



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 13th February, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Melvyn Caplan (Chairman), Ruth Bush, Peter Cuthbertson and Gotz Mohindra

Also Present: Councillor Barbara Grahame (Items 1 and 2).

1 MEMBERSHIP

- 1.1 It was noted that Councillor Peter Cuthbertson would sit on the Sub-Committee in his capacity as reserve Sub-Committee member.

2 DECLARATIONS OF INTEREST

- 2.1 The Chairman explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and 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 Councillors Caplan, Bush and Mohindra declared that in respect of Item 5 they had all sat on a Planning Sub-Committee meeting which had considered a previous application on the same site.
- 2.3 Councillor Bush Declared that in respect of Item 1 she was a Trustee of the Westminster Tree Trust. She also knew one of the residents who had commented on the application but had not entered into any discussions with them regarding it.

- 2.4 Councillor Mohindra declared that in respect of Item 2 he lived in the vicinity of the application site but not close enough for it be considered a prejudicial interest.

3 MINUTES

RESOLVED:

- 3.1 That the Minutes of the meeting held on 16 January 2018 be signed by the Chairman as a correct record.

4 PLANNING APPLICATIONS

1 DEVELOPMENT SITE AT CAPLAND STREET, BLEDLOW CLOSE AND LUTON STREET, LONDON

Demolition of buildings and redevelopment to provide two six storey buildings above lower ground and row of three storey townhouses comprising up to 168 residential units with ancillary facilities (Class C3) and a Sports Hall (Class D2), and associated car park, energy centre and all other works incidental to the proposed development.

A late representation was received from Westminster City Council's Children's Services Department (03/11/17).

The presenting officer tabled the following amendments (in bold) to Part 1 of the recommendation:

1. Subject to referral to the Mayor of London, grant conditional permission, subject to the satisfactory completion of a section 106 agreement **or undertaking** to secure the following:
 - a) Provision of 59 affordable units on-site (comprising of 40 social rented units and 19 intermediate units) at appropriate rental and eligibility levels **agreed with the Affordable Housing Supply Manager and/or any further requirements following referral to the Mayor of London;**
 - b) Provision of three social rented units on the Fisherton Street carpark site (ref: 17/09337/FULL), to be provided prior to the occupation of any market housing on the application site;
 - c) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS) or an appropriate fall-back position if the CSDHS does not go ahead;
 - d) **Subject to further study, provision of a carbon offset payment of £226,800.00 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit);**
 - e) A payment of £3 million (~~index linked and~~ payable on commencement of development) toward the Green Spine, wayfinding (Legible London) and public realm improvements surrounding the application site;

- f) Highway works associated with the development;
- g) Provision of lifetime car club membership (25 years) for each **affordable residential unit and any market unit that does not benefit from an allocated parking space** in the development;
- h) Provision of a Walkways Agreement to ensure that pedestrian routes through the development are open to the public 24 hours a day and maintained;
- i) Provision of the sports and recreation facility for the local community and prior to occupation of the market housing;
- j) Offering local employment opportunities during construction;
- k) Offering local employment opportunities during operation of the sports and recreation hall; and l) Payment of cost of monitoring the agreement.

REASONS:

As the City Council has a Development Agreement with the applicant, a unilateral undertaking may be required instead of a s106 agreement. The amendment allows for a unilateral undertaking to be agreed in place of a s106 agreement if necessary

Additional requirements for the affordable housing may come from the Mayor of London at Stage 2. The proposed amendment allows for this to be accomplished within the legal agreement without referral back to the Committee.

The proposed development is liable for a carbon offset payment of £226,800.00 as the residential units are not zero carbon, as per policy 5.2 of the London Plan. However, this is subject to further sustainable design work and is dependent on the CSDHS coming forward. This figure may therefore change.

The £3 million payment is the maximum the applicant can provide and is payable on commencement of development. It should therefore not be index linked.

Lifetime car club membership is only required for the affordable units and any market unit that does not benefit from an allocated parking space.

Councillor Barbara Grahame addressed the Sub-Committee in her capacity as Ward member.

RESOLVED:

- 1) That subject to referral to the Mayor of London, conditional permission as amended be granted, subject to the satisfactory completion of a section 106 agreement or undertaking to secure the following:
 - a) Provision of 59 affordable units on-site (comprising of 40 social rented units and 19 intermediate units) at appropriate rental and eligibility levels agreed with the Affordable Housing Supply Manager and/or any further requirements following referral to the Mayor of London;

- b) Provision of three social rented units on the Fisherton Street carpark site (ref: 17/09337/FULL), to be provided prior to the occupation of any market housing on the application site;
 - c) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS) or an appropriate fall-back position if the CSDHS does not go ahead;
 - d) Subject to further study, provision of a carbon offset payment of £226,800.00 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit);
 - e) A payment of £3 million (payable on commencement of development) toward the Green Spine, wayfinding (Legible London) and public realm improvements surrounding the application site;
 - f) Highway works associated with the development;
 - g) Provision of lifetime car club membership (25 years) for each affordable residential unit and any market unit that does not benefit from an allocated parking space in the development;
 - h) Provision of a Walkways Agreement to ensure that pedestrian routes through the development are open to the public 24 hours a day and maintained;
 - i) Provision of the sports and recreation facility for the local community and prior to occupation of the market housing;
 - j) Offering local employment opportunities during construction;
 - k) Offering local employment opportunities during operation of the sports and recreation hall; and
 - l) l) Payment of cost of monitoring the agreement.
- 2) That if the section 106 agreement had not been completed within six weeks from of the date of the Committee's resolution, then:
- a) The Director of 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 Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director of Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an 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 Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

- 3) That the Committee authorised the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and alteration to parts of the public highway to enable the development to take place. That the Director of Planning, Executive Director of 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. The applicant would be required to cover all costs of the Council in progressing the stopping up orders.

2 CAR PARK, FISHERTON STREET, LONDON, NW8 8NP

Erection of three storey terrace of three dwellinghouses (Use Class C3) with associated amenity space, cycle parking and car parking (Linked to application ref: 17/08619/FULL).

The presenting officer tabled the following amendments (in bold) to Part 1 of the recommendation:

1. Grant conditional permission, subject to the satisfactory completion of a section 106 agreement **or unilateral undertaking** to secure the following:
 - a) **Provision of three social rented units on-site at appropriate rental and eligibility levels;**
 - b) Delivery of the affordable units on the application site before occupation of the market units on the Luton Street Site (see ref: 17/08619/FULL);
 - c) Highway works associated with the development; and
 - d) Payment of cost of monitoring the agreement.

REASONS:

As the City Council has a Development Agreement with the applicant, a unilateral undertaking may be required instead of a s106 agreement. The amendment allows for a unilateral undertaking to be agreed in place of a s106 agreement if necessary.

The legal agreement must also secure these units as affordable units. The proposed amendment achieves this.

Councillor Barbara Grahame addressed the Sub-Committee in her capacity as Ward member.

RESOLVED:

- 1) That conditional permission as amended be granted, subject to the satisfactory completion of a section 106 agreement or unilateral undertaking to secure the following:

- a) Provision of three social rented units on-site at appropriate rental and eligibility levels;
 - b) Delivery of the affordable units on the application site before occupation of the market units on the Luton Street Site (see ref: 17/08619/FULL);
 - c) Highway works associated with the development; and
 - d) Payment of cost of monitoring the agreement.
- 2) That if the section 106 agreement had not been completed within six weeks from of the date of the Committee's resolution, then:
- a) The Director of 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 Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director of Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an 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 Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3 30-31 LEINSTER SQUARE, LONDON, W2 4NQ

Use of building as 9 residential flats (Class C3) including renovations to front and rear facades and windows, erection of rear two storey lightweight infill extensions at basement and ground floor levels, alteration to rear parapet height, excavation of rear garden to provide lightwells, structural alterations to lower level of existing front vaults, internal refurbishments to all floors, restoration of original and secondary staircases, reinstatement of ground to basement stair flight, reuse of existing roof level water tank room as plant room and restoration of existing butterfly roofs.

RESOLVED:

- 1) That conditional permission be granted subject to a deed of variation to the original legal agreement dated 4 November 2016 to secure the following:
 - a) Provision of £321,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- 2) That if the S106 legal agreement had not been completed within six weeks of the date of the Committee resolution, then:
 - a) The Director of Planning 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 Planning was authorised to determine and issue the decision under Delegated Powers; however, if not;

b) The Director of Planning 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 Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3) That conditional listed building consent be granted.

4 170 GREAT PORTLAND STREET, LONDON, W1W 5QB

Use of the basement and ground floor of 170-172 Great Portland Street as (Class A3) restaurant/cafe with ancillary retail and bar area.

RESOLVED:

That conditional permission be granted.

5 78 - 110 ROCHESTER ROW, LONDON

Erection of a roof extension to provide office floorspace (Use Class B1) and associated alterations.

A late representation was received from Belgrave (09/02/18).

RESOLVED:

That having regard to the existing use of the premises and the character of its particular location and likely occupation by the current occupiers, against the officers' recommendation, planning permission be granted subject to conditions based upon those approved under the previous permission and to be settled under delegated powers.

6 73 ECCLESTON SQUARE MEWS, LONDON, SW1V 1QN

Erection of a mansard roof extension to provide additional residential accommodation, and alterations to the existing facades.

A late representation was received from Quintin and Sarah Hinxman (12/02/18).

RESOLVED:

That permission be refused on the grounds that the mansard roof extension would be an unneighbourly form of development due to its bulk and close proximity to the neighbouring window at 26D Belgrave Road.

The Meeting ended at 8.33 pm

CHAIRMAN: _____

DATE _____