



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 8th June, 2021**,

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

#### **Also Present:**

Councillor Murad Gassanly was present for Items 1 and 2 in his capacity as Ward Councillor.

Councillor Liza Begum was present for Item 2 in her capacity as Ward Councillor.

## **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 six Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report; together with bundles of the letters or e-mails received in respect of this application containing objections or giving support. 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.
- 2.2 Councillor James Spencer declared that in respect of Item 2 he knew one of the objectors, however he had not entered into any correspondence with any of the objectors and he would approach the application with an open mind.
- 2.3 Councillor Jim Glen declared that in respect of Item 1 he had met several of the objectors, but he had formed no opinion on the application and he would approach the application with an open mind. He also declared that he was Trustee of the Westminster Tree Trust.

- 2.4 Councillor Boothroyd declared he was Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. He was precluded from working on any scheme in Westminster under the company's code of conduct.

Gerald Eve and Montagu Evans were planning consultants for some Thorncliffe clients, and were also acting for applicants at the meeting. He did not deal directly with clients or other members of project teams, and planning consultants were not themselves clients.

In respect of item 2, some of those who had made representations, including Cllrs Begum and Talukder, were considered his friends.

- 2.5 Councillor Rigby declared that in respect of Item 1 he had sat on a previous Sub-Committee which had considered the application. In respect of Item 2 he had previously been the Deputy Cabinet Member for Finance, Property and Regeneration and as such had been aware of the application, but he had formed no opinion on the application and would approach it with an open mind. One of the objectors was also a former Westminster City Council Councillor but he had held no discussions with him regarding the application. In respect of Item 3 he had sat on a previous Sub-Committee which had considered an application on the same site.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meetings held on 13 April and 20 April 2021 be signed by the Chair as a correct record of proceedings.

### **3 PLANNING APPLICATIONS**

#### **1 DEVELOPMENT SITE BOUNDED BY EBURY STREET, PIMLICO ROAD, AVERY FARM ROW, EBURY SQUARE AND CUNDY STREET**

Application 1 Comprehensive residential-led mixed-use redevelopment, including demolition of Kylestrome House, Lochmore House, Laxford House, Stack House, Walden House and structures attached to Coleshill Flats; tree removal and pollarding; erection of a partial sub-basement, basement and buildings varying in height from five to 11 storeys, to provide affordable homes (Class C3), market homes (Class C3), senior living accommodation (comprising Class C3 and / or Class C2), alongside a range of uses at partial sub-basement, basement and ground floor level including retail (Class A1), restaurants / cafes (Class A3), drinking establishments (Class A4); offices (Class B1), community space (Class D1), cinema (Class D2); use of the lower ground floor of the Coleshill Flats as retail and / or workspace (Class A1 and / or B1); provision of new pedestrian routes; basement car parking; basement and ground floor circulation, servicing, refuse,, ancillary plant and storage;

provision of hard and soft landscaping; landscaping works and creation of new play facilities at Ebury Square; rooftop PV panels; rooftop plant equipment; refurbishment and relocation of Arnrid Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of the telephone boxes on Orange Square; and other associated works. (This is a phased development for CIL purposes). Application 2 Demolition of structures attached to Coleshill Flats on Pimlico Road; works to the eastern boundary wall at the eastern side of Coleshill Flats on Pimlico Road; minor alterations to the rear facade of the Coleshill Flats at lower ground floor; refurbishment and relocation of the Arnrid Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of telephone boxes on Orange Square; and other associated works in connection with comprehensive residential-led mixed-use development.

Additional representations were submitted by The Greater London Authority (25.05.21) and Grosvenor (02.06.21).

Late representations were received from a local resident (07.06.21). The minutes from the Sub-Committee meeting held on 16 February 2021 were also circulated.

The presenting officer circulated the following additional conditions:

**Condition 62**

You must apply to us for approval of a management plan for the Class C3 independent living units. The management plan should set out the occupancy restrictions for this type of accommodation and should be consistent with condition 63. You must not occupy any Class C3 independent living units until we have approved what you have sent us. Thereafter you must manage Class C3 accommodation in accordance with the details approved.

**Condition 63**

The primary occupants of the Class C3 independent living units shall only be persons over 65 years of age.

**Condition 64**

**Pre-commencement condition** – Notwithstanding the information submitted, you must apply to us for approval of a construction logistics plan. You must not start any work until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the details approved.

James Wright addresses the Sub-Committee in support of the application.

Anna Bond addresses the Sub-Committee in support of the application.

Councillor Murad Gassanly addressed the Sub-Committee in his capacity as Ward Councillor in support of the application.

## **RESOLVED UNANIMOUSLY:**

### **Application 1**

That subject to the views of the Mayor of London, conditional permission, as amended, be granted subject to:

1. An additional informative with regards to the reduced structural slab and the need to ensure there was adequate sound insulation between the floors, subject to Building Control approval.
2. A legal agreement to secure the following:
  - a) Provision of 88 x affordable housing units, made up of 44 x social rent tenure (the new social rent units to be provided on the same terms as flats within Walden House including security of tenure, service charges and rental levels) and 44 x intermediate rent tenure (rents set at London Living Rent values for Churchill ward up to a maximum household income of £60,000.) The units within Building A not to be occupied until all 44 social rent affordable housing units are ready for occupation. The units within Building B1 not to be occupied until all 44 intermediate affordable housing units are ready for occupation. The obligation to be subject to an early and late stage review.
  - b) Undertaking of highways works on Ebury Street, Cundy Street, Ebury Square, Avery Farm Row and Pimlico Road including associated traffic management orders, tree planting, cycle parking, re-paving of all footways, loading pads, changes to parking bays, changes to kerb lines, footway widening, relocated memorial fountain, relocated TfL bus stop on Pimlico Road and any other associated works to accommodate the development. Highway works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of relevant phase of development.
  - c) A Walkways Agreement to secure access for the public across the site.
  - d) An Employment and Skills Plan, including operational phase employment targets for the commercial elements, and a contribution of £181,973.61 (index linked) to support the Westminster Employment Service (payable and submitted prior to the commencement of development)
  - e) Car club membership for the occupiers of all residential units for a period of 25 years.
  - f) A financial contribution of £220,000 (index linked) towards an extended or new TfL Cycle Hire docking station(s) (payable prior to commencement of development).

g) A financial contribution of £50,000 (index linked) towards cycle improvements as part of Quietway 15 (payable prior to commencement of development).

h) A payment of £15,000 (index linked) for a micro recycling centre in lieu of on-site provision. (payable prior to commencement of development).

i) A financial contribution of £70,000 (index linked) towards tree planting and maintenance, with the planting and maintenance priority order to be:

i. Zone 1: In or close to the locations shown on planning application drawing ref 288\_P20.100 Rev B

ii. Zone 2: Within 200m of the development site

iii. Zone 3: Within Churchill and/or Belgravia wards

iv. Zone 4: Any sites outside Zone 1-3 within the administrative boundary of the City of Westminster

j) The submission of an updated energy assessment report and payment of between £989,000 to £1.43m (index linked) towards the City Council's Carbon Off Set fund. (payable prior to commencement of relevant phase of development) and to secure energy monitoring and management over the lifetime of the development.

k) The long term retention, access to and maintenance of any play space within the development.

l) A payment of £100,000 (index linked) for provision and future maintenance of local play space improvements in lieu of the shortfall of play space as required by Mayor of London, Play and Informal Recreation SPG (payable prior to commencement of development) with the priority order to be within the vicinity (200m) of the site and then within Churchill and/or Belgravia wards.

m) The provision of a 154 sqm community space facility to be provided in perpetuity at peppercorn rent.

n) The provision of affordable workspace and / or retail units to be provided at basement level of Coleshill Flats at 50% of the market rate, and 50% service charge, for a 20-year period.

o) Provision of public art to the value of £75,000.

p) The provision of a travel plan and the cost of monitoring the plan.

q) The setting up of a Community Forum for the duration of the development works.

r) The costs of monitoring the S106 legal agreement.

3. That if the legal agreement had not been completed within six weeks of the date of the Committee resolution, then:
  - a) The Director of Place Shaping and Town Planning 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 Place Shaping and Town Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Place Shaping and Town Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an agreement 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 Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
4. That the Sub-Committee authorised the making of a draft agreement pursuant to s38 of the Highways Act 1980 for the dedication of land currently adjacent to Ebury Street to enable this development to take place. That the Director of Place Shaping and Town Planning, Executive Director of City Management, 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 dedication and to make the final agreement. The applicant would be required to cover all costs of the City Council in progressing the agreement.

## **Application 2**

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

## **2 DARWIN HOUSE, 104 GROSVENOR ROAD, SW1**

Redevelopment of the site on a phased basis. Phase 1 - Demolition of 23 garages and former Balmoral Castle Public House. Phase 2 - Erection of a part seven storey, part six storey and part five storey building to provide community supporting housing (Class C3) (Block A). Phase 3 - Demolition of Darwin House. Phase 4 - Erection of part five storey and part four storey building to provide housing (Class C3) (Block B). All together with new public open space, hard and soft landscaping, car parking, cycle parking, plant and other associated works in each phase.

Additional representations were received from the Churchill Gardens Residents Association (02.06.21), Protect Churchill Gardens Residents Group

(04.06.21) and twelve local residents (02.06.21, 27.05.21, 28.05.21, 31.05.21 and 04.06.21).

Late representations were received from Montagu Evans (04.06.21), six local residents (06.06.21 and 07.06.21), the WCC Housing Department (undated), WCC Highways (08.06.21) and Hereward & Co Solicitors (06.06.21).

The presenting officer tabled the following revised and additional conditions:

**Revised Condition no.26 (Energy)**

~~You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application. Photovoltaic panels. You must not remove any of these features.~~

Condition:

The development shall be carried out in accordance with the energy efficiency measures set out in the approved Energy Statement. You must not remove any of these features.

Reason: To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021).

**Revised Condition no. 28: (Bats)**

~~**Pre Commencement Condition.** You must apply to us for approval of details of the action you will take to protect bats in the area around the development. You must not start any work until we have approved in writing what you have sent us (after consulting Natural England). You must carry out these measures according to the approved details before you start to use the building. (C43EA)~~

***Pre Commencement Condition:***

No demolition shall take place in respect of the Balmoral Public House and single storey garage blocks ( Phase 1 ) until the results of two bat emergence surveys have been submitted to and approved by the City Council as local planning authority in consultation with Natural England.

If the results of these surveys show that no roosting bats are present in these buildings, works can commence on site.

If the results show the presence of roosting bats, no demolition works shall take place until the applicant obtains a Licence from Natural England and details of the proposed mitigation measures. A copy of this Licence must be submitted to the City Council before any demolition takes place and the development must be carried out in accordance with this Licence at all times.

Reason:

The submitted ecological report has identified the Balmoral Public House having moderate potential for roosting bats and therefore two emergence surveys are required to demonstrate whether bats are present. Bats are protected under the Wildlife and Countryside Act 1981 ( as amended ) and the Conservation of Habitats and Species Regulations 2017 and to ensure that the development complies with Policy 34 of the City Plan 2019-2040 April 2021 ) .

**Additional Condition no. 29. (Bats)**

***Pre-Commencement Condition:***

No demolition shall take place in respect of Darwin House (Phase 3) until the results of a single emergence survey has been submitted to and approved by the City Council as local planning authority in consultation with Natural England.

If the results of these surveys show that no roosting bats are present in these buildings, works can commence on site .

If the results show the presence of roosting bats, no demolition works shall take place until the applicant obtains a Licence from Natural England and details of the proposed mitigation measures. A copy of this Licence must be submitted to the City Council before any demolition takes place and the development must be carried out in accordance with this Licence at all times.

Reason:

The submitted ecological report has identified that Darwin House has low potential for roosting bats, and to ensure that an additional survey is carried out before any demolition takes place . If the results of these surveys show that no roosting bats are present in this building, works can commence on site . Bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and to ensure that the development complies with Policy 34 of the City Plan 2019-2040 April 2021) .

**Additional Condition no. 30 (Ecological Report)**

Condition:

The development shall be carried out in accordance with the mitigation details set out in the approved ecological report. Details of the proposed bat and bird boxes and the creation of new habitats shall be submitted to and approved by the City Council as local planning authority before any works commence on Phases 2 and 4. The development shall be carried out in accordance with these approved details and shall be erected prior to the occupation of the buildings .

Reason:

To reduce the impact of the proposed development on biodiversity and to secure improvements for biodiversity as set out in Policy 34 of the City Plan 2019-2040 ( April 2021 )



### **Additional Condition no. 31 (Privacy Screens)**

**Condition:**

You must apply to us for approval of details of screens to be installed on the west-facing side of balconies of flats in Block B (i.e. adjacent to no. 105 Grosvenor Road). These screens shall be obscured and extend to not less than 1.8 m above balcony floor level. The approved screens shall be erected in accordance with the approved details prior to the first occupation of the flats and shall be retained for the full lifetime of the development.

**Reason:**

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

George Woods addressed the Sub-Committee in support of the application.

Jeremy Evershed addressed the Sub-Committee in support of the application.

Gordon Haggart addressed the Sub-Committee in objection to the application.

Paul Zuckerman addressed the Sub-Committee in objection to the application.

Councillor Murad Gassanly addressed the Sub-Committee in his capacity as Ward Councillor in support of the application.

Councillor Liza Begum addressed the Sub-Committee in her capacity as Ward Councillor in objection to the application.

### **RESOLVED UNANIMOUSLY:**

1. That conditional permission, as amended, be granted pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, subject to:
  - i) Completion of a S106 unilateral undertaking to secure the following:
    - a) provision of the 52 x residential units as Intermediate Rented Housing (18 x 1 bedroom flats in Block B) and Community Supportive Social Rented Housing (34 x 1 bedroom flats in Block A) and Intermediate Rented Housing (18 x 1 bedroom flats in Block B) in accordance with the affordability criteria specified by the Housing Development Manager;

- b) provision of car club membership for 25 years for each residential flat;
  - c) walkways agreement to secure access through the site;
  - d) a contribution of £21,090 (index linked and payable on commencement) to the Carbon Off set fund;
  - e) a financial contribution of £6954 to the Westminster Employment Service (index linked and payable on commencement of development) and;
  - f) the cost of monitoring the agreement.
- ii) The following additional conditions:
- a) a requirement that the flat roofs on the building not be used as terraces;
  - b) the development of a site waste management plan; and
  - c) the establishment of a Community Liaison Group to deal with issues in respect of construction.
- iii) The following additional informatives:
- a) The Community Liaison Group to also include representatives from Adult Social Care in order to mitigate the impact of the construction on the amenity of existing elderly residents in Darwin House.
  - b) Applicant to consider whether access off Grosvenor Road was possible during construction, although this would be subject to the views of TfL and it was understood that there were constraints relating to the existing cycle lane and trees. If this was not possible it was suggested that assessments be undertaken on whether construction vehicles going passed the local primary school do so at staggered times to avoid school drop off/picking up times.
  - c) Applicant to consider whether additional greening could be provided, in particular a green wall on the flank elevation of Block B and/or green roofs.

- d) Applicant to look at a Local Lettings Policy for the new units.
  - e) The names of the existing buildings to be re-used in any future planning applications for Street Naming and Numbering.
- 2. That if the S106 unilateral undertaking had not been completed within six weeks then:
  - a) The Director of Place Shaping and Town Planning should 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 Place Shaping and Town Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not;
  - b) The Director of Place Shaping and Town Planning should consider whether permission should be refused on the grounds that the proposals were unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

### **3 50 EASTBOURNE TERRACE, W2**

Change of use of Retails Units at ground and lower ground floor level along Craven Road from Classes A1/A2/A3 to Gym, Retail and or Restaurant (Class E).

A late representation was received from the South East Bayswater Residents Association (04.06.21).

Mark Younger addressed the Sub-Committee in support of the application.

Amy Rogers addressed the Sub-Committee in objection to the application.

#### **RESOLVED:**

That conditional permission be granted subject to an additional condition to ensure access and egress to the Gym for customers and staff only took place from Craven Road, unless as a means of escape in an emergency, and an additional informative to encourage the use of electric vehicles for servicing.

The Meeting ended at 9.47 pm.

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

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