



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 10th July, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Gotz Mohindra (Chairman), David Boothroyd, Ruth Bush, Peter Freeman, Murad Gassanly, Jim Glen and Elizabeth Hitchcock

**Also Present:** Councillors Geoff Barraclough (Item 1) and Tim Mitchell (Item 2)

#### 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 Boothroyd declared that he was the Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. No current schemes were in Westminster; if there were he would be precluded from working on them under the company's code of conduct.

Some Thorncliffe clients had engaged planning consultants who were also representing applicants at the meeting: Gerald Eve on item 1, DP9 on items 2 and 4, and JLL on item 5. However he did not deal directly with clients or

other members of project teams, and planning consultants were not themselves clients.

In respect of item 1, objections had been made by Councillors Barraclough, Begum and Butler-Thalassis, who he declared were his friends. Before the last meeting I gave Cllr Barraclough advice on the process of ward member presentations at committee.

In respect of Item 2, one of the objections received was from Mr Graeme Cottam, who he declared was his friend.

In respect of item 5, he declared he was a member of the Planning Sub-Committee which granted the original permission for the site.

- 2.3 Councillor Bush declared that in respect of item 1, objections had been made by Councillors Barraclough, Begum and Butler-Thalassis, who he declared were his friends.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 12 June 2018 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 WIDLEY ROAD GARAGE, WIDLEY ROAD, LONDON, W9 2LD**

Demolition of existing building; excavation to create additional basement storey; erection of a residential (Class C3) building arranged over basement, lower ground, ground and five upper storeys to provide up to 23no. residential dwellings; provision of external amenity space, associated on-site car parking and cycle parking facilities, landscaping works and other associated works.

Additional representations were received from eighteen local residents (29/06/18, 30/06/18, 02/07/18, 03/07/18 and 04/07/18) and one interested party (03/07/18).

Late representations were received from forty-one local residents (05/07/18, 06/07/18, 07/07/18, 08/07/18, 09/07/18 and 10/07/18) and Belgrave (06/07/18).

Councillor Geoff Barraclough addresses the Sub-Committee in his capacity as a Ward Member.

The presenting officer tabled the following amendments to the conditions:

1. DELETE condition 5 on page 58 and REPLACE it with the following:

*“You must apply to us for approval of detailed drawings of typical facade details at all levels at scales of 1:20 or 1:5. You must not start any work on*

*these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details.*

**REASON:**

*To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007."*

**REASON FOR AMENDMENT:** The original condition 5 had been added in error and was not relevant to this development. The revised condition 5 is required to ensure that appropriate façade details are secured.

2. ADD the following conditions 28 and 29:

28 **"Pre Commencement Condition.** *You must not start any demolition work on site until we have approved either:*

- (a) *a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or*
- (b) *an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.*

*You must only carry out the demolition and development according to the approved arrangements.*

**REASON:**

*To maintain the character of the Maida Vale Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

29 *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.*

**REASON:**

*To maintain the character of the Maida Vale Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990."*

**REASON FOR AMENDMENT:** These additional conditions are required to safeguard the character and appearance of the

conservation area by preventing unnecessary demolition of the existing building or a substantial break between its demolition and construction of the proposed development.

**RESOLVED (To Refuse: Councillors Mohindra, Boothroyd, Bush, Freeman, Gassanly and Glen. To Grant: Councillor Hitchcock)**

That conditional permission be refused on the following grounds:

- 1) The bulk of the building, in particular the form of the proposed roof was unacceptable and would have a detrimental impact on the character and appearance of the Maida Vale Conservation Area;
- 2) The impact the proposals would have on the amenities of adjacent properties at Cleveland Mansions by reason of loss of light and sense of enclosure caused by the increased bulk and massing of the proposed building.
- 3) The proposed density levels exceed the range set out within policy H11 of the Unitary Development Plan and Policy 3.4 of the London Plan and fail to meet complementary policies in respect of townscape/design, residential amenity and standard of living accommodation; and
- 4) The standard of living accommodation for the basement and lower ground flats which were largely affordable housing was considered inadequate due to their single aspect, part subterranean nature and reliance upon lightwells that are shared in part.

The detailed reasons for refusal to be settled by officers under delegated powers following consultation with the Chairman.

**2 DEVELOPMENT SITE AT 1-11 AND 13-15 CARTERET STREET, 40 BROADWAY, LONDON**

Demolition of existing buildings and redevelopment to provide two office buildings ranging from one to eight storeys (plus basement) with retail unit at part ground and basement level for Class A1 (shop) or Class A3 (restaurant) and other associated works. (Site includes 1-11, 13-15 Carteret Street And 40 Broadway).

Additional representations were received from Simply Planning (05/07/18) and three local residents (04/07/18 and 05/07/18).

Late representations were received from Tellon Capital (04/07/18 and 06/07/18), Blake Morgan (04/07/18) and one local resident 905/07/18).

Councillor Tim Mitchell addressed the Sub-Committee in his capacity as a Ward Member.

The presenting officer tabled the following additional and amended conditions:

**Additional condition**

You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements.

**Additional condition**

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. (C29BB)

**Additional condition**

Prior to occupation of the ground and basement unit approved for either Class A1 or Class A3 use, you must provide the supply and extract ductwork shown on Drawings P17-111-3350 P1, P17-111-3351 P1 and P17-111-3352 P1.

**Amended condition 33**

You must provide the environmental sustainability features (environmentally friendly features) set out in the Energy and Sustainability Statement *and* Flood Risk Assessment and Drainage Strategy before you start to use any part of the development. Thereafter you must not remove any of these features unless we have given you our permission in writing.

**Amended condition 8**

You must apply to us for approval of detailed drawings of the following parts of the development:

- a) Typical bay studies (drawn elevations and sections at 1:20);
- b) Windows and doors (drawn elevations and sections at 1:5, including surrounding fabric);
- c) Shopfronts (drawn elevations and sections at 1:10, including surrounding fabric); and
- d) Balustrade and gate details.
- (e) Any external lighting.
- (f) The rear elevation of the South building.
- (g) Public art including retention of mosaic.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

**RESOLVED UNANIMOUSLY:**

That conditional permission, as amended, be granted, subject to:

- 1) The following additional conditions:
  - (i) Access to the terraces located on the north building be restricted to only emergency escape or for maintenance purposes only;
  - (ii) Any Class A3 (restaurant) unit to be serviced only from Broadway with servicing and deliveries for the South building offices and any A1 (retail) use taking place from the loading bay; and
  - (iii) Further elements of public art to be included in the development in addition to the enhanced setting of the existing mosaic.
  
- 2) The views of the Mayor and a S106 Agreement to secure the following:
  - (i) Financial payment of £45,360 towards the council's Carbon Offset Fund (index linked and payable on commencement of development)
  - (ii) Employment and Training Strategy
  - (iii) Crossrail Funding SPG payment of £246,560 (index linked and payable on commencement of development)
  - (iv) Highway works on Carteret Street to include works to reinstate footway and repaving adjacent to the site and to Broadway to facilitate provision of service bay.
  - (v) The setting up of a Stakeholder Liaison Group for the duration of the development
  - (vi) Monitoring Costs
  
- 3) That if the S106 legal agreement had not been completed within three months of the date of the Committee resolution, then:
  - a) The Director of Planning should consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not
  
  - b) The Director of Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an agreement within an appropriate timescale, and that the proposals were unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
  
- 4) The Environmental Inspectorate be requested to undertake public consultation on the proposed Site Environmental Management Plan before its agreement;

### **3 DEVELOPMENT SITE AT 5-9 GREAT NEWPORT STREET, LONDON, WC2H 7JA**

- 3.1 The application was withdrawn from the agenda by officers.

#### 4 75 - 77 BROOK STREET, MAYFAIR, LONDON, W1K 4AD

Demolition and redevelopment to provide a new building comprising sub-basement, lower ground, ground and part six / part seven upper storeys with roof terrace at part seventh floor, flexible / alternative office (Class B1) / retail (Class A1) on ground and lower ground floors, office (Class B1) on upper floors, installation of plant at seventh floor level, and associated works. Internal works at ground floor to link with part of No.73 Brook Street. (Linked with 1 Green Street)

A late representation was received from DP9 (09/07/18).

The presenting officer tabled the following amendment (in bold) to the recommendation:

1. Grant conditional permission subject to the completion of a S106 agreement to secure:
  - a) The completion of the residential at 1 Green Street as approved on 9 April 2018 (RN: 17/01298/FULL) (prior to occupation of the office accommodation at this site);
  - b) The completion of the office accommodation (within **18 months** of the occupation of the residential at Site 2);
  - c) Carbon off-set payment to the value of £14,400 towards the Council's carbon offset fund (index linked and payable on commencement of development);
  - d) Compliance with the Code of Construction Practice;
  - e) The costs of monitoring the S106 legal agreement.

#### **RESOLVED (For: Councillors Mohindra, Boothroyd, Freeman, Gassanly, Glen and Hitchcock. Against: Councillor Bush)**

1. That conditional permission, as amended, be granted subject to the completion of a S106 agreement to secure:
  - a) The completion of the residential at 1 Green Street as approved on 9 April 2018 (RN: 17/01298/FULL) (prior to occupation of the office accommodation at this site);
  - b) The completion of the office accommodation (within 18 months of the occupation of the residential at 1 Green Street);
  - c) Carbon off-set payment to the value of £14,400 towards the Council's carbon offset fund (index linked and payable on commencement of development);
  - d) Compliance with the Code of Construction Practice;
  - e) The costs of monitoring the S106 legal agreement.
2. That if the S106 legal agreement had not been completed within six weeks of the date of this resolution then:
  - a) The Director of Planning should consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefit listed above. If so, the Director of

Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not;

- (b) The Director of Planning should consider whether permission should be refused on the grounds that the proposals were unacceptable in the absence of the benefit which would have been secured; if so, the Director of Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## **5 1-17 SHAFTESBURY AVENUE, LONDON, W1D 7EA**

Variation of condition 1 and 15 of planning permission dated 25 April 2016 (RN: 15/07092/FULL) for the Demolition of existing buildings and demolition behind retained facades of 19 and 20 Denman Street facades; realignment of 4-6 Glasshouse Street, 1 Sherwood Street, 8 Glasshouse Street and 11-17 Shaftesbury Avenue facades and retention of Piccadilly Lights (adverts). Construction of a replacement six storey building (plus 6th floor mezzanine office) with three basement levels to create a mixed use scheme comprising office (Class B1) at part ground to 6th storey mezzanine; retail (Classes A1 retail and A3 restaurant) at part basement 1, part ground and part first floor; up to seven residential units (Class C3) at part first floor, part second floor and part third floor; and plant and cycle storage within the basement. Associated works including mechanical plant within roof enclosure and loading facilities. NAMELY, to allow use of 6th floor mezzanine (Level 7) as restaurant (Class A3), roof realignment at Level 7 and new plant enclosure at Level 8, flexible use of approved retailing (Class A1) for retail and restaurant purposes (Classes A1 and A3), removal of chimneys on 1-17 Shaftesbury Avenue facade, minor adaptations to accommodate the Piccadilly Lights planning permission and advertisement, and adaptation to accommodate LBC consent (17/07490/LBC)

A late representation was received from Jones Lang LaSalle Ltd (03/07/18).

The presenting officer tabled the following amendment (in bold) to the conditions:

32. The development shall commence before **24 April 2021**.

Reason: This permission authorises amendments to the original planning permission granted on **25 April 2016** (RN 15/07092/FULL) which must be commenced no later than the above date.

### **RESOLVED UNANIMOUSLY:**

That conditional permission, as amended, be granted subject to:

- 1) The following additional conditions:
  - (i) No takeaway sales or provision of food delivery services from the A3 (restaurant) unit; and
  - (ii) All units located on Denman Street to be designated for A1 (retail) use only.
- 2) A deed of variation of the existing legal agreement dated 25 April 2016; and



- 3) If the deed of variation was not completed within six weeks of the date of the Committee's resolution, then:
- a) The Director of Planning should consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an agreement within an appropriate timescale, and that the proposals were unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

The Meeting ended at 9.38pm.

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

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