



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 22nd October, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Tony Devenish (Chairman), Peter Freeman, Eoghain Murphy and Tim Roca

**Also Present:** Councillor Robert Rigby.

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 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 Councillor Peter Freeman declared, in respect of Items 1 and 2, that he was involved with a Company that was developing an Item on the site of both Applications. Councillor Freeman withdrew from the Sub-Committee whilst both Applications were being considered.

### 3 MINUTES

- 3.1 That the minutes of the meeting held on 17 September 2019 be signed by the Chairman as a correct record of proceedings.

### 4 PLANNING APPLICATIONS

#### 1 LAND AT 36 ST JOHN'S WOOD ROAD AND 38-44, LODGE ROAD, LONDON

Councillor Peter Freeman declared that he was involved with a Company that was developing an Item on the site of the Application. Councillor Freeman withdrew from the Sub-Committee whilst the Item was being considered.

Redevelopment of land at 36 St John's Wood Road to provide 89 residential units with extra care services and facilities, ancillary medical and rehabilitation facilities, landscaping, car and cycle parking, and the redevelopment of 38-44 Lodge Road for a 121 bed Care home and 12 affordable housing residential units along with landscaping, car and cycle parking. (Application 1)

Additional representation was received from Dentons UK and Middle East LLP (15.10.19).

Late representations were received from Chairman of Pavilions Residents Committee (17.10.19), Lords Views (17.10.19), Concilio (18.10.19) Dentons (Applicant's Legal Representative) (21.10.19) and Savills (Applicant's Agent) (18.10.19).

Nick de Lotbiniere spoke in support of the Application.

Margaret Timmers spoke in objection to the Application.

Councillor Robert Rigby spoke in objection to the Application.

The presenting officer tabled the following revised changes to the Conditions and draft decision letter.

#### **Revised Draft decision**

1. Remove Conditions 5 and 6.
2. Revised Condition 17 - *You must apply to us for approval of details of a supplementary acoustic report demonstrating that vibration attenuation measures will comply with the Council's noise criteria as set out in Condition 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.*
3. Revised Condition 20- You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Conditions 8,9,19

and 42 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

4. Revised Reason for Condition 22- *To ensure features are provided to minimise air pollution as required by policy S31 of Westminster's City Plan (November 2016)*
5. Revised Condition 26- *Prior to occupation, details of cycle parking consistent with the draft London Plan standards (minimum of 168 for the western site, 10 for the eastern site care units and 22 for the eastern site residential units) are required to be submitted and approved by the Local Planning Authority for all uses and thereafter maintained for the life of the development*
6. Revised Condition 27- *Prior to occupation of the development the following shall be submitted:*

*Servicing Management Plan is required to be approved followed/maintained for life of development, unless revised strategy is approved (in writing) by the Local Planning Authority. The plan must identify process, internal storage locations, scheduling of deliveries and staffing. The SMP must thereafter be maintained and followed by the occupants for the life of the development*

*A car lift management and maintenance plan to be submitted and approved in writing prior to first occupation of the development and thereafter followed for the life of the development.*

7. Additional condition (No.42) -*The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.*

#### **RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted as amended by the officers revised draft decision relating to conditions 5,6,17,20, 22,26,27 and additional condition 42 and also further condition requested by committee to require details of a Community Management Plan during construction and details of shutters or other privacy measures for the flank windows of the tower facing Lord's View Two, and subject to a S106 legal agreement to secure the following:
  - a) Provision of 12 on-site intermediate affordable housing units, subject to the following eligibility and affordability criteria and review mechanisms:
    - i. Units to be provided as intermediate rent with 50% homes made affordable to Westminster intermediate households on

lower quartile incomes and 50% in line with the Mayors London Living Rents (LLR) scheme and thereafter restricted to annual increase of Consumer Price Index (CPI) +1%.

- ii. City Council to be provided with 100% nominations to the units at initial letting and upon any subsequent re-lettings.
  - iii. Early and Late Stage viability reviews.
- b) Provision and permanent retention of “the Boundary” building on the larger west site as 89 residential units with extra care services and facilities and provision of management plan setting out the extra care services and facilities to be provided.
  - c) Provision of all highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including vehicular crossovers and alterations to footway paving.
  - d) Provision of car club membership for each residential unit with extra care services and facilities and affordable housing unit for a minimum of 25 years from first occupation of each phase of the development. Car club operator must be a CarPlus member.
  - e) Provision of an employment and skills plan and a financial contribution of £92,189 towards the Westminster Employment Service (index linked and payable on commencement).
  - f) Provision of a financial contribution of £171,455 to the Carbon Off-Setting Fund (index linked and payable on commencement).
  - g) Provision of the costs of monitoring the S106 agreement.
2. If the S106 legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:
- a) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Place Shaping and Town Planning shall consider whether 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 Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That the making of a draft order be authorised pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway. That Director of City Highways be authorised to take all necessary procedural steps in conjunction with the making of the order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

## **2 LAND AT 36 ST JOHN'S WOOD ROAD AND 38-44 LODGE ROAD LONDON**

Councillor Peter Freeman declared that he was involved with a Company that was developing an Item on the site of the Application. Councillor Freeman withdrew from the Sub-Committee whilst the Item was being considered.

Redevelopment of land at 36 St John's Wood Road to provide 89 residential units with extra care services and facilities, ancillary medical and rehabilitation facilities, landscaping, car and cycle parking, and the redevelopment of 38-44 Lodge Road for a care home and residential units along with landscaping, car and cycle parking. (Application 2 Duplicate to 18/08088/FULL)

Councillor Robert Rigby spoke in objection to the Application.

Late representations were received from the Chairman of Pavilions Residents Committee (17.10.19) and Dentons, (Applicant's Legal Representative) (21.10.19).

### **RESOLVED UNANIMOUSLY:**

That permission be refused on the grounds of lack of affordable housing provision for the development.

## **3 LORDS CRICKET GROUND, ST JOHN'S WOOD ROAD, LONDON, NW8 8QN**

### **APPLICATION 1**

Removal of Conditions 15 and 21 and variation of Condition 16 of planning permission dated 31 January 2019 (RN: 18/10209/FULL) for the redevelopment of the Warner Stand to allow the floodlights at the stand to be retained permanently, to allow the headframe of the floodlights to remain in-situ outside of the cricket season, to allow unrestricted day use of the floodlights from 10am to 7.30pm (when required by bad light) and an extension of the number of evening uses of the floodlights from 10 to 18 per cricket season with an additional 5 evening matches in an International tournament year (international tournaments to be played not more than every 3 years).

### **APPLICATION 2**

Removal of Conditions 1 and 4 and variation of condition 2 of planning permission dated 31 January 2019 (18/10206/FULL) to allow the 3 existing retractable

floodlights at the Compton, Edrich and Tavern stands to be retained permanently, to allow the headframe of the floodlights to remain in-situ outside of the cricket season, to allow unrestricted day use of the floodlights from 10am to 7.30pm (when required by bad light) and an extension of the number of evening uses of the floodlights from 10 to 18 per cricket season with an additional 5 evening matches in an International tournament year (international tournaments to be played not more than every 3 years).

### **APPLICATION 3**

Removal of Condition 9 and 12 and variation of Condition 10 of planning permission dated 29 March 2019 (RN: 18/08510/FULL) for the redevelopment of the Compton and Edrich stands, to allow the two retractable floodlights in the stands to be retained permanently, to allow the headframe of the floodlights to remain in-situ outside of the cricket season, to allow unrestricted day use of the floodlights from 10am to 7.30pm (when required by bad light) and an extension of the number of evening uses of the floodlights from 10 to 18 per cricket season with an additional 5 evening matches in an International tournament year (international tournaments to be played not more than every 3 years).

### **APPLICATION 4**

Removal of Condition 10 and variation of Condition 11 of planning permission dated 27 February 2018 (RN: 17/09621/FULL) for the redevelopment of the South-Western area of the cricket ground, to allow the floodlights at the Tavern/Allen Stand to be retained permanently and to allow unrestricted day use of the floodlights from 10am to 7.30pm (when required by bad light) and an extension of the number of evening uses of the floodlights from 10 to 18 per cricket season with an additional 5 evening matches in an International tournament year (international tournaments to be played not more than every 3 years).

Additional representation was received from Historic England (11.10.19).

Robert Ebdon spoke in support of the Application.

### **RESOLVED UNANIMOUSLY:**

#### **Application 1:**

That conditional permission be granted subject to no new issues being raised by Historic England (consultation expires on 1 November 2019) and subject to a legal agreement to secure an External Management Plan.

#### **Application 2:**

That conditional permission be granted subject to no new issues being raised by Historic England (consultation expires on 1 November 2019) and subject to a legal agreement to secure an External Management Plan.

### **Application 3:**

That conditional permission be granted subject to no new issued being raised by Historic England (consultation expires on 1 November 2019) and subject to the completion of a Deed of Variation to the legal agreement for application reference 18/0510/FULL, to secure an External Management Plan.

### **Application 4:**

That conditional permission be granted subject to no new issued being raised by Historic England (consultation expires on 1 November 2019) and subject to the completion of a Deed of Variation to the legal agreement for application reference 15/07111/FULL to secure an External Management Plan.

#### **4 334 - 348 OXFORD STREET, LONDON, W1C 1JG**

Change of use of fourth and part fifth floor from retail (Use Class A1) to office (Use Class B1).

Richard Frudd spoke in support of the Application.

#### **RESOLVED UNANIMOUSLY**

That conditional permission be granted.

#### **5 GARAGES AND FORECOURT BETWEEN 117-119 AND 131-133 LANARK ROAD, LONDON, W9 1PB**

Demolition of existing forecourt hardstanding and garage block containing eight garages and erection of a single building containing four, three-storey dwelling houses with front areas and gardens to rear between 131 & 133 Lanark Road (known as Site A). Demolition of existing forecourt hardstanding and garage block containing nine garages and erection of a single building containing four, three-storey dwelling houses with front areas and gardens to rear between 117 & 119 Lanark Road (known as Site B).

David Weston-Thomas spoke in support of the Application.

The presenting officer tabled the following amendment to the Officers Report

#### **Item 5 – Garages and Forecourt Between 117-119 and 131-133 Lanark Road, London, W9 1PB**

#### **Minor Amendment to Officers Report**

1. ADD the following condition 16 to page 229 of the agenda:

*“16. The glass that you put in the first and second floor rear facing windows in the rear elevation of the buildings must not be clear glass, and you*

*must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.*

**REASON:**

*To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007."*

**RESOLVED UNANIMOUSLY:**

1. That conditional permission as amended be granted under Regulation 3 of the Town and Country Planning General Regulations 1992 subject to a S106 legal agreement to secure the following planning obligations:
  - i. Provision highways works to Lanark Road outside both sites to facilitate the proposed development, including alterations to vehicular crossovers and footway paving.
  - ii. Provision of lifetime (25 year) car club membership for each of the residential units.
  - iii. Removal and replacement of street tree adjacent to Site A.
2. If the S106 legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:
  - a) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Place Shaping and Town Planning shall consider whether 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 Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

**6 22 WILTON CRESCENT, LONDON, SW1X 8SA**

Erection of a rear courtyard extension at lower ground floor level to create a new raised garden on ground floor. Alterations and installation of trellises to existing first floor terrace and creation of new roof terrace on main house. Installation of two air

conditioning units within an acoustic enclosure at roof level. New, replacement and refurbished windows and doors.

Mary Fortune spoke in support of the Application

Michael Hartnett spoke in objection to the Application

**RESOLVED UNAMIOUSLY:**

1. That conditional permission be granted.
2. That conditional listed building consent be granted
3. That the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter be agreed.

**7 9A CRAVEN HIL LONDON, W2 3EN**

Retention of single storey portico facade, remodelling of existing mansard roof, adjustment of floor heights to create an additional floor of accommodation, single storey ground floor rear extension, excavation of single storey basement level and associated internal and external alterations.

Jack Summers spoke in support of the Application.

**RESOLVED UNAMIOUSLY:**

1. That conditional permission be granted.
2. That conditional listed building consent be granted.
3. That the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter be agreed.

**8 7-8 LANGLEY COURT, LONDON, WC2E 9JY**

Creation of a roof terrace with railings on the existing flat roof to the rear.

**RESOLVED UNAMIOUSLY**

That conditional permission be granted.

**9 32 BERNERS STREET, LONDON, W1T 3LR**

Use of an area of the public highway measuring 0.95m x 8.36m for the placing of 3 tables and 6 chairs and, 1 heater in connection with the existing ground floor use.

Late representation was received from Keyston Law (Applicants Legal Representatives) (22.10.19).

Danielle Zaire spoke in support of the Application.

**RESOLVED UNANIMOUSLY**

That conditional permission be granted.

**10 37 CHURTON STREET, LONDON, SW1V 2LT**

Use of ground and basement floor as a therapy, treatments, massage, and nail bar (sui generis) (Retrospective application).

Late representation was received from Vendor (22.10.19)

The committee considered that given the lack of evidence that the site had actually been in effective retail use for many years, its use for the purposes proposed would not be harmful to local retail function or character.

**RESOLVED UNANIMOUSLY:**

That permission be granted subject to a Condition requiring a shopfront retail display.

**PART 2 (CONFIDENTIAL)**

The Chair moved and it was

**RESOLVED:**

That under Section 100 (a) (4) and Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), the public and press be excluded from the meeting for the following Item of Business because it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) and it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**11 STOCKLEIGH HALL, 51 PRINCE ALBERT ROAD, LONDON, NW8 7LA**

1 x Horse Chestnut (T1) – Fell and plant replacement tree.

**RESOLVED UNANIMOUSLY:**

That conditional consent be granted.

The Meeting ended at 8.40 pm

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

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