



CITY OF WESTMINSTER

# MINUTES

## Planning (Major Applications) Sub-Committee

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 20th September, 2022**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Ruth Bush (Chair), Nafsika Butler-Thalassis, Paul Fisher, Robert Rigby, Mark Shearer and Jason Williams

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

- 2.1 Councillor Ruth Bush explained that a week before the meeting, all six Members of the Sub-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 Sub-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 Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Paul Fisher declared that in respect of Item 2 the site was located within his ward. He had also visited the Premises in a personal capacity, but he had not entered into any discussions regarding the application with any parties and he had paid for the visit personally.
- 2.3 Councillor Robert Rigby declared that in respect of Item 1 he had met the applicant with a Council Planning Officer present and received a presentation on the proposals, but he had expressed no views regarding the application.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 9 August 2022 be signed by the Chair as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 217- 221 HARROW ROAD LONDON W2 5EH**

Demolition of the existing building to redevelop the site to provide a part-20 storey and part-9 storey mixed use building comprising residential (Class C3), a commercial unit (Class E), homeless accommodation and facilities (Sui Generis) and associated move-on units (Class C3), landscaping, public realm and other associated works.

Additional representations were received from St Mungo's (15.09.22) and The Greater London Authority (29.06.22).

The presenting officer had also circulated the draft decision letter and the following corrections to the report:

#### Report Corrections

Carbon Off-Set contribution as referred to throughout the report as £144, 677 should be £126,958 as a result of changes made during the course of the application to the Energy Statement.

On page 70 of the report, reference is made to units being designed as per part 'M4 (3) (2) b', however this should instead refer to 'M4 (3) (2) a'.

On page 30 of the report, the following statement is made "The play space would be provided on the 19th floor residential amenity roof terrace, with parapets and railings enclosing the area ranging from 98.5 centimetres to 2.375 metres high." The architects have confirmed the minimum height of guarding on accessible roofs is 1.8m (railing) and 2.3m (solid wall) – this is referred to in the DAS.

In the land use section of the report, notably the affordable housing section, explicit reference should have been made to the need for a late stage review of the viability assessment and that this is to be secured through the legal agreement.

Late representations were received from Councillor Adam Hug (18.09.22), The Greater London Authority (16.09.22 and 20.09.22), Gerald Eve (20.09.22), Westminster City Council's Economy & Regeneration Team (18.09.22).

The presenting officer tabled the following amendments to the recommendations highlighted in bold:

**Revised Recommendations: changes highlighted in bold**

- 1) Subject to the concurrence of the Mayor of London, grant Conditional Permission, subject to the completion of a S.106 legal agreement to secure the following
  - a) Provision of 11 move on units and **8** affordable units on site **at London Living Rent**. The affordable units to be provided at affordability levels to be agreed with the Head of Affordable Housing and Partnerships.
  - b) Provision of an early-stage and **late-stage** viability review mechanism, in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG.
  - c) Payment of a carbon offset payment of £144,677 (index linked) **payable on commencement of development**.
  - d) Highways works associated with the development on Harrow Road and Torquay Street.
  - e) Payment of a contribution to the City Council's Economy Team for the provision of Skills and Employment of £ of £88,516.47; **payable on commencement of development**.
  - f) Provision of car club membership for each residential flat for a period of 25 years.
  - g) The cost of monitoring the s106 agreement
- 2) If the s106 agreement has not been completed within three months of the committee resolution then:
  - a) The Director of **Town Planning and Building Control** 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 **Town Planning and Building Control** is authorised to determine and issue such a decision under Delegated Powers; however, if not.
  - b) The Director of **Town Planning and Building Control** shall consider whether permission should be refused on the grounds that it has not proved possible to complete an undertaking 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 **Town Planning and Building Control** is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

The presenting officer also tabled the following amended conditions:

Condition 6:

You must make available contact details (name/ telephone number and email) for the building manager in the facility at 217 Harrow Road to the occupiers of the residential building and these must be kept up to date at all times.

Condition 21:

You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' -produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

You must apply to us for approval of the investigation reports. You must apply to us and receive our written approval for:

Phases 1, prior to demolition,

Phases 2 and 3 before any piling/excavation/construction work starts, and

Phase 4 when the development has been completed but before it is occupied.  
(C18M)

Condition 28:

Prior to construction of development details of a system of mechanical ventilation, shall be submitted to and approved in writing by the LPA. The ventilation system shall be capable of ensuring that:

1. A system of air quality filtration is installed and or inlets are positioned so that the following are not exceeded:

	WHO Targets 2021 (µg/m <sup>3</sup> )
NO <sub>2</sub>	10
PM <sub>10</sub>	15
PM <sub>2.5</sub>	5

2. The internal noise levels for the noise sensitive properties do not exceed the noise levels specified in condition C49AA/C49BB
3. The mechanical ventilation is designed in compliance with the current Technical Memorandum produced by CIBSE to prevent overheating when the windows are closed

The approved system shall be installed and operational before occupation of sensitive uses the system shall be checked and maintained in accordance with the manufacturer's specification and retained unless otherwise agreed by the local planning authority.

Rebecca Sycamore, representing St Mungo's, addressed the Sub-Committee in support of the application.

Nick Brindley addressed the Sub-Committee in support of the application.

During discussions the Sub-Committee noted that the applicant was content to meet any reasonable costs associated with the options put forward to maintain access to 209 Harrow Road.

**RESOLVED UNANIMOUSLY:**

- 1) That subject to the concurrence of the Mayor of London, conditional permission as amended be granted, subject to the completion of a S.106 legal agreement to secure the following
  - a) Provision of 11 move on units and 8 affordable units on site at London Living Rent. The affordable units to be provided at affordability levels to be agreed with the Head of Affordable Housing and Partnerships.
  - b) Provision of an early-stage and late-stage viability review mechanism, in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG.
  - c) Payment of a carbon offset payment of £144,677 (index linked) payable on commencement of development.

- d) Highways works associated with the development on Harrow Road and Torquay Street.
  - e) Payment of a contribution to the City Council's Economy Team for the provision of Skills and Employment of £ of £88,516.47; payable on commencement of development.
  - f) Provision of car club membership for each residential flat for a period of 25 years.
  - g) The cost of monitoring the s106 agreement
- 2) If the s106 agreement had not been completed within three months of the committee resolution then:
- a) The Director of Town Planning and Building Control should consider whether the permission could be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Town Planning and Building Control was authorised to determine and issue such a decision under Delegated Powers; however, if not.
  - b) The Director of Town Planning and Building Control should consider whether permission should be refused on the grounds that it had not proved possible to complete an undertaking within the appropriate timescale, and that the proposals were unacceptable in the absence of the benefits that would have been secured; if so, the Director of Town Planning and Building Control was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

**2 SITE AT 2-8 TREBECK STREET, 2-5 HERTFORD STREET, 35 SHEPHERD MARKET AND 20 SHEPHERD STREET LONDON W1J 7JQ**

Variation to the terms of the Section 106 Agreement in connection with the planning permission of 3 March 2016 (Ref: 14/12430/FULL and as subsequently varied): Namely to require 8 residential units comprising 917 m2 to be provided at 217-222 Harrow Road by October 2024, or continue to make payments towards the City Council's affordable housing fund in accordance with the completed legal agreement.

**RESOLVED UNANIMOUSLY:**

That agreement be provided to the completion a deed of variation to the original legal agreement dated 3 March 2016 to secure the following varied planning obligations:

- i. The provision of 8 residential units comprising 917m2 at 217-222 Harrow Road by October 2024;

- ii. In the event that (i) was not delivered, to require the applicant to continue to make annual payments to the Affordable Housing Fund commencing in November 2024.

The Meeting ended at 9.19 pm

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

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