



CITY OF WESTMINSTER

# MINUTES

## Planning (Major Applications) Sub-Committee

### MINUTES OF PROCEEDINGS

Minutes of a virtual meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 15th September, 2020**

**Members Present:** Councillors Robert Rigby (Chairman), David Boothroyd, Geoff Barraclough, Jim Glen, Louise Hyams and James Spencer

**Also Present:** Councillor Antonia Cox (Item 1)

#### 1 MEMBERSHIP

There were no changes to the membership.

#### RESOLVED:

That Councillor Jim Glen was elected as deputy chairman for the meeting

#### 2 DECLARATIONS OF INTEREST

- 2.1 The Chairman explained that a week before the meeting, all six 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 emails 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 Robert Rigby declared in respect of Items 1 and 4 that he had sat on the Sub-committee when these applications had previously been considered. Councillor Spencer made the same declaration in respect of Item 1.

- 2.3 Councillor Louise Hyams declared that the application site for Item 2 was located in her ward. She further declared that she had received a briefing on the proposal with her ward colleagues but had not commented on the application.
- 2.4 Councillor Geoff Barraclough declared in respect of Item 1 that although he had spoken publicly in relation to the application he had come to the meeting with an open mind. He further declared that he had met with Westbourne Terrace Road Residents in relation to another scheme.
- 2.5 Councillor Boothroyd declared, he is the 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.
- 2.6 Some Thorncliffe clients have also engaged planning consultants who are separately representing the applicants tonight: CBRE on item 1, Gerald Eve on items 2 and 4. However, he does not deal directly with clients or other members of project teams, and planning consultants are not themselves clients.
- 2.7 On item 1, Councillor Boothroyd made a ward councillor representation to the committee in January in support of the officer recommendation (not as erroneously stated in the GLA report of 23 March, support for the application). He had no involvement in the Labour Group press release. He is confident that he approached the revised scheme with an open mind.

### **3 MINUTES**

- 3.1 That the minutes of the meeting held on the 21 July 2020 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 5 KINGDOM STREET LONDON**

Erection of a mixed-use development comprising ground floor (at Kingdom Street level) plus 19 storeys to provide offices (B1a) and retail (A1/A3) plus plant and amenity areas at roof level. Three floors below Kingdom Street delivered in phases to provide an auditorium (Sui Generis), and a flexible mix of business (B1a), retail (A1/A3/Sui Generis), sport and leisure (D2) and exhibition/conference (D1/Sui Generis) uses within the former 'Crossrail box'. New outdoor terraces adjacent to railway at basement level; creation of a new pedestrian and cycle link between Harrow Road and Kingdom Street including internal and external garden and landscaping; and associated works.

Michael Meadows addressed the committee in support of the application.

Samantha Speirs addressed the committee in objection of the application.

An additional representation was received from British Land (9.9.2020).

Late representations were received from Councillors Melvyn Caplan, Lorraine Dean and Matthew Green in their capacity as Little Venice Ward Councillors.

#### **Amendments to Recommendation and Draft Decision Notice.**

Reason for objection 1:

To raise objection to the revised height, mass, location and design of the proposed building, which would result in less than substantial harm being caused to the setting of a number of nearby designated heritage assets, ~~and to protected and local views including those identified within the London Views Management Framework.~~ The identified harm is not sufficiently outweighed by the revised public benefits that the proposed development would secure.

#### **RESOLVED:**

Following the council's resolution, on the 23 March 2020, the Deputy Mayor for Planning, Regeneration & Skills, acting under delegated authority issued a direction to the Council that the Mayor will act as the Local Planning Authority for the purposes of determining the Application (under Article 7 of the Town and Country Planning (Mayor of London) Order 2008 and the powers conferred by Section 2A of the Town and Country Planning Act 1990 (as amended)). The applicant has submitted revisions to the mayor who has consulted the Council. The Sub-Committee is asked agreed the following representations:

1. To raise objection to the revised height, mass, location and design of the proposed building, which would result in less than substantial harm being caused to the setting of a number of nearby designated heritage assets, and to protected and local views including those identified within the London Views Management Framework. The identified harm is not sufficiently outweighed by the revised public benefits that the proposed development would secure.
2. To raise an objection on grounds of the cumulative loss of daylight and sunlight to windows serving habitable rooms of neighbouring residential properties (Westbourne Terrace Road and Warwick Crescent) in light of the new evidence submitted by the applicant.
3. To raise objection to the loss of the dedicated 150m<sup>2</sup> of community space.
4. That in the event the Mayor of London resolves to grant permission following the public hearing, to delegate authority to the Director of Place Shaping and Town Planning to enter into a S106 agreement to secure the planning obligations as may be agreed by the Mayor of London acting as the local planning authority under Article 7 of the Mayor of London Order (2008).

## **2 DEVELOPMENT SITE AT 55-58 PALL MALL AND 1-4 CROWN PASSAGE LONDON**

Demolition of 55-58 Pall Mall and 1-4 Crown Passage, and erection of a new building with a part retained facade comprising basement, ground and six upper floors plus mezzanine with a new raised height mansard roof level, to provide office (Class B1) use at basement, part ground to seventh floor level, and provision of two flexible retail/ restaurant (Class A1/ A3) units at part ground level. Creation of terraces at 5th, 6th floor level and 6th floor mezzanine level, installation of plant, and provision of cycle parking spaces and facilities.

Colin McColl addressed the committee in support of the application.

A late representation included the proposed re-development of 55-58 Pall Mall and 1-4 Crown Passage (undated)

The presenting officer tabled the following revised recommendation:

1. Grant conditional permission, subject to receiving no substantive objection and the imposition of recommended conditions from Historic England Greater Archaeology Advisory Service (GLAAS) following expiry of their consultation on 28 September 2020.
2. Grant conditional permission, subject to the completion of a S106 legal agreement to secure the following planning obligations:
  - a) A financial contribution of £28,003 to the Westminster Employment Service (index linked and payable on commencement of development); and b) The costs of monitoring the S106 legal agreement.
3. If the legal agreement has not been completed within six weeks of the date of the Sub-Committee resolution then:
  - a) The Director of Place Shaping and 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 Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Place Shaping and 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; the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Additional condition (no.22) 'Demolition'

22. You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved.

**RESOLVED:**

1. That conditional permission be granted, subject to the completion of a S106 legal agreement to secure the following planning obligations:
  - a) A financial contribution of £28,003 to the Westminster Employment Service (index linked and payable on commencement of development); and
  - b) The costs of monitoring the S106 legal agreement.
2. If the legal agreement has not been completed within six weeks of the date of the Sub-Committee resolution then:
  - a) The Director of Place Shaping and 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 Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Place Shaping and 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; the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

**3 56 WINCHESTER STREET LONDON SW1V 4NH**

Replacement of existing rear single-storey infill extension at lower ground level with two-storey infill extension rising up to first floor level; vertical extension of existing second-floor closet wing to rear; construction of new staircase to front lightwell; construction of double-pitched mansard roof extension to create new third floor level and rear terrace, all to facilitate the conversion of the single family residential property into two residential flats (planning use class C3).

Conrad Koslowsky addressed the committee in support of the application.

Jennifer Dell addressed the committee in support of the application.

**RESOLVED:**

That conditional permission be granted.

#### 4 50 EASTBOURNE TERRACE LONDON W2 6LG

Details of Servicing Management Plan and waste storage pursuant to condition 18 and 24 of planning permission dated 5th February 2020 (RN:19/07378/FULL).

Mark Younger addressed the committee in support of the application.

Amy Rogers addressed the committee in objection of the application.

John Walton addressed the committee in objection of the application

An additional representation was received from SEBRA (7.9.2020, 9.9.2020) and the Occupier of Chilworth Mews.

##### 1. Clarification on Approved hours of Servicing for 50 Eastbourne Terrace.

The officers report contains inconsistencies with respect to the servicing hours of 50 Eastbourne Terrace. To clarify:-

- Planning permission dated 15.9.2016 (16/07359/FULL) and planning permission dated 10.7.2019 (18/09733/FULL – Servicing 07:00 – 20:00 daily).
- Planning permission dated 5.2.2020 (19/07378/FULL) Condition 31 Servicing 07:00-20:00 Monday to Saturday and 10:00-16:00 Sundays and Bank Holidays (NB: This matches planning permission dated 1.11.2019 (19/03058/FULL for 40 Eastbourne Terrace).

##### 2. Comments on SEBRA's Additional Representation with requests 9.9.2020.

- Request for there to be on site a prominent and permanent notice stating the permitted hours and giving a telephone number with which to report any problem being caused. The applicant will be made aware of this by way of informative (No.2).
- Request for no idling in the Mews. The SMP is required by a condition relating to the planning permission and it is therefore unreasonable for it to relate to beyond the site.
- Request for sanctions for failure of vehicles to have white noise. White noise seems to be industry standard and the hours of servicing are daytime. It is unreasonable and unenforceable to request sanctions.
- Request that consideration is given to how the enclosed loading bay (associated also with 40 Eastbourne Terrace) could be constructed whilst maintaining off street servicing for 50 Eastbourne Terrace. The planning permission for 40 Eastbourne Terrace may or may not be implemented. However, in the event that an enclosed loading bay is to be constructed for 50 Eastbourne Terrace (whether as part of the development for 40 Eastbourne Terrace or in the event of a standalone permission) then the

developer must consider the conditions associated with the operation of 50 Eastbourne Terrace, that require all servicing to be carried out off street and in accordance with the SMP. As such, it is likely that permission would be required for alternative temporary servicing arrangements (to ensure no breach of condition) to facilitate construction of an enclosure. This would be considered on its merits at the time.

3. Additional informative 2

You are advised to consider providing a prominent and permanent notice stating the permitted servicing hours and giving a telephone number with which residents can report any problem being caused.

Late representations were received from Applicant and SEBRA (up to 14.9.2020); SEBRA (14.9.2020), a resident (14.9.2020) and YardNine (11.9.2020)

**RESOLVED:**

That details be approved.

The Meeting ended at 9.08 pm

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

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