

PRESENT

Members of the Committee

Councillor Paul Warrick (Chairman)
Councillor James Husband (Vice-Chairman)
Councillor Sam Mackover (Vice-Chairman)
Councillor Robert Atkinson
Councillor Terence Buxton
Councillor David Campion
Councillor Carol Caruana
Councillor Dent Coad

Others in Attendance

Mr Jonathan Bore, Executive Director of Planning and Borough
Development
Mr Graham Stallwood, Head of Development Management
Ms Patricia Cuervo, Senior Flood and Water Management Officer
Mr Steve Roberts, Senior Planning Officer (Strategic Developments)
Ms Sarah Scannell, Senior Planning Officer (Strategic Developments)
Ms Heidi Titcombe, Principal Solicitor
Mr Jerome Treherne, Governance Administrator

A1 APOLOGIES FOR ABSENCE AND MEMBERSHIP

Apologies were received from Councillors Ian Donaldson, Professor
Sir Anthony Coates, Sir Merrick Cockell and Robert Freeman.
Councillor Sir Merrick Cockell decided not to sit on the Committee
because of his prior involvement as Leader of the Council in the
applications relating to Young Street and Hortensia Road.

A2 MEMBERS' DECLARATIONS OF INTEREST

The Chairman stated that regarding agenda item STR3, the site was
in his ward and he knew one of the objectors but had not discussed
the application with the objector and he was able to determine the
application on the merits of the application.

A3 Minutes of the Meeting held on 19 November 2013

The minutes of the meeting held on 19 November 2013 were signed
as a correct record. Regarding delegated authority to the Executive
Director for negotiating the terms of the S106 planning objections

(resolution C, page 8) Mr Bore confirmed the Chairman would be consulted in advance

A4 Thames Tideway Tunnel S106 Agreement

The Senior Flood and Water Management Officer introduced the report and presented slides of the sites in this borough and illustrative designs of the final above ground constructions. She highlighted the role of the Council in agreeing the Heads of Terms linked to the S106 Agreement. She reminded the Committee that the key issues for this borough were the maintenance of access for the public, mitigating the impact during the works phase and ensuring beneficial outcomes for skills development, employment and training for local people. She referred the Committee to the Addendum Report that detailed mitigating measures that were recommended to be adopted during the tunnel's construction.

In response to the Chairman's query on financial remuneration for the borough, she pointed out that no main sites were located in this borough and it was inappropriate to require any planning contributions having regard to the planning impacts of the proposal which were being addressed by the other planning obligations sought, as set out in the report.

In response to Councillor Dent Coad's question on local employment and training outcomes anticipated from the project, she advised that 25 per cent of all those employed in the Tunnel's construction, would be London residents with Thames Water (TW) monitoring and providing figures for the boroughs every six months on this aspect.

In regard to the heads of terms agreed between TW and other boroughs, she advised it depended on the likely impact of the construction in each borough.

In response to Councillor Champion's question on Member input into the scheme's design, the Executive Director reminded the Committee that all decisions concerning the project's impact in this borough had been taken through the Key Decision process so as to ensure Member opinion was integral.

The Committee was informed that a dialogue between the Council, TW and the Planning Inspectorate would continue once the Heads of Terms had been agreed and the Executive Director would use delegated powers to negotiate the fine detail of the planning obligations. The Committee noted the Port of London Authority's requirement that the river's navigability be safeguarded had been incorporated into the scheme's design.

The Committee voted unanimously and RESOLVED -

to agree the Heads of Terms and to delegate to and authorise the Executive Director of Planning and Borough Development to negotiate and agree the final terms of the S106 in accordance with the heads of terms approved by members in the report and the authority to enter into and complete the S106 agreement and its two later confirmatory deeds.

Action by: Executive Director of Planning and Borough Development

A5 STR3 – Land South of Carlyle Building, Hortensia Road, SW10

The Senior Planning Officer introduced the report and highlighted that the provision for affordable on this site was linked to the development proposed at 19-27 Young Street. He summarised the S106 obligations on page 12 in the report which set out the different categories of housing units proposed. He referred to the highways improvements including the adopted highway along the King's Road edge of the application site. He showed slides of aerial views of the site, the proposed planned form, elevations of the building and the layout of each storey.

The Planning Officer noted the corrections to the report detailed in the Addendum Report. He referred to English Heritage's concerns but stated that the proposal would preserve the Carlyle building in its current setting which would not be dominated by the new building and showing verified views to confirm this.

Councillor Champion pointed out that the report did not list CK1 and CR5 as policies considered although they had been and the Committee asked for this oversight to be corrected. The Planning Officer reassured Councillor Champion that clauses in the S106 Agreement would ensure that residential units allocated for affordable housing would remain as affordable housing in perpetuity.

Councillor Buxton emphasised that the materials used would prove critical to the building's appearance and recommended samples of materials covered by Conditions 10, 12, 13 and 14 be brought back to the Planning Application Committee for its approval.

Councillor Dent Coad questioned loss of land in social and community use and whether the proposals would restrict the future social and community use of Carlyle Building. In response the Planning Officer advised that the site was not a single planning unit and forms part of the curtilage of the Carlyle building, therefore sharing its social and community use. Redevelopment of part of the Carlyle building site (as proposed) would not constitute the loss of a social and community use in accordance with Core Strategy Policy

CK1 and would not compromise the existing use of the Carlyle building as a social and community facility.

In response to Councillor Mackover's query on the low ratio of double aspect residential units, the Planning Officer verified that, due to the constraints of the site, it had not been possible to obtain as many double aspect units as officers would have liked. He also confirmed that as part of the adopted highway on the King's Road side, York Stone would be laid down.

During the Committee's deliberations Councillors Atkinson and Dend Coad expressed disappointment with the scheme's design and the loss of playground space. The Committee was pleased that the view of the listed building would be preserved.

The Committee voted (with Councillors Atkinson, Caruana and Dent Coad opposing), to grant the application.

RESOLVED – to Grant planning permission:

subject to the conditions specified in the report and subject to:

1) conditions 10, 12, 13 and 14 being referred back to PAC for approval; and

2) the prior completion of a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 (as amended) on the terms set out in the Committee and Addendum reports; and

3) the delegation to the Executive Director, Planning and Borough Development of the authority to negotiate the terms of the Unilateral Undertaking (based on the planning obligations set out in this report) and issue the planning permission following the completion of the S106 Unilateral Undertaking.

Action by: Executive Director of Planning and Borough Development

STR1 and STR2 – 19-27 Young Street, W8 2NA

The Senior Planning Officer introduced the report and referred to the proposed S106 Unilateral Undertaking contributions listed in page 11 of the report noting that inter alia, funding would be for primary as well as secondary education. He showed slides of aerial views of the site, section views and existing and proposed street views of the application site. He highlighted that the existing building had no heritage asset value as set out in the Officers' report

and confirmed that Officers have no objection to its removal. He referred to the factual corrections and amendments as listed in the Addendum Report.

Ms Amanda Frame from the Kensington Society made the following objections:

- the proposal would lead to loss of office floor space from the lower ground floor and uppermost floor of the current building which was against Council policy CF5;
- last year this was the only London borough to win an exemption from the Government's policy to permit conversion of office space to residential use;
- if granted it would make it much harder to argue against the loss of office space for future developments, and
- the proposal should be refused otherwise the Council would be open to accusations of double standards when dealing with issues of loss of office use from its own property.

For the applicant Mr David Walters (Grainger), Mr John Badman (Assael) and Mr Bob Woodman (DP9) were invited to the table to respond to the objections.

- Mr Walters highlighted the commitment by Grainger to provide homes for rent under 125 year leases and to ensure the majority of these units would remain for rent;
- Grainger was strongly committed to consultation and it had discussed the project with residents groups, Council officers and the Architecture Appraisal Panel. As a result the massing and design detail had been significantly altered and the proposal now represented an elegant transition to an old residential square, and
- Grainger was committed to mitigating noise levels, dust, vibrations, traffic congestion and to continued community engagement.

Mr Woodman was questioned over the approach to the loss of office floor space, and explained that office use in the building had always been ancillary to other uses. He was aware of Council policy on this issue and stated that no specific dispensation on this matter had been sought. He reported that local people had expressed no support for commercial office use for the proposed building.

In response to Councillor Champion's query on the definition of ancillary use, the Executive Director advised that no strict legal interpretation existed and each case was looked at individually. He believed the existing building had been used as a car park. The Chairman referred to use of part of the higher storeys of the existing building by a solicitors firm some time ago but stated there

was no evidence that office use had been permanent and established.

Councillor Atkinson questioned the number and location of social housing units provided under the S106 Unilateral Undertaking. In response Mr Walters asserted that integrating affordable housing with other categories of housing was difficult and the Hortensia Road site provided greater opportunities for affordable housing.

Councillor Buxton suggested that as highlighted by the AAP, the materials used would be critical to the scheme's success and asked that a future Planning Application Committee approve the details of windows, materials, and the design of railings and balustrades (Conditions 8, 9 and 11).

Councillor Campion referred to Mr Michael Bach's letter in the pack that asked for clarity on permitted noise limits. The Committee noted the big likely difference in impact between 70 and 75 dB as a noise limit especially given expected noise reverberation near the application site. The Executive Director pointed to the need to assess background noise levels before setting a limit. He agreed to relay to environmental health officers the Committee's and the Kensington Society's concerns on limiting noise and the need for clarity over its limit when Condition 4 was discussed with the developer.

In its deliberations the Chairman pointed to improvements to the design that had been made in response to the concerns raised by the AAP. However, Councillor Atkinson still considered the proposed building still to be too high and bulky and was disappointed that more social housing had not been secured.

The Committee voted and RESOLVED –

By 5 votes to 3 (Councillors Atkinson, Caruana and Dent Coad not in support for reasons of loss of office space and design) to grant the application subject to:

- 1) the conditions specified in the report and subject to
- 2) conditions 8, 9 and 11 being referred back to PAC for approval;
- 3) the prior completion of a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 (as amended) on the terms set out in the Committee and Addendum reports; and
- 4) delegation to the Executive Director, Planning and Borough Development the authority to negotiate the terms of the Unilateral Undertaking (based on the planning obligations set

out in this report) and issue the planning permission following the completion of the S106 Unilateral Undertaking.

The Committee also resolved to grant Conservation Area consent under planning application number STR2 as specified in the Committee report.

Action by: Executive Director of Planning and Borough Development

STR4 and STR5 – Lancer Square and 10-14 Old Court Place, W8

The Senior Planning Officer set out the residential, affordable housing, office, retail and landscape elements of the scheme. She showed slides of aerial views of the site, section plans and views from street level of the proposal. She referred to the corrections detailed in the Addendum Report and the additional letter from the Kensington Society. She confirmed that the applicant had ownership of the land. In regard to the pavement along the northern edge of the site, after more than twenty years of uninterrupted public access, the footpath had been deemed to be highway. She advised that any alterations to the highway were under the control of the Council and therefore a stopping order would need to be applied for any alterations.

She advised Councillor Dent Coad that there was an element of basement at Lancer Square and assessments of daylight and sunlight studies were recorded in the Committee report. The Planning Officer explained that the central square would be enhanced through improved landscaping and would benefit from more sunlight.

In response to matters raised by English Heritage in its letter of 13 November she verified that the main block would be set slightly forward from the building line. English Heritage had raised no formal objection to the scheme. She reassured the Committee that officers used both near and far views when assessing the proposal and that the worst case winter views were used in the committee presentation.

In response to Councillor Husband's query on the pedestrian route to Kensington Palace, the Planning Officer confirmed it would be two meters wide. However, the pavement at the corner with Kensington Church Street would be narrower than at present. She clarified that the lay-by off Kensington Church Street near the south eastern corner of Lancer Square would be retained.

Ms Amanda Frame (Kensington Society) and Mr John Cleave (no. 2 Old Court House) made the following objections:

- the proposal represented a significant loss of public space and amenity;
- the new park would be set well back into the development and was not useable public space;
- despite requests made from last summer, detailed plans for the children's play space had not been submitted and it was unclear where play equipment would be located;
- the north-south vehicle axis took up valuable outdoor public space and divided the site in half;
- the National Planning Policy Framework required any planning authority to consider the public benefit and access route for flat owner vehicles should be pedestrianised;
- Mr Cleave challenged the traffic planners' contention that traffic congestion on Kensington Church Street would not increase and he believed vehicle movements needed for removal of spoil would exacerbate traffic congestion;
- assessment of traffic impacts should take place before approval of the application;
- contrary to the report, residents of the Old Court House would experience less privacy, and
- The decision should be deferred until the scheme had been revised.

The Planning Officer in response to the Committee's queries concerning the public open space, reported that the Heads of Terms would ensure public access to it except at night for security reasons. She advised that details on play equipment and landscaping would come back to the Planning application Committee for approval.

For the applicant, Mr David Morris (DP9), Mr Michael Squire (Squire and Partners) and Mr Matt Hawkins (Chessington Investments Ltd) were invited to the table to respond to the objections:

- points raised by objectors had been addressed in the report;
- the pavement from Kensington Old Church Street to Kensington Gardens left masses of space for pedestrians and buggies;
- the proposal was for more accessible high quality retail outlets;
- the proposal included fourteen units for elderly residents which was to be welcomed;
- the scale of the design related to other buildings nearby, and the window proportions and colour of materials were compatible with classical buildings;

- the Pocket garden layout suited the borough and the gardens would be accessible to the public whereas currently, only customers of Lancer Square's retail units or restaurants could sit outside, and
- natural equipment for children's play activities would be provided.

Mr Squire reported that the proposed basement use was for office space and on the lower ground floor, car parking and plant. He said the access route for the 37 flats would be exclusively used by owners, visitors and taxis and the assessment revealed that only one car per hour was likely so paving sets for a shared surface were suitable.

In its deliberation the Committee recognised the current space had poor access routes and the replacement office space and on-site affordable housing was welcomed. It considered the design acceptable even for such a sensitive site. The Committee agreed with Councillor Buxton's suggestions that all the Conditions controlling the use of materials should come back to the Planning Application Committee for approval. However Councillor Campion felt the scheme represented over-development, was bulky and he was not convinced the design of the open space was satisfactory; he therefore believed the application should be refused.

The Chairman asked for more explanation on the viability assessment for the scheme, referred to in the GLA's letter in the Committee papers. In response the Planning Officer reported the viability of the scheme had been assessed in line with the GLA approach and this consisted in calculating the build cost and projected sale values of units. This assessment had been carried out by an independent firm ICON.

The Committee voted and **RESOLVED**

by 5 votes (with Councillors Atkinson and Dent Coad abstaining and Councillor Campion opposing) to Grant planning permission subject to there being no direction to the contrary by the Mayor of London and subject to:-

- 1) the conditions specified in the report and subject to :-
- 2) conditions 4, 6, 8, 9, 12, 13 and 24 being referred back to PAC for approval; and
- 3) the prior completion of a Planning Agreement in accordance with S106 of the Town and Country Planning Act 1990 (as amended) as set out in the report; and
- 4) the delegation to the Executive Director, Planning and Borough

Development the authority to negotiate the terms of the S106 Planning Agreement (based on the obligations set out in this report) and issue the planning permission following the completion of the S106 Planning Agreement.

The Planning Committee also resolved to grant Conservation Area Consent by 5 votes (with Councillors Atkinson and Dent Coad abstaining and Councillor Campion opposing).

Action by: Executive Director of Planning and Borough Development

A6 Any Other Oral or Written Items which the Chairman Considers Urgent

There were none.

The meeting ended at 8.50pm

Chairman