing escape doors on the Rathbone Place elevation which must be inward opening for everyday access and outward opening for emergency use only and the escape 'only' door in retail unit below office building on western elevation facing the central garden.*" NAMELY amendments to the limitations placed on the use of entertainment Unit 13 to enable 30% of the floor area to be used for vertical drinking (Condition 8) and to allow use of the terrace for dining until 22:00 (Condition 10).

An updated officer's report was circulated prior to the meeting.

**RESOLVED:**

That conditional permission be granted subject to a deed of variation to the original legal agreement to ensure this permission was subject to the requirements of the S106 agreement dated 11 February 2014 and amended by deed of variation dated 11 July 2016 including revised wording to Clause 10.1.

The Meeting ended at 9.18 pm

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

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