



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 25th June, 2024**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

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

#### 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' 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 Fisher declared that applications 1 and 3 fell within his ward, West End.

#### 3 MINUTES

##### RESOLVED:

3.1 That the minutes of the meeting held on 14 May 2024 be signed by the Chair as a correct record of proceedings.

#### 4 PLANNING APPLICATIONS

4.1 The applications were taken in the following order: 1, 3.

## **1 63-65 CURZON STREET W1**

Demolition of existing buildings and redevelopment, including excavation to create an additional basement level, to provide a new building off two basement storeys, ground and eight upper storeys to be used for up to 43 residential flats, creation of a ground floor arcade link between Stratton Street and Curzon Street for use as retail and/or restaurant uses (Classes A1 and A3), provision of up to 11 car parking spaces within the sub-basement level; provision of plant at basement and rooftop; creation of terrace/balcony areas on both elevations.

A late representation was received from the applicant (21.06.24)

Shaun Doherty, from Heritage Advisors, addressed the Sub-Committee in support of the application.

### **RESOLVED:**

1. That conditional permission be granted on Chair's casting vote, subject to a S106 legal agreement to secure the following:
  - i) Car club membership for the occupiers of all 43 residential dwellings for a continuous period of 25 years;
  - ii) Unallocated parking within the basement car park;
  - iii) Appropriate arrangements to secure measures to mitigate the potential increased demand for on street residents car parking in the vicinity of the site;
  - iv) Walkway Agreement;
  - v) Car Lift Maintenance;
  - vi) Highways alterations required for the development to occur (at no cost to the City Council);
  - vii) Stopping up and dedication of land and all associated costs;
  - viii) A financial contribution to the Council's carbon off-set fund of £239,580 (index linked and payable on commencement of development);
  - ix) A financial contribution of £2m to the Council's affordable housing fund index linked and payable on commencement of development);
  - x) A full late-stage viability review mechanism;
  - xi) 'Be Seen' energy monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data; and
  - xii) Payment of S106 monitoring costs.
  
2. If the S106 legal agreement has not been completed within twelve weeks of the date of the Committee resolution, then:
  - (a) The Director of Town Planning and Building Control shall 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 Town Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - (b) The Director of Town Planning and Building Control shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which 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.

3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

**2      38-70 BAKER STREET, 64-66 BLANDFORD STREET AND 43-45 DORSET STREET**

The case was withdrawn from the agenda prior to the meeting, to be heard at a later date.

**3      49 BERKELEY SQUARE LONDON, W1J 5AZ**

Alterations and extensions to 49-50 Berkeley Square and 49-50 Hays Mews, including basement excavation to provide one additional level, erection of a courtyard extension, provision of terraces at 2nd and 4<sup>th</sup> floor levels, partial roof replacement and replacement of roof plant including installation of photovoltaic panels, in connection with the use of the premises as a private Members Club including health/wellness facilities and restaurant/bar facilities (Sui Generis).

George Jones, from Caprice Holdings Limited, addressed the Sub-Committee in support of the application.

Jonathan Blake, from Jeremy Blake Architects, addressed the Sub-Committee in support of the application.

Humphrey Martin Dixon addressed the Sub-Committee in objection to the application.

Belinda Harley, representing the Residents Society of Mayfair and St James and the Mayfair Neighbourhood Forum addressed the Sub-Committee in objection to the application.

**RESOLVED:**

1. That conditional permission be granted subject to a S106 legal agreement to secure the following obligations:

- a) A financial contribution of £ 53,800 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development);
- b) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data

The costs of monitoring the S106 agreement.

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 Town Planning & 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 & Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Town Planning & Building Control 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 Town Planning & Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That the Committee stipulates that a Service Management Plan and Operational Management Plan be created. Approval of details applications for the SMP is to discharge condition 21 and the OMP to discharge condition 3. Consultations with residents should be undertaken on the AOD applications which should then be reported back to the Sub- Committee.

4. That use of the proposed upper roof terrace be removed.

5. That the details submitted to discharge conditions 3 and 21 shall be sufficiently clear and robust to ensure that the operation of use hereby permitted does not unreasonably harm the amenity of the residents in Hays Mews.

6. That conditional listed building consent be granted; and,

7. Agree the reasons for granting conditional listed building consent as set out in informative on the draft listed building consent decision letter.

The Meeting ended at 9.42 pm

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

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