



**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 14th May, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Tony Devenish (Chairman), Susie Burbridge, Tim Roca and Peter Freeman.

#### **1 MEMBERSHIP**

- 1.1 It was noted that Councillor Peter Freeman was replacing Councillor Timothy Barnes.

#### **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 Devenish also declared that in respect of item 5, he knew the person from the Marylebone Association who had made a representation, however he had not been approached by this person about this application.
- 2.3 Councillor Susie Burbridge declared that in respect of item 1, the application site is in her Ward and she had addressed a Planning Sub-Committee in her capacity as a ward councillor about a previous application for this site.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 2 April 2019 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 HOLIDAY VILLA HOTEL, 35-39 LEINSTER GARDENS, LONDON W2 3AN**

Conversion to 32 flats and associated internal works; rebuilding of mansard roof level; external works, including alterations to rear fenestration.

Late representations were received from the Chief Executive of Westminster Community Homes (03.05.2019), S106 Management (14.05.2019) and the Head of Affordable Housing and Strategy (03.05.2019).

#### **RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted, subject to a Section 106 agreement to secure:
  - a) A financial contribution of £554,958.00 (index linked and payable on commencement of development) toward the City Council's affordable housing fund; and
  - b) Payment of cost of monitoring the agreement.
2. That if the Section 106 legal agreement has not been completed within 6 weeks, then:
  - a) The Executive Director of Growth Planning and Housing 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 Executive Director of Growth Planning and Housing is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Executive Director of Growth Planning and Housing 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 Executive Director of Growth Planning and Housing is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That conditional listed building consent be granted.
4. That the reasons for granting listed building consent, as set out in Informative 1 of the draft decision notice, be agreed.

## **2 36 WESTBOURNE PARK ROAD, LONDON W2 5PL**

Excavation of basement floor below existing house and front garden with associated front lightwell; demolition of existing front garage and replacement front boundary; replacement of existing three storey wing with enlarged three storey side extension; replacement of existing ground and first floor rear extensions with new extensions at ground and first floor, with a terrace at rear first floor level with 1.8m high privacy screen and addition of railings to rear elevation at first floor level.

An additional representation was received from a local resident (08.05.2019).

Late representations were received from 13 local residents (13.05.2019 x 6 and 14.05.2019 x 3), Councillor Maggie Carmen (13.05.2019 and 14.05.2019), Councillors Emily Payne and Richard Elcho (14.05.2019), Westbourne Park Road Residents' Association (13.05.2019) and South East Bayswater Residents' Association (14.05.2019).

The presenting officer tabled the following amendment to condition 9:

### **Rewording of Condition 9 to correct address to:**

Prior to the use of the flat roof of the ground floor extension for sitting out, you must apply to us for approval of further details of the proposed privacy screen adjacent to the boundary with no. 34 **Westbourne Park Road**, including the materials and colour. 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 prior to the use of the flat roof for sitting out. Following its installation, the privacy screen we approve pursuant to this condition must be permanently retained. (C26UB)

Reason:  
As drafted.

Matt Richards addressed the Sub-Committee in support of the application.

**RESOLVED (Councillors Tony Devenish, Peter Freeman and Tim Roca for, Councillor Susie Burbridge against):**

That conditional permission be granted, subject to an amendment to condition 9 as set out above.

## **3 3 NORRIS STREET, LONDON SW1Y 4RJ**

Use of basement, ground and mezzanine floors of 3 Norris Street as restaurant /public house (sui generis).

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

#### **4 3 NORRIS STREET, LONDON SW1Y 4RJ**

Use of an area of public highway measuring 10.6m x 2.95m for the placing of 20 tables, 44 chairs, 4 planters, 2 fabric barriers, a menu board and a space-heater in connection with the operation of the unit at basement, ground and mezzanine floors of 3 Norris Street.

#### **RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

#### **5 5 WIMPOLE STREET, LONDON, W1G 9ST**

Use of 5 Wimpole Street and 24 Wigmore Place as a single-family dwellinghouse. Excavation of a basement, demolition of existing roof and erection of replacement mansard roof extension, creation of rear windows and rear ground floor opening and installation of rear access stair to rear first floor of 24 Wigmore Place. Installation of air conditioning units in front pavement vault and at roof level of 5 Wimpole Street and in the mews house garage below the garden staircase, and other associated external and internal alterations to both buildings (Site includes 24 Wigmore Place).

An additional representation was received from a local resident (undated).

Late representations were received by a ward councillor in his capacity as a local resident with another local resident (09.05.2019), the Marylebone Association (09.05.2019) and the Arboricultural Officer (09.05.2019).

The presenting officer tabled the following additional conditions 15 and 16:

#### **Additional Condition 15 (planning permission)**

##### **Pre-Commencement Condition**

You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

- i. identification of individual responsibilities and key personnel.
- ii. induction and personnel awareness of arboricultural matters.
- iii. supervision schedule, indicating frequency and methods of site visiting and record keeping
- iv. procedures for dealing with variations and incidents.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection

is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

**Additional Condition 16 (planning permission)**

You must apply to us for approval of detailed drawings of the following parts of the development - roof top plant. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved detailed drawings.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

**Additional Condition 7 (listed building consent)**

You must apply to us for approval of detailed drawings of the following parts of the development - roof top plant. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved detailed drawings

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

**RESOLVED (Councillors Tony Devenish, Susie Burbridge and Peter Freeman for, Councillor Tim Roca against):**

1. That conditional permission be granted, subject to additional conditions 15 and 16 as set out above.
2. That conditional listed building consent be granted, subject to an additional condition 7 as set out above.

3. That the reasons for granting listed building consent, as set out in Informative 1 of the draft decision letter, be agreed.

## **6 42 DENBIGH STREET, LONDON, SW1V 2ER**

Use of basement and ground floor for Class A2 purposes (Professional and Financial Services).

### **RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

## **7 7 WIMPOLE STREET, LONDON, W1G 9SN**

Use of the building as a single family dwellinghouse (Class C3) and internal alterations, namely the removal of non-original partitions and false floors within the former dental studio rooms.

A late representation was received from The Howard de Walden Estate (14.05.2019).

Robert Winkley addressed the Sub-Committee in support of the application.

### **RESOLVED (Councillors Tony Devenish, Peter Freeman and Tim Roca for, Councillor Susie Burbridge against):**

1. That conditional permission be granted.
2. That conditional listed building consent be granted.
3. That the reasons for granting listed building consent, as set out within informative 1 of the draft decision letter, be agreed.

## **8 30 CHAPEL STREET, LONDON, SW1X 7DD**

Variation of condition 1 of planning permission dated 23rd September 2014 (RN 14/02800/FULL) for the "Excavation under rear garden to create a basement with swimming pool, demolition of lower ground rear extension, erection of lower ground and ground floor rear extensions, terrace at first floor level, installation of rooflight at main roof level and associated landscaping". NAMELY, to vary drawings to install new rooflights at second and roof level and relocation of roof access hatch at main roof level, alter the layout at approved basement and lower ground floors and, minor internal alterations at ground, second and third floors, relocate a rainwater pipe on the front elevation, install metal poles in the rear garden to support an artificial green wall along all boundaries, install a new rooflight at third floor level to provide access to the plant room, installation of new steps to the front entrance and front lightwell, replacement of damaged pipe on the boundary wall and installation of mounted wall lights, CCTV and external cooler unit. (Linked to 19/00464/LBC).

An additional representation was received from PSL Chartered Land Surveyors (29.04.2019).

Simon Wallis addressed the Sub-Committee in support of the application.

Marina Kaloghirou addressed the Sub-Committee in objecting to the application.

**RESOLVED UNANIMOUSLY:**

1. That conditional permission and conditional listed building consent be granted.
2. That the reasons for granting conditional listed building consent, as set out in informative 1 of the draft decision letter, be agreed.

**9 HOLIDAY VILLA HOTEL, 35-39 LEINSTER GARDENS, LONDON W2 3AN**

Conversion to 32 flats and associated internal works: rebuilding of mansard roof level: external works, including alterations to rear fenestration.

**RESOLVED UNANIMOUSLY:**

That in the context of Counsel's legal advice for the appeal for application RN: 16/04404/FULL, that conditional permission for application RN: 19/02097/FULL be granted as per the recommendation for item 1, under Section 4, Part 1 of the agenda.

The Meeting ended at 8.15 pm.

**CHAIRMAN:** \_\_\_\_\_

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