



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 11th July, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Paul Fisher (Chair), Barbara Arzymanow, Md Shamsed Chowdhury and Jason Williams

Also Present: Councillors David Boothroyd and Paul Dimoldenberg

1 MEMBERSHIP

- 1.1 That Councillor Jason Williams was substituting for Councillor Ryan Jude.
- 1.2 There were no further changes to the membership.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Paul Fisher explained that a week before the meeting, all four 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 Paul Fisher declared an interest in respect of Item 1, and informed that Councillor David Boothroyd was making a deputation on the item and advised that they were both members of the Majority Group. Councillor Fisher also further declared that in respect of Item 2 Councillor Paul Dimoldenberg was making a deputation and that Councillor Max Sullivan in respect of Item 4 had submitted written representation. He advised that both Councillors were also colleagues and that no discussions regarding the above applications had been held with these Members.

- 2.3 Councillor Jason Williams and Councillor MD Shamsed Chowdhury also made the same declarations.
- 2.4 Councillor MD Shamsed Chowdhury declared an interest in respect of Item 2 and advised that the application site was situated in his Ward. Councillor Chowdhury informed that he had been approached by residents about the application and confirmed that he had made no comments regarding the Item.
- 2.5 Councillor Jason Williams declared an interest in respect of Item 5 and advised that Ward Councillors frequently met with the Federation of Pimlico Residents' Associations Limited (FREDA). Councillor Williams informed that no discussions had been held with FREDA regarding the application.
- 2.6 Councillor Barbara Arzymanov declared an interest in respect of Item 1 and advised that the Application site was in her Ward. Councillor Arzymanov informed that following advice from the Legal Officer she would leave the meeting after making her deputation and would not take part in any of the discussions or deliberation on the Item.

3 MINUTES

RESOLVED: That the minutes of the meeting held on 6 May 2023 be signed by the Chair as a correct record of proceedings.

4 TREE PRESERVATION ORDER TPO 694 - 91 SUTHERLAND AVENUE, LONDON, W9 2HG

To confirm or not to confirm Tree Preservation Order No. 694.

Julie Allen addressed the committee in objection to the TPO.

RESOLVED UNANIMOUSLY

TO CONFIRM Tree Preservation Order No. 694 (2023) with or without modification with permanent effect.

5 PLANNING APPLICATIONS

The Chair advised that the Items on the Agenda would be varied and will considered in the following order Items 1,2,3,4, 5 & TPO.

1 GROUND FLOOR, SEYMOUR LEISURE CENTRE, SEYMOUR PLACE, LONDON, W1H 5TJ

Refurbishment and upgrade of the Seymour Centre to provide leisure, swimming pool, library, flexible community/office space, health and fitness studios, beauty treatment rooms and a cafe. Flexible use for leisure, community and events spaces

(Sui Generis). Refurbishment works to include: removal of the redundant swimming pool tank to facilitate the fitness suite at lower ground floor, relining the existing pool tank, installation of photovoltaics on the inner roof slope and installation of an ETFE 'pillow' roof above the former courtyard and proposed soft play area, removal of the existing roof lanterns and wind catchers in the sports hall to be replaced with new double glazed roof lanterns and wind catchers and installation of secondary glazing to all the windows in the sports hall, removal of roof lantern above swimming pool to be replaced with a new double glazed roof lantern, removal and replacement of existing plant, provision of external private roof terrace (restricted access), minor internal alterations to walls and partitions to facilitate the reconfiguration of uses, improve accessibility with one lift in each core (4 lifts in total plus three platform lifts at first floor) and two new internal upper staircases on the eastern elevation plus two new internal staircases on the south-west of the first floor, external alterations to some windows and fenestration, and provision of cycle parking and waste and recycling facilities.

Late Representations were received from Marylebone Forum (07.07.23), Marylebone Society (10.07.23), St Marylebone Society Planning Committee (10.07.23), Marylebone Association (07.07.23) and Harrowby & District Residents Association (unknown)

The Presenting Officer tabled the following amendments to Condition 5 and an additional Condition.

Item 1: Ground Floor, Seymour Leisure Centre, Seymour Place, London, W1H 5TJ

In the verbal presentation tonight, officers will refer to:

A requirement for an amendment to Condition 5 (amendments in bold)

Amended Condition 5:

(1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at normal duty, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside the window of any residential property on Crawford Street, Seymour Place and Shouldham Street, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the representative LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its normal duty for the assessed time period.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at normal duty, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed

maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the representative LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its normal duty for the assessed time period.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when the plant and equipment will operate at the assessed duty. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment at the assessed duty.
- (j) Where the proposed maximum noise level exceeds the criteria in part (1), the applicant must demonstrate that the plant selections represent the best available equipment, and any mitigation measures represent best practicable means to control the noise. (C46AC)

New Condition 6:

(1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at normal duty, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside the

window of any residential property on the South façade of Macready House, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the representative LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its normal duty for the assessed time period.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at normal duty, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the representative LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its normal duty for the assessed time period.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when the plant and equipment will operate at the assessed duty. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The existing LA90 (15 minutes) measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment at the assessed duty.

(j) Where the proposed maximum noise level exceeds the criteria in part (1), the applicant must demonstrate that the plant selections represent the best available equipment, and any mitigation measures represent best practicable means to control the noise.

Tushna Ghadially addressed the committee in support of the application.

Tobias Hartung addressed the committee in objection to the application.

Yael Saunders addressed the committee in support of the application.

Councillor David Boothroyd in his capacity as Ward Councillor addressed the committee in support of the application.

Councillor Barbara Arzymano in her capacity as Ward Councillor addressed the committee in support of the application.

RESOLVED UNANIMOUSLY

1. That conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992 be granted.
2. That conditional listed building consent be granted.
3. That reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

2 DEVONPORT, 23 SOUTHWICK STREET, LONDON, W2 2PR

Part demolition of the existing standalone garages and erection of two new dwellings (Class C3) over two storeys, landscaping works, air source heat pump equipment and other associated works.

Additional Representations were received from resident (06.07.23), (24.11.22) and (23.11.23)

A Late Representation was received from a resident (07.07.23)

The Presenting Officer tabled the following revisions to the Drawing Number

Item 2: Devonport, 23 Southwick Street London W2 2PR

Revised Drawing Numbers:

dpg lp 001_00; pl x d 001; pl x d 002; e x d 001; e x d 002; e x d 003; s x d 001; pl x 000; pl x 001; pl x 002; e x 001; e x 002; e x 003; e x 004; s x 001; scg sp 001 B; pl 000 B; pl 001 C; pl 002 C; pl 003 C; e 001 C; e 002 B; e 003 C; e 004 B; s 001 B; dpg se 001 B; scg se 002 B;

Laura Whyte addressed the committee in support of the application.

Jane Wilkinson addressed the committee in objection to the application.

Susan Quinn addressed the committee in objection to the application.

Olga Melita Matchilskaia addressed the committee in objection to the application.

Richard Cutt on behalf of the Hyde Park Estate Association addressed the committee in objection to the application.

Paul Dimoldenberg in his capacity as Ward Councillor addressed the committee in objection to the application.

RESOLVED UNANIMOUSLY

That conditional planning permission be refused.

Reason

1. Because of its siting, design and materials, the building would harm the appearance of the Devonport Building and associated gardens, fail to positively contribute to the pattern of the local streetscape, and fail to maintain or improve (preserve or enhance) the character and appearance of Bayswater Conservation Area. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (X16AD)

2. By introducing new housing with overlooking windows within an existing communal residential amenity space, the proposed development would be overbearing and unneighbourly on that space which would significantly reduce its quality and attractiveness to the detriment of its overall character and function. This would be materially harmful and therefore contrary to the Council's City Plan policies 12D and 38C.

3 10 MONTAGU MEWS NORTH, LONDON, W1H 2JY

Alterations including, excavation to provide new basement floor, erection of mansard roof level extension, rear terrace at first floor, alterations to doors and windows; all to enlarge and alter dwellinghouse (Class C3)

Stephen Haley addressed the committee in support of the application.

The Committee Officer read out a statement by Karen Jones in objection to the application.

RESOLVED UNANIMOUSLY

That conditional permission be granted.

4 23 SUTHERLAND PLACE, LONDON, W2 5BZ

Internal alterations, re-modelling of basement rear extension, enlarged window from basement to garden, alterations to rear garden, balcony to ground floor rear over basement extension.

Additional representations were received from resident (01.03.23), (01.03.23), (28.02.23), (28.02.23), (04.07.23) and (05.07.23) and a resident (19.12.22) and (06.01.23)

Late representations were received from Barton Engineers (Unknown) and (Unknown), resident (11.07.23), (09.07.23), (07.07.23) (04.07.23), (05.01.23) and (06.01.23) and resident (09.11.23) Councillor Max Sullivan (06.01.23) and (11.07.23)

The Presenting Officer tabled the following revisions to the Drawings

Item No. 4: 23 Sutherland Place

Revised drawings / information from applicant

Revised drawings have been received since report publication to address some of the final points made by objectors, and to correct some discrepancies or minor refinements to the proposals as found by officers. These drawings are numbered as below and replace their preceding versions as previously set out in the report.

- 01.11 Rev.B – Demo Rear Elevation
- 02.01 Rev.B – Proposed Basement Plan
- 02.02 Rev.B – Proposed Ground Floor Plan
- 02.06 Rev.B – Proposed Section A
- 02.08 Rev.B – Proposed Section D
- 02.09 Rev.B – Proposed Section E
- 02.11 Rev.B – Proposed Rear Elevation

These revisions can be summarised as below.

- Clarification of extent of lower-ground floor surface to be lowered (to correlate with submitted demo plans)
- Minor corrections to how the rear sash and side closet wing windows are shown in the drawings
- Existing stone sill to rear window reused and lowered for the new French Doors

The applicant's Conservation Engineer has also submitted a brief response to some of the final points raised by objectors, as well as a Structural Statement

Simon Moxey addressed the committee in support of the application.

Martin Lugg addressed the committee in objection to the application.

RESOLVED UNANIMOUSLY

1. That Conditional Permission be granted.
2. That Conditional Listed Building Consent be granted.
3. That reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision notice be agreed.

basement to garden, alterations to rear garden, balcony to ground floor rear over basement extension.

Additional representations were received from resident (01.03.23), (01.03.23), (28.02.23), (28.02.23), (04.07.23) and (05.07.23) and a resident (19.12.22) and (06.01.23)

Late representations were received from Barton Engineers (Unknown) and (Unknown), resident (11.07.23), (09.07.23), (07.07.23) (04.07.23), (05.01.23) and (06.01.23) and resident (09.11.23) Councillor Max Sullivan (06.01.23) and (11.07.23)

The Presenting Officer tabled the following revisions to the Drawings

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- 02.09 Rev.B – Proposed Section E
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Simon Moxey addressed the committee in support of the application.

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RESOLVED UNANIMOUSLY

1. That Conditional Permission be granted.
2. That Conditional Listed Building Consent be granted.
3. That reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision notice be agreed.

5 54-56 LUPUS STREET, LONDON, SW1V 3EE

Installation of two air-conditioning units to rear in ground level enclosure adjacent to basement.

Additional representations were received from resident (04.07.23) Federation of Residents Association in Pimlico (30.06.23), MZA planning (03.07.23), and Morgans Property Consultants (03.07.23) and (30.06.23).

M Ward addressed the committee in objection to the application.

Lise Cox on behalf of the Federation Of Residents Associations in Pimlico (FREDA) addressed the committee in objection to the application.

RESOLVED (Agreed: Councillor Paul Fisher, Councillor Jason Williams: Refused: Councillor MD Shamsed Chowdhury and Councillor Barbara Arzymanow – Councillor Paul Fisher used his casting vote)

1. That conditional permission be granted.
2. That Condition 10 be amended and reads that '*You must remove the unauthorised air conditioning units to the rear of the premises within one (1) month of the date of this permission*'.

The Meeting ended at 11.00 pm

CHAIR: _____

DATE: _____