



**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 03 September 2024**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Ruth Bush (Chair), Nafsika Butler-Thalassis, Paul Fisher, Jim Glen, Rachael Robathan and Jason Williams

#### **1 MEMBERSHIP**

1.1 There were no changes to the membership.

#### **2 DECLARATIONS OF INTEREST**

2.1 The Chair explained that a week before the meeting, all 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' presentations 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 Robathan declared a non-pecuniary interest in agenda item 2 as the application site was within her ward, it was noted that, although Cllr Robathan had corresponded with residents on the application, she had not expressed any views on the matter. Councillor Robathan remained in the room for the duration of item 2 and took part in the debate and vote.

2.3 Councillor Jim Glen declared a non-pecuniary interest in agenda item 2 as a trustee of the Westminster Tree Trust. Councillor Glen remained in the room for the duration of item 2 and took part in the debate and vote.

2.4 Councillor Ruth Bush declared a non-pecuniary interest in agenda item 2 as a trustee of the Westminster Tree Trust. Councillor Bush remained in the room for the duration of item 2 and took part in the debate and vote.

### 3 MINUTES

#### RESOLVED:

- 3.1 That the minutes of the meeting held on 06 August 2024 be signed by the Chair as a correct record of proceedings.
- 3.2 With regard to the minutes of the meeting held on 25 June 2024, it was highlighted that agenda item 1, 63-65 Curzon Street W1, was determined by the Chair's casting vote and that the minutes should record how each Member had voted on the application. It was agreed that the minutes would be amended to incorporate the change and brought back to a future meeting for approval by the Committee.

### 4 PLANNING APPLICATIONS

- 4.1 The items were taken in the following order: 2 and 1.

#### 1 1 VICTORIA STREET, LONDON, SW1H 0ET

Retention of two storey basement and demolition of existing building above ground level. Construction to provide a building comprising retained basement, ground and nine upper floors for use as retail, restaurant, leisure/experience, medical (Class E (a) (b) (c) (d) (e)) and office (Class E(g)(i)) uses together with associated ancillary spaces to those uses. Provision of public realm enhancements, including new landscaping. Provision of short and long stay cycle parking, on-site servicing, refuse storage, plant and other ancillary and associated works.

Additional submissions were received from the Presenting Officer (29.08.2024), the Arboricultural Officer (27.08.2024), the Lead Local Flood Authority (29.08.2024), and the Queen Anne's Gate Residents' Association (30.08.2024).

Late submissions were received from the Principal Air Quality Officer (28.08.2024 and 03.09.2024), the Environmental Health Officer (03.09.2024), London Heritage Quarter (02.09.2024), and Ptolemy Dean Architects Ltd (02.09.2024).

The Presenting Officer tabled the following amendments to the recommended conditions:

#### ***Revised Condition 7 – short stay cycle parking***

*Notwithstanding the information provided, you must apply to us for approval of details of short stay cycle parking to show the number and location of the short stay parking. 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 development in accordance with the details approved.*

#### ***Revised Condition 41 – OMP for Units 04, 05 and 06***

*In the event the flexible Class E units 04 and 05 at ground floor are used for the sale of food and drink principally to visiting members of the public, where consumption of that food and drink is mostly undertaken on the premises, and unit 6 used for gym purposes, you must apply to us for approval of details of an operational management*

*plan for each unit. You must not use the unit for these purposes until we have approved what you have sent us. You must then manage the use in accordance with the details approved. The plan should include details of the numbers of covers and management of servicing, smoking and arrival and departure processes.*

***Additional Condition 47 – provide six units***

*You must provide the flexible retail units as six separate units. You must not amalgamate the units.*

***Additional Condition 48 – drainage strategy***

*Notwithstanding the information provided, you must apply to us for approval of details of a Drainage Strategy for the approved development. You must not start any work until we have approved what you have sent us. You must then carry out the development in accordance with the details approved.*

***Additional Condition 49 – contaminated land***

*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. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.*

*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 the 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.*

The Committee agreed an amendment to the revised condition 7 – short stay cycle parking.

Helena Morris (Stanhope PLC) addressed the Sub-Committee in support of the application.

Hazel Joseph (AHMM) addressed the Sub-Committee in support of the application.

Charlie Baxter (Member of the public) addressed the Sub-Committee in objection to the application.

The Committee agreed additional conditions to secure a shopfront strategy in addition to bird and bat boxes.

Upon a recorded vote, the officer's recommendation, inclusive of the officer's tabled amendments and additional conditions, were approved by four votes to two.

To grant: Councillors Butler-Thalassiss, Fisher, Glen and Williams.

To refuse: Councillors Bush and Robathan.

## **RESOLVED:**

**That the Planning (Major Applications) Sub-Committee grant conditional permission subject to a S106 legal agreement to secure the following:**

- i. The provision of circa 2,405 sqm (GIA) of Affordable Workspace with a minimum of 50% discount of the market rent and a minimum lease term of 25 years.**
- ii. A financial contribution of £2,243,010 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development).**
- iii. 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data.**
- iv. A financial contribution of £402,406.66 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development).**
- v. An Employment and Skills Training Plan for the construction and operational phases of the development.**
- vi. All highway works immediately surrounding the site required for the development to occur including reinstatement of redundant vehicle crossovers in Abbey Orchard Street, creation of a new vehicle crossover (at footway level) in Abbey Orchard Street, changes or improvements to the footway and associated work (administrative, legal and physical).**
- vii. All costs associated with dedication of areas on Great Smith Street and Abbey Orchard Street as public highway.**
- viii. A Walkways Agreement to secure the provision of public access over the open space at the corner of Victoria Street and Great Smith Street.**
- ix. The costs of monitoring the S106 agreement.**

**That if the S106 legal agreement has not been completed within 3 MONTHS from the date of the Committee's resolution then:**

- a) The Director of 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 Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;**
- b) The Director of 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 Planning is authorised to determine the**

**application and agree appropriate reasons for refusal under Delegated Powers.**

## **2 1-4 EATON MEWS WEST, LONDON, SW1W 9ET**

Redevelopment of 1-4 Eaton Mews West including demolition behind a part retained facade and replacement building comprising ground and first floor with a new part mansard roof level, to provide six residential (Class C3) units, and provision of office (Class E(g)(i)) accommodation. Creation of rear gardens at ground floor level, installation of plant, and other associated works.

Additional submissions were received from the Applicant (30.08.2024).

Late submissions were received from the Belgravia Society (30.08.2024).

George Brooksbank (Leconfield) addressed the Sub-Committee in support of the application.

Jeremy Courtenay-Stamp (Member of the public) addressed the Sub-Committee in support of the application.

Siobhan Gallagher (Member of the public) addressed the Sub-Committee in general support of the application, though raised objection to a small number of matters with the application.

Monica Lucas (Belgravia Neighbourhood Forum) addressed the Sub-Committee in support of the application.

### **RESOLVED:**

**That the Planning (Major Applications) Sub-Committee grant conditional permission subject to the completion of a S106 legal agreement to secure the following:**

- a) Financial contribution of £40,590 towards the Council's carbon offset fund. (Index linked and payable on commencement of construction works.)**
- b) Two houses (Nos. 01 and 06) not being eligible for on-street parking permits.**

**If the S106 legal agreement has not been completed within six weeks of the Committee resolution, then:**

- a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Regeneration, Economy and Planning 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 be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Regeneration, Economy and Planning is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

The Meeting ended at 21:30

**CHAIR:** \_\_\_\_\_

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