

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE

DATE: 06/03/2012

ADDENDUM REPORT BY THE EXECUTIVE DIRECTOR
PLANNING AND BOROUGH DEVELOPMENT

**88-89 Queen's Gate, 4-5 Queen's Gate and 22-23 Queen's Gate
Mews**

Application Ref: PP/09/02879 and LB/09/02880

Agenda Item: C32

Approval of a Deed of Variation to a Planning Obligation in connection with the conversion of no. 88-89 Queen's Gate from residential use to hotel use and the subsequent re-provision of residential accommodation at no. 4-5 Queen's Gate and no. 22-23 Queen's Gate Mews. The variation relates to allowing the occupation of the hotel to commence prior to the completion and occupation of the residential accommodation at no. 4-5 Queen's Gate and 22-23 Queen's Gate Mews.

FOR DECISION

1. INTRODUCTION

- 1.1 This report seeks the consent of the Committee to amend a Planning Obligation that forms part of the following planning permissions:
- 88-89 Queen's Gate (PP/09/02879 and LB/09/02880))
 - 4-5 Queen's Gate and 22-23 Queen's Gate Mews (PP/04/01037 and LB/04/01038)
- 1.2 The amendment proposed by the applicant is considered to be acceptable, and the Committee is recommended to approve their request.

2. THE SITE

2.1 The Planning Obligation relates to the following sites:

- 88-89 Queen's Gate
- 4-5 Queen's Gate and 22-23 Queen's Gate Mews

2.2 The properties are all Grade II listed buildings.

3. RELEVANT PLANNING HISTORY

3.1 In 2005, planning permission and listed building consent were granted for the change of use of nos. 4-5 Queen's Gate and 22-23 Queen's Gate Mews from an hotel (Class C1) to residential (Class C3) comprising of 2 mews houses and 11 self-contained flats (PP/04/01037 and LB/04/01038).

3.2 In 2009, two pre-applications (PRE/PLB/09/0283 and PRE/PLB/09/0514) were submitted to seek the Council's advice as to the permissibility of the proposal to change the use of the vacant premises at no.88-89 Queen's Gate from 16 residential units to use as a hotel. Generally, the principle of the proposal was accepted, however the applicant was required to submit further detailed information with regard to the proposed physical changes to the listed buildings and also in relation to the proposed land swap to compensate for the loss of the residential units.

3.3 As part of the proposal to change the use of the vacant residential premises at no.88-89 Queen's Gate to an hotel, the applicants proposed to compensate for the loss of the residential accommodation through a land swap scheme with nos. 4-5 Queen's Gate and 22-23 Queen's Gate Mews for which planning permission and listed building consent had been granted in 2005, as referred to in Paragraph 3.1 above. Those permissions had not been implemented at that time but remained extant, expiring in March 2010.

3.4 In February 2010, planning permission and listed building consent were granted by the Planning Applications Committee for the conversion of no.88-89 Queen's Gate from residential use (Class C3) to a hotel (Class C1) (ref. PP/09/02879 and LB/09/2880). A Planning Obligation formed part of the permission and included a requirement that:

'Not to commence nor permit the commencement of the use of the First Land (88-89 Queen's Gate) within Class C1 (Hotels) of the Order unless and until the residential accommodation (Class C3 of

the Order) to be provided as the Second Land (4-5 Queen's Gate and 22-23 Queen's Gate Mews) in accordance with the second planning permission (PP/04/01037 and LB/04/01038) is ready and available for Occupation to the satisfaction of the Executive Director and is so confirmed in writing'.

- 3.5 The permissions granted and referred to above in respect of no.88-89 Queen's Gate and nos. 4-5 Queen's Gate and 22-23 Queen's Gate Mews have all been implemented.

4. THE PROPOSAL

- 4.1 The applicants are seeking a deed of variation to amend the Planning Obligation as follows:

- 1. To use reasonable endeavours to procure that the residential accommodation at the Second Land as authorised by the Second Planning Permission is ready and available for Occupation to the satisfaction of the Executive Director prior to 31 December 2012*
- 2. If it becomes apparent to the Owner that the residential accommodation at the Second Land as authorised by the Second Planning Permission may not be ready and available by 31 December 2012 in accordance with Paragraph 1 to notify the Council in writing of the revised target date and, in any event, to procure that the residential accommodation at the Second Land is ready and available for Occupation to the satisfaction of the Executive Director by 31 December 2013.*
- 3. To notify the Council in writing in the event that the Owner as mortgagee exercises its security in relation to the Second Land.*

5. CONSIDERATIONS

- 5.1 The principal consideration is whether the proposed wording of the deed of variation will safeguard the Council's position in law.
- 5.2 The applicant has provided background information as to why the deed of variation is being sought.
- 5.3 The works to implement the residential development at nos. 4-5 Queen's Gate and 22-23 Queen's Gate Mews are well under way and have progressed considerably. However, due to complications

in financing those works that could not have been envisaged at the time of the signing of the s106 Agreement in March 2010, the works are not expected to be completed until September 2012. The works to implement the hotel development at no.88-89 Queen's Gate have been completed, however, in advance of the completion and occupation of the residential development.

5.4 The hotel operator wishes for the hotel to be in operation by the end of March 2012.

5.5 In light of the information submitted by the applicant outlining the circumstances relating to both sites, the proposed variation is considered to be acceptable.

6.0 RECOMMENDATION

6.1 That the Committee agree to the proposed Deed of Variation.