



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 11th June, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Tony Devenish (Chairman), Peter Freeman, Tim Roca and James Spencer

Also Present: Councillor Guthrie McKie (Item 1)

1 MEMBERSHIP

- 1.1 It was noted that Councillor James Spencer and replaced Councillor Susie Burbidge.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Tony Devenish explained that a week before the meeting, all four Members of the 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 e-mails containing objections or giving support. Members of the 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 Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Tim Roca declared a conflict of interest in respect of Item 1, in that the site is located in his ward and that the ward Councillors had expressed support for concerns raised by residents regarding the proposed size of the development. He therefore advised that he would not participate in the consideration of the application and would leave the room during its deliberations.

3 MINUTES

- 3.1 That the minutes of the meetings held on 14 May 2019 and 21 May 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 413-419 HARROW ROAD, LONDON, W9 3QJ

Redevelopment of the site to provide a 5-storey building comprising retail (Classes A1/A2) at ground floor and 19 residential units (Class C3) on the upper floors; provision of cycle parking, refuse storage, ancillary space, mechanical plant and other associated works incidental to the development.

Additional representations were received from Councillor Guthrie McKie (5.6.2019).

Late representations were received from Maida Hill Neighbourhood Forum (10.6.2019), Councillor Guthrie McKie (undated), the occupier of Flat 30, 79 Fermoy Road (8.6.2019), Flat 11, 79 Fermoy Road (9.6.2019), Flat 15, 79 Fermoy Road (10.6.2019), Flat 23 Fermoy Road (10.6.2019) and a proposal summary from the applicants (undated)

The presenting officer tabled the following amendment to condition 8 and an additional condition requiring the submission of an air quality assessment for the building's emissions:

Condition 8 on page 53 should refer to an advertisement strategy, rather than signage, as the applicant is permitted to install some signage without advertisement consent under the advertisement regulations. This condition should therefore be amended as follows:

8. *"You must apply to us for approval of an advertisement strategy for the shopfronts on the Harrow and Fermoy Road elevations. You must design and install advertisements on the shopfronts in accordance with the approved strategy."*

REASON:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 8 of our Unitary Development Plan that we adopted in January 2007."

At the request of the Environmental Health Officer, a condition requiring the submission of an Air Quality Assessment for the buildings emissions is also recommended. This condition is set out below:

25. *"An air quality neutral assessment for building emissions must be provided to the local planning authority for approval, prior to occupation of the development. Any mitigation measures required by the assessment to ensure the building emissions are air quality neutral must be set out within the report"*

for approval and must be installed prior to the occupation of the development and permanently retained thereafter.

REASON:

To ensure that air quality is protected, as required by policy 7.14 of the London Plan (March 2016), policy S31 of Westminster's City Plan (November 2016) and policy ENV 5 of the Unitary Development Plan (January 2007)".

John Biggs addressed the Committee in support of the application.

Councillor Guthrie McKie addressed the Committee in his capacity as a local Ward Councillor in objection to the application.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted subject to:
 - (i) a S106 legal agreement to secure the following:
 - a) The stopping up of existing highway and dedication of new highway land to the frontage of the site in Harrow Road and Fermoy Road;
 - b) A carbon offset payment of £9,480.00 (index linked and payable on commencement of development); and
 - c) The costs of monitoring the S106 agreement.
 - (ii) The changes to conditions in the draft decision letter as tabled and set out above.
2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
 - a) The Director of Place Shaping and Town Planning 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 Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Town Planning 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 Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 3.
3. That the Committee authorised 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.

4. That the Executive Director of City Management & Communities or another 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 DRURY HOUSE, 34-43 RUSSELL STREET LONDON WC2B 5HA

Use of basement, part ground and upper floors as a hotel (Class C1) with ancillary bars at basement and new 7th floor level; two-storey roof extension with roof terrace; refurbishments to external facade including lighting; alterations and relocation of entrance to Russell Street facade; installation of plant at roof level; and associated works.

Additional representations were received from Covent Garden Community Association (4.6.2019) and Gerald Eve (5.6.2019)

Late representations were received from Gerald Eve (10.6.2019) and Apcar Smith Planning (10.6.2019).

The presenting officer tabled the following amendments to conditions 27 and 28:

Additional conditions

Condition 27 'Cycle Store Access':

Notwithstanding what is shown on drawing A-2201 Rev A, you must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Means of access to the cycle store at ground floor level.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Condition 28 'Internal Activity':

(1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, 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 by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, 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

by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

(a) The location of most affected noise sensitive receptor location and the most affected window of it;

(b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(d) The lowest existing LA90, 15 mins measurement recorded under (c) above;

(e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;

(f) The proposed maximum noise level to be emitted by the activity.

The presenting officer tabled the following amendments to conditions 12, 16, 20, 23, 25 and 26:

Revised conditions

Condition 12 'Live Music':

No live or recorded music shall be played in the hotel use as such as to be audible at a distance of 1m from any neighbouring residential window.

Condition 15 'Cycle parking':

You must apply to us for approval of details of secure cycle storage for a minimum of 18 spaces. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Condition 20 'Thames Water':

No properties shall be occupied until confirmation has been provided that either:

- All combined water network upgrades required to accommodate the additional flows from the development have been completed; or

- A hotel and infrastructure phasing plan has been agreed with Thames Water to allow the hotel to be occupied. Where a hotel and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed hotel and infrastructure phasing plan.

Condition 23 'Balconies':

The fifth floor level balconies on the Drury Lane elevation must not be used for sitting out or for any other purpose. You can however use the balconies to escape in an emergency.

Condition 25 'Coach bookings':

The operator of the hotel must not knowingly accept bookings from parties using a vehicle with a capacity of 15 or more persons to travel to and from the premises.

Condition 26 'No music roof terrace':

No live music or amplified music shall be played on the the hotel roof terrace.

Mr Robert Staffler addressed the Committee in support of the application.

Mr Matthew Firsht addressed the Committee in objection to the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to the changes to conditions as tabled and set out above.

3 TURNER HOUSE, 16 GREAT MARLBOROUGH STREET, LONDON, W1F 7HS

Alterations including 7th floor roof extension, alterations to office and retail entrances/shopfronts on Great Marlborough Street; reconfiguration of western lightwell elevation, installation of photovoltaic panels, green roofs, new extract ventilation duct and new plant enclosure at roof level and creation of office and residential terraces. Use of lower ground, part ground and part 1st to part 7th floors as offices (Class B1); use of part ground floor for dual/alternative retail (Class A1) or restaurant (Class A3) purposes; reconfiguration of existing flats and provision of one additional flat; use of basement to provide plant, cycle parking/showers waste storage and car parking (site includes 11 Ramillies Place).

An additional representation was received from the applicant in the form of summary proposals (undated).

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

4 ROMNEY MEWS LONDON

Variations of Condition 1 and 17 of planning permission dated 1 August 2018 (RN: 18/03593) for: Erection of three-bedroom dwellinghouse (Class C3) over ground to fourth floor level - NAMELY, to enable the installation of a clay-tiled pitched front and rear screen with rear dormer window, acoustic panelling, lead cladding and a glazed access rooflight at roof level to facilitate the use of the roof as a terrace.

The presenting officer tabled the following additional condition:

18. You must fully install the dummy roof slopes at the front and rear of the roof terrace in accordance with the drawings hereby approved before the use of the roof as a terrace commences. You must thereafter retain the dummy roof slopes for as long as the roof is used as a terrace.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

Mr Alastair James Thornton addressed the Committee in support of the application.

Mr Philip Parker addressed the Committee in rejection of the application.

RESOLVED: (For: Councillors Devenish, Spencer and Freeman; Against: Councillor Tim Roca)

That conditional permission be granted subject to the additional condition as tabled and set out above.

5 222 STRAND, LONDON WC2R 1BA

Use of sub-basement to mezzanine floor levels as a public house (Class A4); installation of a new ventilation system, and new plant equipment at roof level; and extensive internal alterations.

The application was withdrawn from the agenda by officers prior to the meeting.

6 6 DANSEY PLACE, LONDON W1D 6EZ

Use of the ground floor as a substation (sui generis) and installation of new ground floor frontage.

A late representation was received from Shaftesbury (6.6.2019)

Mr Sean Tickle addressed the Committee in support of the application.

Mr Wai Keung Law addressed the Committee in objection to the application.

RESOLVED: (For: Councillors Devenish, Spencer and Freeman; Against: Councillor Roca)

That conditional planning permission be granted.

7 20 WESTBOURNE PARK VILLAS LONDON W2 5EA

Excavation of basement with rear lightwell, erection of ground floor rear extension and first floor rear extension to square off chamfered bay, alterations to windows, reinstatement of front boundary with new bin store, bike store and re-landscaping to rear garden. All in association with the use of the building as a single-family dwelling.

Late representations were received from the occupier of 22 Westbourne Park Villas (10.6.2019), 18 Westbourne Park Villas (10.6.2019 and 11.6.2019).

Mr Adam Beamish addressed the Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

The Meeting ended at 8.22 pm

CHAIRMAN: _____

DATE _____