



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held at 6.30pm on **Tuesday 8th August, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Richard Beddoe (Chairman), David Boothroyd, Susie Burbridge and Gotz Mohindra

Also Present: Councillor Antonia Cox (Item 10), Councillor Julia Alexander (Items 6, 7 & 8), Councillor Peter Freeman (Item 4) and Councillor Judith Warner (Item 4).

1 MEMBERSHIP

It was noted that Councillor Mohindra had replaced Councillor Mitchell.

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 knew a number of property developers and planning consultants, although he did 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, in respect of the specific items on the agenda, declared that Items 5, 6, 7 & 8 were in his ward. He had attended a site visit relating to Item 4 with all other members of the Sub-Committee.

- 2.4 Councillor Gotz Mohindra declared in respect of Item 1 he worked close to the site. In respect of Item 3 his company leases a property in Welbeck Street but this was not impacted by the application. In respect of Item 4 he lived in Hamilton Terrace but not close to the site. In respect of Item 10 he was Deputy Chairman of the Westminster Faith Exchange and the Church Commissioners sponsored an event.
- 2.5 Councillor Susie Burbridge declared that she had attended the site visit relating to Item 4 and that Item 2 was in her ward.
- 2.6 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 schemes are in Westminster; if there were he would be precluded from working on them under the company's code of conduct.
- 2.7 Some Thorncliffe clients have engaged planning consultants who are also representing applicants tonight: Savills on items 1 and 5, and DP9 on item 3. However he does not deal directly with clients or other members of project teams, and planning consultants are not themselves clients.
- 2.8 On item 1, he was a member of the committee last June which considered the application at 100 Piccadilly.
- 2.9 On item 4, he was a member of the committee in March which considered the first application, and he also attended the site visit last week. He knows some of the objectors who have written in about this application. On item 5, he was a member of the committee in March 2016 which considered the main application.
- 2.10 On item 10, the applicants Criterion Capital were clients of Thorncliffe from July 2015 to January 2016, in respect of a development in Camden. He also declared that he lives on Park West Place to the south-east of the site, but not close enough to be affected by the operation of the hotel, so he does not consider that interest to be prejudicial.
- 2.11 On item 11, he was a member of the committee in October 2015 which considered the previous application.

3 MINUTES

RESOLVED: That the Chairman signed the minutes of the meeting held on 11 July 2017 as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 DEVELOPMENT SITE AT CARRINGTON STREET CAR PARK, 51-53 BRICK STREET AND 1-6 YARMOUTH PLACE, LONDON

Demolition of existing buildings on site and redevelopment to provide up to 30 residential units (Class C3), office floorspace (Class B1), gymnasium (Class D2),

retail art gallery (Class A1), restaurant (Class A3) and retail (Class A1) floorspace; creation of a new pedestrian link through the site between Yarmouth Place and Carrington Street; erection of two buildings either side of the new pedestrian link between 4 and 8 storeys in height; excavation to create additional basement accommodation; provision of on-site car parking, cycle parking and delivery bay on Yarmouth Place; new landscaping including improvement works to Yarmouth Place; associated alterations.

Additional representations were tabled from Martin Spann.

During the course of the presentation the presenting officer tabled the following additional conditions:

Revised recommendation

As per the report, but with an additional and an amended clause to the Heads of Terms of S106 to include:

- **Parking Management Plan to include how the automatic system, valet parking and car lift management will operate and lift maintenance;**
- Walkways agreement to allow public access to the privately owned street linking Yarmouth Place and Carrington Street, **to include provision and future access to the pedestrian lift, prior to the opening of the walkway**

Revised Condition 12

If you provide a bar and bar seating **within the restaurant use**, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals.

Revised Condition 13

You must not allow more than 125 customers into the **restaurant** at any one time.

Revised Condition 15

You must submit detailed drawings showing the layout of the restaurant use before the restaurant is occupied. The drawings must include, entrances, kitchen, covers and bar areas. **You must then carry out the restaurant use in accordance with these details.**

Revised Condition 16

You must provide detailed drawings (plans and section/elevation) showing the full height kitchen extract duct. These details must be provided before the restaurant use commences and the approved duct **shall be installed and** thereafter be permanently retained for as long as the restaurant is in use.

Revised Condition 17

You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the **restaurant** from causing nuisance for people

in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use.

Revised Condition 22

No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. **Other than in connection with the retail art gallery, and only in connection with the art gallery.**

Note: This will allow unloading of large items for the art gallery from the new street (which is not public highway)

Revised Condition 35

You must not use the ~~any~~ roof (at first, second, third, fourth, ~~fifth~~) of the office building to the west of the site for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

Note: The terrace at fifth floor level to the front of the office building and is considered acceptable.

Revised Condition 43

All vehicles must enter and exit the site in forward gear **from the loading bay and car park.**

New Condition 44

You must not sell any take-away food or drink from the restaurant use, even as an ancillary part of the Class A3 use.

New Condition 45

The floorspace identified as 'retail art gallery' on the approved drawings shall only be used for that purpose and not as a foodstore(s) or supermarket(s).

RESOLVED:

1. That conditional permission be granted, subject to a S106 legal agreement to secure the following and the amended conditions tabled at the meeting and set out above;
 - (a) A financial contribution of £2,320,551 (index linked) towards the affordable housing fund, payable on commencement of development.
 - (b) Crossrail payment (currently calculated at £460,795.30 but will be reduced to approximately £0 following offset against Mayoral CIL as allowed by the SPG).
 - (c) Walkways agreement to allow public access to the privately owned street linking Yarmouth Place and Carrington Street, **to include**

provision and future access to the pedestrian lift, prior to the opening of the walkway

- (d) Highways works including provision of a footway linking the footway on Brick Street with the new street, tying in the new street with Carrington Street and Brick Street and resurfacing of Yarmouth Place.
 - (e) **Parking Management Plan to include how the automatic system, valet parking and car lift management will operate and lift maintenance;**
 - (f) S106 monitoring costs.
2. That if the S106 legal agreements 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 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.

Councillor David Boothroyd asked that his dissent be recorded.

2 DEVELOPMENT SITE AT 103-131 QUEENSWAY, 8-16 MOSCOW ROAD, 1, 3, 4A AND 6 SALEM ROAD AND 24 - 32 QUEEN'S MEWS, LONDON

Redevelopment comprising four phases:

- (i) Demolition of 127A-131 Queensway and replacement with a 5 storey plus basement building to provide ground and basement A1 and A3 units and 12 flats on the upper floors. use of first floor of Nos.115a, 117 and 119 Queensway as dentists surgery (Class D1)(relocated from No.129) and associated alterations to 103-131 Queensway, including replacement of shop fronts, demolition and replacement of 4th floor level of Nos.123-127 to provide 3 reconfigured flats at third floor level and 3 new flat at fourth floor level. Associated public realm improvement comprising widening of footpath of public highway outside Nos.127A-131 Queensway by setting back of shop units.
- (ii) Erection of mansard roof extensions to Nos.24-32 Queen's Mews and use as 3 flats at Nos.24-25 and 7 duplex flats over first and second floors at Nos.26-32.

- (iii) Demolition Nos.8-14 Moscow Road and 4a Salam Road and replacement with new building ranging between 4 and 6 storeys to Moscow Road, Salam Road and Queens Mews incorporating the existing building at No.16 Moscow Road and including basement car parking to provide an A1/A2/A3 unit at ground floor level to Moscow Road and 27 flats. Use of Nos.1-3 Salam Road as 3 dwellinghouses, with associated alterations, including addition of third floor roof extension and side extension. Alterations to the rear of Nos.103-131 Queensway along Queens Mews, including provision of green wall and provision of new public realm in Queens Mews.
- (iv) Erection of single storey roof extension to No.6 Salem Road for Class B1 use. Together with associated works including mechanical plant, cycle storage and waste storage, for each phase.

An additional representation was received from Montagu Evans (01/08/17).

Further representations were received and tabled from Councillor Andrew Smith, Fergus Coleman (Housing), John Zamit and G L Hearn.

RESOLVED:

That the Sub-Committee agree:

1. That in light of the conclusions of the independent viability assessment, four affordable housing units should be provided on-site within the development and a financial contribution of £282,000 be made to the Affordable Housing Fund (subject to potential amendments dependent upon points 2 to 6 below and the precise tenure and affordability of the affordable housing to be provided).
2. That the mix of unit sizes should be amended so that the scheme provides 33% of all units as family sized residential units containing 3 or more bedrooms;
3. That the bulk and height of the rear element of the of the Moscow Road block, where it extends along the west side of Queens Mews, should be reduced and detailed design amended to lessen the impact of this part of the development on neighbouring residential properties in Salem Road and Queensway in terms of loss of daylight, increased enclosure and overlooking;
4. That the design of the roof of the proposed Queensway block should be altered to include party wall upstands and chimney stacks, at intervals to replicate the party wall upstands and chimney stacks to the Edwardian properties in the same terrace to the south;
5. That the detailed design of the rear of the Queensway block should be amended to reduce the size of the window openings so that they more closely replicate the dimensions of window openings found to the rear of buildings to the south in the same terrace;

6. That the rear (north elevation) of the mansard roof extension to No.24 Queens Mews should be amended from a sheer elevation to a pitched mansard roof slope to match the proposed roof extensions to the other buildings in Queens Mews; and
7. That a soil depth compliant with basement development policy in the City Plan adopted in November 2016 and the 'Basement Development' Supplementary Planning Document adopted in October 2014 should be provided where the basement floor of the Moscow Road block extends beyond the footprint of the proposed building.

3 WELBECK STREET CAR PARK, WELBECK STREET, LONDON, W1G 0BB

Demolition of the existing building and redevelopment to provide a new building comprising basement, lower ground floor, ground floor and first to ninth floor levels. Use of the building as an hotel with supporting facilities (Class C1) with publicly accessible restaurant/bar and café at part ground floor level, publicly accessible spa and guest business facilities at lower ground floor level, roof terrace, roof level plant and associated works.

An additional representation was received from DP9 (03/08/17).

In the verbal presentation tonight, officers referred to the following changes (**changes in bold text**) required to the recommendation on this case :

Draft Conditions 24 and 25 – relating to demolition work and a construction contract to be deleted (as the site is not within a Conservation Area).

Revised Condition 10

Non-residents hotel guests shall not be permitted to access, or remain within the hotel cafe except between **06:00 to 22:00**

Revised Condition 11

You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the hotel/restaurant/bar and cafe use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the hotel/restaurant/bar and café use is in use.

Revised Condition 20

You must not allow more than **140** customers in the restaurant, **80** customers in the cafe and 50 customers in the bar at any one time.

Revised Condition 26

You must not use any part of the development until we have approved appropriate arrangements to secure the following.

-the reinstatement of the footway on Welbeck Street and Marylebone Lane

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA).

During the course of the presentation the presenting officer referred to revised conditions as set out above.

RESOLVED:

That subject to the views of the Mayor and the revised conditions set out above, conditional permission be granted.

4 WILLIAM COURT, 6 HALL ROAD, LONDON, NW8 9PA

Construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking.

Additional representations were received from Councillor Lindsey Hall (31/07/17), Councillor Judith Warner (02/08/17), Marek Wojciechowski Architects (undated) and six local residents (02/08/17, 01/08/17, and 31/07/17).

RESOLVED:

That conditional permission be refused, the Sub-Committee not being satisfied that the reasons for refusal of the application refused on 13 March 2017 had been overcome. The application was refused for the same reasons, adapted to reflect the reduced impact of this proposal on 20 Hamilton Terrace, to be settled by officers under delegated powers following consultation with the Chairmen.

5 ELLIOTT HOUSE, 1 MOLYNEUX STREET, LONDON, W1H 5HU

Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/08836/FULL) for, 'Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels', in order to make the following amendments to the approved development: (i) The reduction in the footprint of the proposed new basement level so that it would no longer extends beneath the pavement vaults on Molyneux Street and Crawford Place; (ii) Reduction in the number of car parking spaces proposed from 32 to 31; (iii) Increase in the depth of the proposed new basement levels (in parts) in order to accommodate car stackers; (iv) Reduction in the number of car lifts from two to one; (v) Relocation of the proposed substation from rear lower ground floor level to a pavement vault on Crawford Place (and corresponding enlargement of Flat LG.2; (vi) Use of former car lift area on Cato Street as cycle store and refuse holding area; (vii) Reduction in the size of Unit 1.2; (viii) Increase in the number of cycle parking spaces from 66 to 70; (ix) Alterations to the railings at fourth floor level; and (x) Other alterations.

RESOLVED:

1. That conditional permission be granted subject to a deed of variation to the legal agreement to secure the following:
 - (a) The applicant to comply with the Council's Code of Construction Practice, comply with the Site Environmental Management Plan (Revision 07) approved by the City Council on 19 August 2016 and provide a financial contribution of up to £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
 - (b) Unallocated parking;
 - (c) Management and maintenance of the car lift and valet parking;
 - (d) Cost of the works associated with the creation of two tree pits and the planting of least two new trees within the vicinity of the site;
 - (e) Cost of widening the vehicular crossover on Cato Street and making good;
 - (f) Cost of relocating a lamppost on Cato Street; and
 - (g) 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 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.

6 MARATHON HOUSE, 200 MARYLEBONE ROAD, LONDON, NW1 5PW

Erection of extensions to the podium level to provide four additional residential units, including terraces. Associated facade alterations.

An additional representation was received from a local resident (03/08/17).

A late representation from Montagu Evans was tabled.

Councillor Julia Alexander addressed the Sub-Committee in respect of this item and Items 4 and 8.

RESOLVED:

That permission be refused on the grounds:

- (a) It's design would harm the character and appearance of the existing building and the Dorset Square and Conservation Area; and
- (b) it would result in the loss of amenity to existing residential flats.

7 MARATHON HOUSE, 200 MARYLEBONE ROAD, LONDON, NW1 5PW

Erection of a sheer rooftop extension on existing tower to provide an additional residential unit, incorporating terraces and a plant room above.

An additional representation was received from a local resident (03/08/17).

A late representation from Montagu Evans was tabled.

Councillor Julia Alexander addressed the Sub-Committee in respect of this item and items 6 and 7.

RESOLVED:

That permission be refused on the grounds its design would harm the heritage assets and the application failed to optimise the number of residential units on site.

8 MARATHON HOUSE, 200 MARYLEBONE ROAD, LONDON, NW1 5PW

Erection of a rooftop extension (incorporating setbacks) on existing tower at roof level to provide an additional residential unit. Plant room.

An additional representation was received from a local resident (03/08/17).

A late representation from Montagu Evans was tabled.

Councillor Julia Alexander addressed the Sub-Committee in respect of this item and items 8 and 9.

RESOLVED:

That permission be refused on design grounds and harm the application would cause to heritage assets.

9 THE NATIONAL GALLERY, TRAFALGAR SQUARE, LONDON, WC2N 5DN

Removal of existing structures and the erection of infill extensions to the Sunley and Belvedere lightwells, to provide additional Class D1 floorspace, and associated rooftop structures and other external and internal alterations.

RESOLVED:

1. That conditional permission 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 letter be agreed.

10 157 EDGWARE ROAD, LONDON, W2 2HR

Use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level.

An additional representation was received from The Church of England Church Commissioners (01/08/17).

Councillor Antonia Cox addressed the Sub-Committee.

A late representation from Councillor Acton was tabled.

RESOLVED:

That conditional permission be refused on the grounds of the impact of additional traffic caused by the hotel. Detailed reasons to be settled by officers in consultation with Chairman.

11 3 LUPUS STREET, LONDON, SW1V 3AS

Demolition of existing and erection of replacement single storey rear ground floor extension, installation of replacement shopfront, installation of metal railings to front forecourt, installation of four air conditioning units and enclosure on flat roof of rear extension, all in conjunction with the use of the first to fourth floors as three residential units (2 x 1-bedroom studios and 1 x 2-bedroom) (Class 3) and the continued use of the basement and ground floor levels as restaurant (Class A3). Internal alterations.

Late representations from Councillor Angela Harvey and applicant were circulated.

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 letter be agreed.

12 112 EATON SQUARE, LONDON, SW1W 9AE

Demolition of rear extensions and erection of a new extension at the lower ground to the fourth floor levels, excavation of a basement to the rear of the main dwelling,

replacement windows, and refurbishment of the front pavement vaults, and associated internal and external alterations in connection with the use of property as a single family dwelling house.

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 letter be agreed.

The Meeting ended at 10.05 pm

CHAIRMAN: _____

DATE _____