



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 2nd April, 2024**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Ruth Bush (Chair), Patrick Lilley, Md Shamsed Chowdhury, Robert Rigby, Jim Glen and Paul Fisher

#### **1 MEMBERSHIP**

- 1.1 Councillor Patrick Lilley was present as a substitute for Councillor Nafsika Butler-Thalassis.
- 1.2 Councillor MD Shamsed Chowdhury was present as a substitute for Councillor Jason Williams.
- 1.3 It was also noted that Councillor Paul Fisher had been erroneously omitted from the front page of the meeting agenda. It was confirmed that Councillor Fisher had received all the meeting papers, had attended the relevant site visit, and would be taking part in the meeting.

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

- 2.1 The Chair explained that a week before the meeting, all 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 All Committee Members declared that they had attended a site visit with officers in the week preceding the meeting in respect of agenda item 2.

- 2.3 Councillor Robert Rigby declared a non-pecuniary interest in agenda item 1 as he had sat on the Sub-Committee making a previous decision on the site in March 2020. Councillor Rigby also declared a non-pecuniary interest in agenda item 2 as he had met with the applicant in March 2022 as the Chair of Planning at the time. It was confirmed that he had not declared any opinion with regard to the applications.
- 2.4 Councillor Jim Glen noted that he had also previously sat on Sub-Committees making decisions with regard to the application sites on the meeting agenda.
- 2.5 Councillor Patrick Lilley highlighted that both application sites fell within his ward, West End.
- 2.6 Councillor Paul Fisher highlighted that both application sites fell within his ward, West End. Councillor Fisher also declared a non-pecuniary interest in agenda items 1 and 2 having met with the applicant for item 1 in May 2023, and the applicant for item 2 in 2022; it was highlighted that no opinions had been expressed with regard to the applications.
- 2.7 Councillor Ruth Bush noted that she had received a briefing on agenda item 1 along with the relevant Cabinet Member and confirmed that no opinions were expressed. It was also highlighted that Councillor Bush was a Trustee of the Westminster Tree Trust.
- 2.8 All Committee Members remained in the room and took part in the vote for each of the agenda items.

### **3 MINUTES**

#### **RESOLVED:**

- 3.1 That the minutes of the meeting held on 20 February 2024 be signed by the Chair as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 SITE COMPRISING 53-63 NEW BOND STREET, 5-17-17A BROOK STREET, LONDON, W1S 1RJ**

Alteration and extension of the existing buildings, including partial demolition and retention and retrofit to provide a building with basement, ground and ten upper floors, setback at fifth to eighth floors with terraces, setback at ninth floor with terrace and plant, and a roof terrace with lift over run and pavilion at the tenth floor, with satellite dish, green roof and solar photo voltaic panels on its roof, and associated works, to provide for retail (Class E (a)) and office (Class E(g)(i)) uses together with associated ancillary spaces to those uses.

Late representations were received from Lazari Investments (28.03.2024).

The Presenting Officer tabled the following amendments to the recommendation and the recommended conditions:

### Recommendation

1. Grant conditional permission subject to the views of the Mayor of London and subject to a S106 legal agreement to secure the following planning obligations:...

a) A financial contribution of ~~£150,480~~ **£157,280** (index linked) towards the carbon Off Set Fund (payable prior to the commencement of the development);  
*[rest of recommendation as set out in the report]*

### Revised Planning Conditions:

10 - Before any demolition or excavation is carried out at or below the level of the floor in the basement, you must:

(a) apply to us for approval of a written scheme of investigation for a programme of archaeological work **as agreed by the Greater London Archaeological Advisory Service (GLAAS)**. This must include details **of the approved methodology and** the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.  
*[rest of condition as set out in the report]*

22 – The development shall be carried out in accordance with the approved Energy Strategy (prepared by Buro Happold; dated November 2023 and subsequent revision) and shall achieve regulated carbon dioxide emission savings of not less than 25% **22%** for emissions beyond the Target Emissions Rate of Part L of Building Regulations 2021, and of not less than 64% **63%** for emission beyond Notional specification for existing buildings. The energy efficiency and sustainability measures set out there in shall be completed and made operational prior to the first occupation of the development and retained for the lifetime of the development. (C17CA)

31 - No development (with the exception of demolition and temporary works) shall commence until hydraulic flood modelling drainage calculations, **planning drawings** and design drawings **(including any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event)** are submitted and approved by the Local Authority, to demonstrate that the proposed development will not impact upon wider drainage network.

41 Details of the ~~precise scope of the~~ **extent of the parts of the buildings to be retained and the** method for securing and lifting the retained parts of the building, including structural alterations and deconstruction etc, must be submitted for our approval before any structural demolition works commence.

Deleted condition [unnecessary with condition 24 attached]

~~23 – You must apply to us for our written approval of an independent review of the energy efficiency measures to be provided within the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods ('BREEAM'), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an~~

~~equally high standard. You must provide all the energy efficiency measures referred to in the review before you start to use the building. You must then permanently retain these features. (C44BB)~~

### Additional Planning Conditions

#### *Replacement Condition 23*

You must provide the following sustainability features as shown on the approved drawings before occupation of any part of the new building:

- air source heat pumps;
- photovoltaic panels;
- allowance for connections to any future heat network in the vicinity of the site.

Reason: To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 – 2040 (April 2021). (R44AD)

43. The flat roof/terraced area at rear first floor level adjacent to 22 Hanover Square (excluding the side return on the south side of the site) shall not be used for sitting out or for any other purpose. You can however use the roof for maintenance purposes or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 – 2040 (April 2021).

Len Lazari, representing Lazari Investments, addressed the Sub-Committee in support of the application.

Patrick Campbell, representing Foster & Partners Riverside, addressed the Sub-Committee in support of the application.

### **RESOLVED UNANIMOUSLY:**

1. **That conditional permission be granted, subject to the views of the Mayor of London and subject to a S106 legal agreement to secure the following planning obligations:**
  - a) **A financial contribution of £157,280 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development);**
  - b) **'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;**
  - c) **A financial contribution of £257,473.50 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development);**
  - d) **An Employment and Skills Training Plan;**
  - e) **Travel Plan and associated monitoring costs;**

- f) **Potential Highways Works and associated costs (e.g. loading bay works, relocation of taxi bay and provision of short stay cycle parking);**
  - g) **All costs associated with stopping up parts of the highway;**
  - h) **The costs of monitoring the S106 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 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 Town Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;**
  - b) **The Director of Town Planning and Building Control shall consider whether the 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 Town Planning and Building Control is 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 of parts of the public highway and creation of new public highway to enable this development to take place. That the Director of Town Planning and Building Control, 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 if there are no unresolved objections to the draft orders. The applicant will be required to cover all costs of the Council in progressing the stopping up orders.**
4. **That the following informatives be added:**
- a) **That the Applicant be urged to consider the use of Electric Vehicles for servicing;**
  - b) **That the Applicant make use of freight consolidation; and,**
  - c) **That the Applicant consider the introduction of a plaque in commemoration of the Fenwick's department store which previously occupied the site.**

**2 SITE 1: DEVELOPMENT SITE AT 18-20 SAVILE ROW, LONDON  
SITE 2: 17 SAVILE ROW, LONDON**

**Application 1 at Development site at 18-20 Savile Row**

Demolition of all existing buildings, excavation to deepen existing basement, and redevelopment to provide an eight storey building plus one storey basement comprising flexible retail (Class E(a)) and/or restaurant (Class E(b)) floorspace and tailoring floorspace (Class E(a), Class E(g)(ii) & Class E(g)(iii)) at part ground floor;

and office floorspace (Class E(g)(i)) at part ground and on all upper floors; external terraces and associated hard and soft landscaping; cycle parking; replacement of commemorative plaque and other associated works.

**Applications 2 and 3 at 17 Savile Row**

Extension to the chimney stack at No. 17 Savile Row, underpinning of boundary wall to No. 18 and other associated works.

Late representations were received from the Savile Row Bespoke Association (25.03.2024), The Pollen Estate (27.03.2024 and 28.03.2024), Fathom Architects (28.03.2024), the Residents’ Society of Mayfair & St James’s (25.03.2024), and the Mayfair Neighbourhood Forum (20.03.2024).

The Presenting Officer tabled the following corrections to the report:

**p.122**

Mayfair Neighbourhood Plan Policy MR6.1 states, *“Proposals for new Creative Originals retail development in Mayfair will be encouraged”*, whilst Policy MR6.2 states, *“Proposals which involve the loss of Creative Originals floorspace should be resisted unless being replaced nearby”*.

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In terms of how these figures relate to the benchmarks contained within the GLA’s WLC guidance:

- The upfront carbon emissions (i.e. Modules A1-A5) is 18.4% lower than the GLA’s WLC benchmark of 950 kg/Co2e/m2 and 29.2% above the GLA’s WLC aspirational benchmark of 600kg/Co2e/m2.
- The whole life carbon impact of the development for Modules A-C (excluding B6 and B7) is 15.1% lower than the GLA’s WLC benchmark of 1,400kg/Co2e/m2 and 26.4% **22.5%** above the GLA’s WLC aspirational benchmark of 970kg/Co2e/m2.

Given that the applicant is able to demonstrate that actions have been taken to reduce life-cycle carbon emissions from the proposed development and that the expected whole life cycle emissions are 30.0% **15.1%** lower than the GLA’s WLC benchmark, the development is compliant with London Plan Policy SI 2.

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**Table 4 – Cycle parking requirements and provision**

Use	Policy requirement	Provision	+/-
Office (short-stay)	11	12	+1
Office (long-stay)	115	115	0
Flexible retail or restaurant / bespoke tailoring (short-stay)	32	0	-32
Flexible retail or restaurant / bespoke tailoring ( <b>long short-stay</b> )	4	6	+2
<b>Total</b>	<b>162</b>	<b>133</b>	<b>-29</b>

Jenny Casebourne, representing The Pollen Estate, addressed the Sub-Committee in support of the application.

Mark Henderson, representing the Savile Row Bespoke Association, addressed the Sub-Committee in support of the application.

Upon a vote, application 1 was resolved with the passing of the Chair's casting vote. Applications 2 and 3 were resolved unanimously.

**RESOLVED:**

**Application 1**

**That, subject to the views of the Mayor of London, the application be refused on the following grounds:**

- a) **The demolition of the existing building and the erection of a replacement building failed to adhere to circular economy principles and principles of sustainable design, both of which prioritise the retention, refitting and refurbishment of existing buildings. The proposed development would therefore have failed to help transition London to a low carbon circular economy through generating unjustified waste and carbon emissions.**

**Application 2**

**That conditional permission be granted.**

**Application 3**

- 1) **That conditional listed building consent be granted; and,**
- 2) **That the reason for granting listed building consent, as set out within Informative 1 of the draft decision letter, be agreed.**

The Meeting ended at 10.10 pm

**CHAIR:** \_\_\_\_\_

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