



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 26th June, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Tony Devenish (Chairman), Timothy Barnes, Susie Burbridge and Tim Roca

Also Present: Councillors

Apologies for Absence:

1 ELECTION OF CHAIRMAN

1.1 It was noted that the Leader of the Council had nominated Councillor Tony Devenish to be the Chairman. Having put the matter to the vote, it was:

1.2 **RESOLVED:** That Councillor Tony Devenish be elected as Chairman.

2 DECLARATIONS OF INTEREST

2.1 Councillor Devenish 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 Devenish declared in respect of item 1 that a representation had been received from the GLA and that he is a London Assembly Member. However, he advised that he had not made any comments on the application.

- 2.3 Councillor Burbridge declared in respect of items 1 and 2 she had previously sat on the Sub - Committee when it had considered the applications.
- 2.4 Councillor Barnes declared that there were 4 applications for determination on the agenda which were located in his ward. However, he advised that he had not made any comments on them.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 24 April 2018 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 WESTCOURT HOUSE, 191 OLD MARYLEBONE ROAD, LONDON, NW1 5DZ

Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe / restaurant in 13 storey building.

An additional representation was received from TfL (16.4.2018)

A late representation was received from TfL (25.6 .2018)

The presenting officer tabled the following changes to the recommendation (in bold) and amended plan numbers:

1. Subject to referral to the Mayor of London, grant conditional permission, subject to a section 106 agreement to secure:
 - a. A financial contribution of £45,000 (index linked and payable on commencement of development) for the expansion of a nearby cycle hire docking station;
 - b. A financial contribution of £25,000 (index linked and payable on commencement of development) toward wayfinding (Legible London);
 - c. A financial contribution of £27,239 (index linked and payable on commencement of development) toward the funding of Crossrail;
 - d. A financial contribution of £35,000 (index linked and payable on commencement of development) toward bi-annual pruning of the three Ginkgo trees on Old Marylebone Road by TFL and for a period of 50 years from the date of this permission;
 - e. In the event that the three Ginkgo trees need to be removed within 50 years from the date of this permission, a financial contribution of £135,000 (index linked) toward street tree planting on Old Marylebone Road;
 - f. **Delivery of Payment of the cost of the** highway works associated with the development on Harcourt Street and Old Marylebone Road **at the applicants cost;**

- g. **Agreement of the detailed design of the lay by on Old Marylebone Road, to accommodate both taxi drop offs and collections and servicing vehicles, and completion of a S278 agreement with TfL to deliver the lay by prior to commencement of development;**
 - h. Offering local employment opportunities during construction and operation of the hotel;
 - i. The provision, monitoring and review of a travel plan; and
 - j. Payment of cost of monitoring the agreement (£500 per head of term).
2. If the S106 legal agreement has not been completed within 6 weeks, 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 Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990, **in consultation with Transport for London (where they are the local highway authority along Old Marylebone Road),** for the stopping up of parts of the public highway ~~and dedication of new public highway~~ to enable this development to take place. That the ~~Director of Planning, Executive Director of City Management~~ **Executive Director Growth, Planning and Housing**, or other such proper officer of the City Council responsible for ~~planning highway~~ functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the orders as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up order.
4. That Committee authorised the making of a draft order pursuant to s38 of the Highways Act 1980, **in consultation with Transport for London (where they are the local highway authority along Old Marylebone Road),** for the dedication of parts of the public highway to enable this development to take place. That the ~~Executive Director City Management and Communities,~~ 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 order and to make the order as proposed. The applicant will be required to cover all costs of the Council in progressing the dedication order.

Amended Plan Numbers

The plan numbers listed in the draft decision letter have been replaced with those listed below to correct a number of errors in the drawing numbers listed.

5616-00-001 Rev.B, 5616-00-002 Rev.B, 5616-00-199, 5616-00-200, 5616-00-201, 5616-00-202, 5616-00-203, 5616-00-204, 5616-00-205, 5616-00-206, 5616-00-207, 5616-00-208, 5616-00-209, 5616-00-260, 5616-00-261, 5616-00-262, 5616-00-300, 5616-00-301, 5616-00-302, 5616-00-303, 5616-01-199, 5616-01-200, 5616-01-201, 5616-01-202, 5616-01-203, 5616-01-204, 5616-01-205, 5616-01-206, 5616-01-207, 5616-01-208, 5616-01-209, 5616-01-300, 5616-01-301, 5616-01-302, 5616-01-303, 5616-20-199 Rev.B, 5616-20-200 Rev.B, 5616-20-201 Rev.B, 5616-20-202 Rev.B, 5616-20-203 Rev.B, 5616-20-208 Rev.B, 5616-20-209, 5616-20-250, 5616-20-251, 5616-20-260, 5616-20-261, 5616-20-262, 5616-20-263, 5616-20-264, 5616-20-270, 5616-20-271, 5616-20-272, 5616-21-001, 5616-21-002, 5616-21-003, 2016/2931/019; Energy Report by Applied Energy (Rev A – dated 4 May 2017).

RESOLVED UNANIMOUSLY:

1. Subject to referral to the Mayor of London, conditional permission be granted, subject to:
 - A) a section 106 agreement to secure:
 - a. A financial contribution of £45,000 (index linked and payable on commencement of development) for the expansion of a nearby cycle hire docking station;
 - b. A financial contribution of £25,000 (index linked and payable on commencement of development) toward wayfinding (Legible London);
 - c. A financial contribution of £27,239 (index linked and payable on commencement of development) toward the funding of Crossrail;
 - d. A financial contribution of £35,000 (index linked and payable on commencement of development) toward bi-annual pruning of the three Ginkgo trees on Old Marylebone Road by TfL and for a period of 50 years from the date of this permission;
 - e. In the event that the three Ginkgo trees need to be removed within 50 years from the date of this permission, a financial contribution of £135,000 (index linked) toward street tree planting on Old Marylebone Road;
 - f. Delivery of the highway works associated with the development on Harcourt Street and Old Marylebone Road at the applicants cost;
 - g. Agreement of the detailed design of the lay by on Old Marylebone Road, to accommodate both taxi drop offs and collections and servicing vehicles, and completion of a S278 agreement with TfL to deliver the lay by prior to commencement of development;
 - h. Offering local employment opportunities during construction and operation of the hotel;
 - i. The provision, monitoring and review of a travel plan; and
 - j. Payment of cost of monitoring the agreement (£500 per head of term).
 - B) The changes to plan numbers as tabled and set out below.
2. If the S106 legal agreement has not been completed within 6 weeks, 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 Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990, in consultation with Transport for London (where they are the local highway authority along Old Marylebone Road), for the stopping up of parts of the public highway to enable this development to take place. That the Executive Director Growth, Planning and Housing, or other such proper officer of the City Council responsible for planning functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the orders as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up order.
4. That Committee authorised the making of a draft order pursuant to s38 of the Highways Act 1980, in consultation with Transport for London (where they are the local highway authority along Old Marylebone Road), for the dedication of parts of the public highway to enable this development to take place. That the Executive Director City Management and Communities, 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 order and to make the order as proposed. The applicant will be required to cover all costs of the Council in progressing the dedication order.

2 12 HAY HILL, LONDON, W1J 8NR

Application 1 Use of building for a temporary period as use comprising offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis)

Application 2 and 3 Works to the second floor terrace comprising new timber decking and tiled flooring and new timber and metal planters.

Late representations were received from Forsters (21.6.2018), Hay Hill Mayfair (20.6.2018), Councillor Jonathan Glanz (25.6.2018) and DP9 (26.6.2018).

The presenting officer tabled the following changes to the draft decision letter:

Amended Condition 8

The consumption of food and drinks shall be limited to between 07.30 and 23.00 (Monday to Friday); **10.00 and 23.00 (Saturday) and 10.00 and 22.00 (Sunday)**.

Customers shall not be permitted access to the second floor terrace before 07.30 or after 10.00 daily.

No change to reason.

RESOLVED UNANIMOUSLY:

Application 1

1. That conditional permission be granted subject to the amendment to condition 8 as tabled and set out above.

Applications 2 and 3

1. That conditional permission be granted subject to an amending condition to pull the planters back from No.3 Grafton Street into a straight line. The reason for this amending condition is to safeguard the amenity of the adjoining building.
2. That conditional listed building consent be granted subject to the same amending condition set out above.
3. That the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter be agreed.

3 ST GABRIEL'S HALL & CLUB, CHURCHILL GARDENS ESTATE, LONDON, SW1V 3AA

Erection of two-storey side extension, the creation of a new entrance to the southern boundary, and associated alterations, to provide additional Class D1 floorspace (community centre).

A late representation was received from the Cardinal Hume Centre (22.6.2018).

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

4 4 WELLS RISE, LONDON, NW8 7LH

Excavation of basement extension below part of existing building and part of rear garden with lightwell to front elevation and two rooflights and staircase from basement to garden level to rear. Erection of rear extensions at ground and first floor level, formation of roof terrace at rear first floor level, alterations to fenestration to rear including formation of Juliet balconies, and associated external alterations including to front forecourt and at roof level.

Additional representations were received from Councillor Robert Rigby (19.6.2018) and the Arboricultural officer (15.6.2018).

A late representation was received from Radcliffes LeBrasseur (22.6.2018).

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

5 23 MEARD STREET, LONDON, W1F 0EL

Use of the ground and basement floors as a retail unit (Class A1) and installation of a new shopfront with entrance door

A late representation was received from Councillor Jonathan Glanz (15.1.2018 and 21.6.2018).

The presenting officer tabled the following amendments to the draft decision letter:

Amended Condition 9

You must fit self-closing doors to the main entrance to Meard Street **prior to occupation of the retail (Class A1) hereby approved**. You must not leave these doors open except in an emergency or to carry out maintenance. **You must retain these self-closing doors for the life of the development.**

No change to reason.

Amended Condition 12

You must not use the retail (Class A1) unit hereby approved for any other purpose other than retail (Class A1). This is despite the provisions of Class C of Part 3 of Schedule 2 **or Class D of Part 4 of Schedule 2** to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it).

No change to reason.

Councillor Pancho Lewis addressed the committee in his capacity as a ward councillor in opposition to the application.

RESOLVED: (For: Councillors Devenish and Burbridge; Against: Councillors Barnes and Roca. The chairman used his casting vote in favour of the application)

That conditional permission be granted subject to the amendments to conditions as tabled and set out above and amending condition 13 to reduce the servicing hours to 07.00 to 18.30 (Monday to Saturdays) in order to protect the amenities of the neighbouring residents.

6 39 SOUTH AUDLEY STREET, LONDON, W1K 2PP

This Use of basement and part ground floor level fronting Adam's Row as spa (Class D2), installation of new shopfronts at the South Audley Street and Adam's Row frontages, installation of plant within the lightwell and associated works.

The presenting officer tabled the following changes to the draft decision letter:

Amended Condition 6

~~You must apply to us for approval of details of 7 secure cycle storage spaces for the Spa (Class D2) use. You must not commence the D2 use until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.~~

You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

No change to reason.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted subject to the amendment to condition 6 as tabled and set out above.
2. That conditional listed building consent be granted.
3. That the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter be agreed.

7 18 CONDUIT STREET, LONDON, W1S 2XN

Extensions to office (Class B1) floorspace at second, third, fourth and fifth floor to the rear, and roof level (including creation of rear roof terraces at second third and fourth floor levels).

A late representation was received from Dentons (22.6.2018).

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

The Meeting ended at 8.28 pm

CHAIRMAN: _____

DATE _____