



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 11th July, 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 Beddoe then made the following further declarations as they related to the specific applications on the agenda:

Item 3: That he had sat on the Committee that had considered a previous application.

Item 4: That the application is in his Ward and he had sat on the Committee that had considered a previous application.

Items 5 and 6: That the applications are in his Ward.

2.4 Councillor Tim Mitchell declared that any Members of the Majority Party who had or would make representations in respect of the applications on the agenda were his friends. He also advised that in his capacity as a Councillor for St James's Ward, and as Cabinet Member for Finance, Property and Corporate Services responsible for the City Council's property portfolio, he regularly met with members of the planning and property industry as well as residents' associations and amenity groups.

2.5 Councillor Mitchell then made the following further declarations as they related to the specific applications on the agenda:

Item 1: That he had sat on the Committee that had considered a previous application.

Item 2: That the application is in his Ward and that he had received representations from the applicant.

Item 3: That the application is in his Ward and that he had received representations from the applicant and amenity societies.

Item 4: That he had sat on the Committee that had considered a previous application.

2.6 Councillor Susie Burbridge declared that any Members of the Majority Party and Minority Party who had or would make representations on the applications on the agenda were her friends. She declared that she is the Deputy Cabinet Member for Housing. Councillor Burbridge further advised that that she did meet architects and developers from time to time but had not seen or spoken to any in relation to the applications on the agenda.

2.7 Councillor Burbridge then made the following declarations as they related to the specific applications on the agenda:

Item 1: That she had sat on the Committee that had considered a previous application.

Item 3: That she had sat on the Committee that had considered a previous application.

Item 4: That she had sat on the Committee that had considered a previous application.

Item 8: That the application is in her Ward.

2.8 Councillor David Boothroyd declared that he is Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. No current clients are in

Westminster, and if there were, he would be precluded from working on them under the company's code of conduct.

2.9 Councillor Boothroyd further declared that some Thorncliffe clients have engaged planning consultants who are also representing the applicants at the meeting: Turley on item 1, Gerald Eve on items 2, 4, 5, 6 and 7 and DP9 on item 3. However, he advised that he does not deal directly with clients or other members of project teams, and there is no financial link between the planning consultants and his employers.

2.10 Councillor Boothroyd then made the following further declarations as they related to the specific applications on the agenda:

Item 1: That he sat on the Committee that had considered the West End Green application in April 2015 deciding the conversion of 17 Paddington Green and that he is a councillor sponsor of the Notting Hill East Neighbourhood Forum, but has had no involvement in their comments.

Item 3: That the applicants Helical Bar have been past clients of Thorncliffe in relation to schemes in Islington and Newham, one of the objections is signed by David Bieda who is a friend and that he had sat on the Committee deciding the previous scheme in April 2016.

Items 5 and 6: That he lives not far away from the site, and specifically in relation to item 6 that he often sees Wetherby pupils arriving by buses on Edgware Road in the morning.

### **3 MINUTES**

3.1 That the minutes of the meeting held on 13 June 2017 be signed by the Chairman as a correct record of proceedings.

### **4 TREE PRESERVATION ORDER NO. 634 (2017) - 21 CASTELLAIN ROAD, LONDON, W9 1EY**

4.1 The City Council has made a Tree Preservation Order (TPO) to protect one Sycamore tree (T1) located in the rear garden at 21 Castellain Road, London, W9 1EY. The TPO is provisionally effective for a period of six months from 12th January 2017 during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 13<sup>th</sup> July 2017.

4.2 The TPO was made because the tree has significant amenity value and makes a valuable contribution to the character and appearance of the conservation area. The City Council, having been made aware of the proposal to remove the sycamore tree considers it expedient in the interests of the amenity that a TPO is made in order to safeguard its preservation and future management.

4.3 There were two representations in support of confirming the TPO from neighbours. Objection to the TPO has been made by Mr Peter Stone of PSP Consultants, Bishops Park House and Mr Luke and Liza Johnson.

- 4.4 The City Council's Arboricultural Officer responded to the objections by letter.
- 4.5 Late representations were received from Peter Stone (03.07.2017), Councillor Jan Prendergast (10.07.2017) and David Fyfe (01.07.2017).

4.6 **RESOLVED:**

That Tree Preservation Order No. 634 (2017) be confirmed with permanent effect.

## 5 PLANNING APPLICATIONS

### 1 DEVELOPMENT SITE AT 14 TO 17, PADDINGTON GREEN, LONDON

Demolition and redevelopment of 14-16 Paddington Green; alteration and partial demolition of 17 Paddington Green; development of land to the east and south of 14-17 Paddington Green (part of site known as 'West End Green') to provide buildings ranging between 4 and 14 upper storeys to provide up to 200 residential units, with associated landscaping, basement car and cycle parking and servicing provision. This application is accompanied by an Environmental Impact Assessment (Linked to application RN: 16/11563/LBC).

Late representations were received from Turley (07.07.2017) and Berkeley Homes (Central London) Ltd (07.07.2017).

The presenting officer tabled the following amendments to recommendation 1 and condition 2 and deletion of condition 18:

1. AMEND part 1 of the recommendation on page 43 to state the following (amendments in bold):
  - "1. Subject to referral to the Mayor of London, grant conditional permission, subject to a deed of variation to the section 106 agreement for application ref: 15/11677/FULL to secure:
    - a) 32 affordable units on-site comprising **17 social rented units and 15 intermediate units**;
    - b) A carbon offset payment of **up to** £233,622.00 (index linked and payable on commencement of development). Not payable in connection and supply agreement to Church Street District Heating Scheme (CSDHS) agreed;
    - c) A reduction of £56,339 (index linked) to the £631,000 education contribution secured under application ref: 15/11677/FULL, in the event that this permission is implemented;
    - d) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street;
    - e) Provision of lifetime car club membership (25 years) for each residential unit in the development;
    - f) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);

- g) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the CSDHS. In the event that the, CSDHS does not go ahead, installation of CHP plant;
- h) Offering local employment opportunities during construction; and
- i) Provision of public art on the application site; and**
- j) Payment of cost of monitoring the agreement (~~£10,000~~ **2500**)." )

REASON: Following discussions with the Head of Affordable and Private Sector Housing, the mix of affordable units has been amended. With regards to the Carbon Offset Payment, the applicant intends to submit further sustainability information that may reduce this contribution. With regards to public art, this amendment allows for the public art contribution secured on the WEG site to also be used on the application site. With regards to the monitoring cost, the City Council's solicitor has confirmed that £2500 is the correct figure, not £10000.

2. DELETE condition 2 on page 111 and REPLACE with the following:  
*"You must carry out any building work which can be heard at the boundary of the site only:*
  - *between 08.00 and 18.00 Monday to Friday;*
  - *between 08.00 and 13.00 on Saturday; and*
  - *not at all on Sundays, bank holidays and public holidays.**Noisy work must not take place outside these hours"*

REASON: To ensure consistency with the construction hours condition on the wider WEG site. The standard condition proposed, would have precluded any Saturday work, even if it could not be heard at the boundary, which would be unreasonable on this large strategic development site.

3. DELETE condition 18 (Public Art).

REASON: Public Art will be secured through the s106 agreement. Accordingly, this condition is not necessary.

## RESOLVED:

1. That subject to referral to the Mayor of London, conditional permission be granted, subject to an amended recommendation 1 and condition 2 and deletion of condition 18 as set out above, and to a deed of variation to the section 106 agreement for application ref: 15/11677/FULL to secure:
  - a) 32 affordable units on-site comprising 17 social rented units and 15 intermediate units;
  - b) A carbon offset payment of up to £233,622.00 (index linked and payable on commencement of development). Not payable if connection and supply agreement to Church Street District Heating Scheme (CSDHS) agreed;
  - c) A reduction of £56,339 (index linked) to the £631,000 education contribution secured under application ref: 15/11677/FULL, in the event that this permission is implemented;

- d) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street;
  - e) Provision of lifetime car club membership (25 years) for each residential unit in the development;
  - f) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
  - g) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the CSDHS. In the event that the, CSDHS does not go ahead, installation of CHP plant;
  - h) Offering local employment opportunities during construction;
  - i) Provision of public art on the application site; and
  - j) Payment of cost of monitoring the agreement (£2,500).
2. That if the Section 106 legal agreement has not been completed by 22 August 2017, then:
- a) The Director of Planning shall 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 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 the 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.
3. That conditional listed building consent be granted.
4. That the reasons for granting conditional listed building consent, as set out in Informative 1 of the draft decision letter, be agreed.

## **2 5 STRAND, LONDON, WC2N 5AF**

Demolition of existing building and construction of replacement mixed use building, comprising retail (Class A1), restaurant (Class A3), office (Class B1) and residential (Class C3) floorspace across two basements, lower ground and ground floors and 11 upper floors and associated alterations.

Late representations were received from Alchemi Group (05.07.2017) and Gerald Eve (11.07.2017).

## RESOLVED:

1. That conditional permission be granted, subject to permission being granted for 4 years, an amendment to condition 11 to include measures to manage anti-social behaviour, an additional condition to secure a maintenance scheme for the planters on the residential terraces, referral to the Mayor of London and to a Section 106 legal agreement to secure the following:
  - i) A payment of £7,074,945 (index linked) towards the City Council's affordable housing fund, payable upon commencement of development.
  - ii) Carbon offset payment of £97,710 (index linked) to be paid on commencement of development.
  - iii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical).
  - iv) Employment and Training Strategy for the construction and operational phase of the development.
  - v) Car club membership for residents (for a minimum of 25 years)
  - vi) Car parking spaces in an off site location to be provided prior to first occupation of the residential flats, and maintained for the life of the development.
  - vii) Section 106 monitoring costs to be paid on commencement of development.
2. That if the 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 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 Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Committee the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 be authorised for the stopping up and dedication of parts of the public highway to enable this development to take place.

4. That the Executive Director of City Management & Communities or other appropriate officer 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. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

Councillor Burbridge requested that her dissent against approving the application be recorded.

### **3 DEVELOPMENT SITE AT LAND BOUNDED BY DRURY LANE, DRYDEN STREET, ARNE STREET AND SHELTON STREET, LONDON**

Demolition and redevelopment of site, including facade retention of 30-35 Drury Lane, 2 Dryden Street and 4-10 Dryden Street, for mixed use development comprising retail, restaurant and cafe uses at ground and basement level (Classes A1/A3), office floorspace (class B1) at part ground, first to fifth floor level, rooftop plant, basement cycle parking and associated works.

Additional representations were received from Simon Taylor on behalf of The Mercers' Company (26.06.2017), Lydia Cotton (04.07.2017) and the Arboricultural Officer (04.07.2017).

Late representations were received from the Covent Garden Area Trust, Covent Garden Community Association and The Seven Dials Trust (04.07.2017) and Belgrave (06.07.2017).

#### **RESOLVED:**

That permission be refused on the grounds that the scale, bulk and massing of the proposed redevelopment behind and above the retained and new facades would harm the appearance of the buildings and fail to maintain or improve (preserve or enhance) the character and appearance of the Covent Garden Conservation Area, for the same reasons the redevelopment would also fail to maintain or improve (preserve or enhance) the setting of the neighbouring Seven Dials Conservation Area (London Borough of Camden), and because of their detailed design the new facades to Nos. 26-29 Drury Lane/Shelton Street would harm the setting of the Covent Garden Conservation Area and the neighbouring Seven Dials Conservation Area (London Borough of Camden).

### **4 PROPOSED DEVELOPMENT AT 1-4 MARBLE ARCH AND 1 - 1A GREAT CUMBERLAND PLACE, LONDON, W1H 7AL**

Demolition and redevelopment behind retained façade to provide a building of two basements, ground, part mezzanine and eight upper storeys accommodating retail (Class A1), office (Class B1) and flexible retail / office (Class A1 / B1) floorspace, alterations to retained facades including replacement shopfronts; provision of plant and associated works.

Late representations were received from Gerald Eve (07.07.2017).



## **RESOLVED:**

1. That conditional permission be granted, subject to an additional condition preventing the café from providing a delivery service and a Section 106 legal agreement to secure the following:
  - i) a financial contribution of £78,744 (index linked) for the City Council's carbon offset fund, to be paid on commencement of development;
  - ii) a Crossrail payment of approximately £222,070 (adjusted to account for the Mayoral CIL;
  - iii) a requirement to investigate the relocation of some of the parking bays on the south side of Bryanston Street to Great Cumberland Place, subject to securing a Traffic Management Order, and all associated costs;
  - iv) monitoring costs.
2. That if the Section 106 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 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 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 un so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers acceptable in the absence of the 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.

## **5 DEVELOPMENT SITE AT 46 BRYANSTON SQUARE AND 37 BRYANSTON MEWS, WEST BRYANSTON SQUARE, LONDON**

Demolition of 37 Bryanston Mews West behind retained facade, link structure over basement, ground and first floor levels and rear mansard roof at No. 46 Bryanston Square. Erection of replacement mews building behind retained facade, installation of replacement garage doors, erection of replacement mansard roof and erection of extensions at rear of No. 46 Bryanston Square at basement to third floor levels, installation of replacement front first floor windows, and use of extended and altered building as four flats (Class C3).

A late representation was received from The Portman Estate and Alpha Plus Group (on behalf of Wetherby Preparatory School) (07.07.2017).

**RESOLVED:**

1. That conditional planning 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 granted.

**6 DEVELOPMENT SITE AT 47 TO 48 BRYANSTON SQUARE AND 39 TO 41 BRYANSTON MEWS WEST BRYANSTON SQUARE, LONDON**

Use of 47 Bryanston Square and 39 Bryanston Mews West as school (D1 Use Class) in connection with the existing school at 48 Bryanston Square and 41 Bryanston Mews West. Replacement of windows on front elevation at 47 Bryanston Square with glazed timber windows, and associated alterations, including full height extract duct housed within existing chimney and air-conditioning plant at roof level.

Additional representations were received from Daniel Isaacs (13.06.2017, 21.06.2017 and 05.07.2017).

A late representation was received from The Portman Estate and Alpha Plus Group (on behalf of Wetherby Preparatory School) (07.07.2017).

**RESOLVED:**

1. That conditional planning 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 granted.

**7 DEVELOPMENT SITE AT 1 1/2 QUEENS GROVE AND 12-22 FINCHLEY ROAD, LONDON, NW8 6EB**

Variation of Condition 2 of planning permission dated 2 November 2003 (RN: 02/06302/FULL) for the demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements from RN 02/06302/FULL. NAMELY, to vary the hours of construction works that can be heard at the boundary of the site to allow works around the railway cutting to take place between 01.00 and 05.00 hours for a non-consecutive period of approximately 67 nights during the overall construction programme.

An additional representation was received from Archie Avery on behalf of 12-22 Finchley Road Developments Ltd (05.07.2017).

The presenting officer tabled the following revised description of the application and amended condition 2:

### **Revised Description:-**

Variation of Condition 2 of planning permission dated 2 November 2003 (RN: 02/06302/FULL) for the demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements from RN 02/06302/FULL. NAMELY, to vary the hours of construction works that can be heard at the boundary of the site to allow works around the railway cutting to take place between 01.00 and 05.00 hours for a non-consecutive period of up to a maximum of 72 nights during the overall construction programme.

### **Revised Condition 2**

(A) You must carry out any building work which can be heard at the boundary of the site only:

{tab \*} between 08.00 and 18.00 Monday to Friday (except where night working is permitted by part (B));

{tab \*} between 08.00 and 13.00 on Saturday; and

{tab \*} not at all on Sundays, bank holidays and public holidays.

(B) Building work that endanger the safe operation of the London Underground railway line around the open cutting or alongside the tunnel, that must take place during the Engineering Hours, may occur between 01.00 and 05.00 Monday to Friday, and may only be undertaken following the implementation of the relevant mitigation measures, as set out in the Ramboll Night Time Noise Assessment dated 3 February 2017, to ensure the noise levels experienced during the Engineering Hours construction period do not exceed the levels as set out in the same report. If alternative mitigation measures are proposed these shall be submitted in writing to us in the form of a Construction Design and Noise Mitigation Assessment and you must not implement the alternative mitigation measures until we approve what you send us.

(C) Any other works must not take place outside the hours set out in (A) and (B) unless we have agreed that there are very special circumstances (for example to meet police traffic restrictions, in an emergency or in the interests of public safety).

D) The building work undertaken in respect of B) above shall take place a maximum of 72 non-consecutive nights during the overall construction programme and no more than 10 nights of working shall be carried out over any 15 day period.

### **RESOLVED:**

1. That conditional permission be granted, subject to an amended condition 2 as set out above and completion of a deed of variation to the original legal agreement dated 6 November 2003 to secure the following additional planning obligations:
  - i. Agreement to fund and install secondary glazing to rear windows of neighbouring properties in Pembroke Terrace, Bartonway and Balmoral Court and the front windows of properties in Queens Grove Court and Aspley House, for those flats that request it, so as to reduce noise disturbance during the course of the night time works. The night time

works shall not commence until all secondary glazing to the flats where it is requested has been installed.

- ii. Agreement to fund the provision of temporary air conditioning during the period of the night time works (if any of the night time working occurs between 1 April and 31 September) for those properties in Pembroke Terrace, Bartonway and Balmoral Court with rear facing windows and those properties in Queens Grove Court and Aspley House with front facing windows, where the occupiers of those flats request it. The temporary air conditioning shall be provided within 3 working days of a written request from a neighbouring resident.
  - iii. Cost of monitoring the additional heads of terms (£500).
2. That if the deed of variation has not been completed by 25 July 2017 then:
- a) The Director of Planning shall 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 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 the proposals are unacceptable in the absence of the 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.

## **8 49 PORCHESTER TERRACE, LONDON, W2 3TS**

Use as an Embassy (Sui Generis).

A late representation was received from James Willey on behalf of Smart Planning (06.07.2017).

The presenting officer tabled the following revised reason for refusal 2:

### **Revised Reason for refusal 2**

The impact of the proposed embassy use in this part of the City, would unacceptably harm the character and function of the area; the quality of the areas environment and the amenity, including general quality of living, of the residential community in the area. This would not meet S29 of Westminster's City Plan adopted November 2016 and ENV 13 of our Unitary Development Plan adopted in January 2007.

### **RESOLVED:**

That permission be refused on the grounds of the loss of a single dwelling house and the location of the site outside of the Central Activities Zone and a Special Policy Area and the impact of the proposed embassy use in this part of the City would unacceptably harm the character and function of the area, the quality of the area's

environment and the amenity, including general quality of living, of the residential community in the area.

The Meeting ended at 9.15 pm.

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

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