



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (4)** Committee held on **Tuesday 27th October, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

Members Present: Councillors Tony Devenish (Chairman), Jonathan Glanz, Angela Harvey and Jason Williams

Also Present: Councillor Louise Hyams (for item 13 only), Councillor Gotz Mohindra (for item 2 only), Michael Chatten (Presiding Officer), Amanda Coulson (Presenting Officer – North), Sarah Whitnall (Presenting Officer – North), Mike Walton (Presenting Officer – Central), Vincent Nally (Presenting Officer – South), Matthew Pendleton (Design Officer), Rosalie Dobson (Arboricultural Officer), Tom Howgego (Arboricultural Officer), Toby Howes (Committee Officer) and Andrew Wells (Solicitor).

1 MEMBERSHIP

1.1 There was no change to membership.

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 13, he knew staff at Policy Exchange who had made a representation.

2.3 Councillor Jonathan Glanz declared that he knew various amenity and residents' groups as he has encountered many of them and their main figures over the years, including South East Bayswater Residents Association, The

Marylebone Association, The St Marylebone Society and those in his Ward. Councillor Glanz then made the following declarations as they related to the specific applications on the agenda:

Item 7 – that the application was in his ward.

Item 8 – that the application was in his ward.

Item 13 - that he knew Dean Godson and some other staff at Policy Exchange who had made a representation.

2.4 Councillor Jason Williams declared that in his capacity as a Ward Councillor he is approached regarding planning applications, however he does not comment or specify a view on them. Councillor Williams also declared that he is a Member of Belgravia Neighbours Forum as part of his duties as a Ward Councillor.

2.5 Councillor Angela Harvey declared that any members or former members who had or would make representations were her friends. Councillor Harvey then made the following further declarations as they related to the specific applications on the agenda:

Item 2 – that she had received hospitality at Lords Cricket Ground when she had been Lord Mayor.

Item 13 – that she knew staff at Policy Exchange who had made a representation.

Item 14 – that one of the objectors was a CityWest Homes tenant, of which she was a non-Executive Director on the Board.

Councillor Angela Harvey regarded none of the above as a personal or prejudicial interest, however she had made these declarations for clarity.

2.6 Councillor Gotz Mohindra declared that in respect of item 2, he had received hospitality from Lords Cricket Ground whilst carrying out his duties as a Ward Councillor.

Before considering the applications on the agenda, the Chairman stated that the publication of the reports and agenda for this meeting were delayed due to the absence of key administrative staff, which meant that the required 5 days' notice had not been achieved for the publication of the reports and the agenda. However, the agenda and reports were still published promptly the following morning of the 5 day notice. Despite this, he stated that he was of the view that the committee should consider these reports due to the special circumstances that not to would cause unnecessary delay to the consideration of the applications, particularly as the delay was only minor and prior to this all the consultation had been completed as set out in the reports.

3 MINUTES

- 3.1 That the minutes of the meeting held on 29 September 2015 be signed by the Chairman as a correct record of proceedings.

4 TREE PRESERVATION ORDER 628, 11 GERALD ROAD, SW1

The City Council has made a Tree Preservation Order (TPO) to protect one London Plane tree (T1) located in the rear garden at 11 Gerald Road, London, SW1W 9EH. The TPO is provisionally effective for a period of six months from 29 May 2015 during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 28 November 2015.

The TPO was made because the tree has significant amenity value and makes a positive contribution to the character and appearance of the area. The City Council, having been made aware of the proposal to remove T1 considers it expedient in the interests of the amenity that a TPO is made in order to safeguard its preservation and future management.

Objection to the TPO has been made by Norman Rourke Pryme Limited and ACS Consulting on behalf of the owner of 11 Gerald Road.

The City Council's Arboricultural Officer has responded to the objections.

A late representation was received from Simon Pryce (21.10.2015), Leopold Von Bismarck (28.09.2015, 07.08.2015, 26.05.2015) and William George Greig (04.10.2015).

RESOLVED:

That Tree Preservation Order No. 628 (2015) be confirmed without modification with permanent effect.

5 PLANNING APPLICATIONS

1 11 GERALD ROAD, SW1

Removal of one London Plane from the rear garden of 11 Gerald Road.

RESOLVED:

That consent be refused.

2 LORDS CRICKET GROUND, ST JOHN'S WOOD ROAD, NW8

Demolition of the existing Tavern Stand, Allen Stand, Thomas Lord Building, MCC Office Building and Scorers Box and redevelopment comprising the erection of new stand, new Thomas Lord Building with an expanded basement and relocated public house, new Harris Garden Building, new scorers Box, internal and external alterations to the Pavilion, a new shop in the Bowlers' Annexe together with relocation of the floodlight, hard and soft landscaping, servicing facilities and all necessary ancillary and enabling works, plant and equipment.

Additional representations were made by the Highways Planning Manager (21.10.2015), the Senior Arboricultural Manager (20.10.2015), Barry Fitzgerald (17.10.2015), Rula Al-Adasani (15.10.2015, the owner/occupier of 329 Scott Ellis Gardens (16.10.2015), DP9 Limited (21.10.2015 and 22.10.2015), GIA (12.10.2015), Marylebone Cricket Club (22.10.2015) and Brian East (9.10.2015).

Late representations were received from Marylebone Cricket Club (26.10.2015) and Councillor Gotz Mohindra (27.10.2015).

Councillor Gotz Mohindra addressed the Committee in his capacity as ward member to represent the concerns of residents in objecting to the application.

The presenting officer tabled the following amendments:

Additional Conditions

Conditions 44 and 45 to address the late representation received by the Arboricultural Manager in respect of the impact of the proposed basement excavations associated with the new stand on the street Plane trees in St John's Wood Road, and the basement underneath the Harris Gardens on the 2 lime trees and the trees in the rear garden of the houses in Grove End Road

Condition 44

Pre-Commencement condition :Before any works start of the new stand, a detailed arboricultural assessment including trial hole investigations shall be submitted to and approved by the City Council as local planning authority in consultation with Transport for London to demonstrate that works can take place without affecting the health of the street trees .

The development shall be carried out in accordance with the approved details.

Reason: To protect the trees and the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

Condition 45

Before any works start on the excavation of the basement under the Harris Gardens and the new enlarged basement under the new Thomas Lord Building , a detailed arboricultural assessment shall be submitted to and approved by the City Council as local planning authority to demonstrate that the proposal will not adversely affect the health of the TPO Lime trees T1 and T2 .This assessment shall include trail hole investigations to assess the presence of tree roots under the Harris Gardens and the tree roots in relation to the Lime trees .The assessment shall also address the impact of the proposed excavation works on the trees on the adjoining rear gardens in Grove End Road .

The development shall be carried out in accordance with the approved details.

Condition 46

To secure the details of bird and bat boxes and add reason for the condition.

The following conditions are to be changed:

Condition 6: Impact piling – minor changes to wording to reflect each phase

Delete Condition 16: Requires that the head frame of the relocated be removed at the end of each cricket season. This is not required, as the head frame will remain at its lower position in the new stand.

Condition 17: Amend wording to also include the submission of an acoustic report in respect of the mechanism for elevating the retractable seats.

Condition 36: Operational Management Plan

Changes to the wording of the Operational Management Plan for the relocated public house in the new Thomas Lord Building and the use of the Harris Gardens.

Condition 43: Photographic catalogue of the Allen Stand prior to demolition

Minor changes to the wording to replace 'detailed photographic record', replaced by 'catalogue' and for the Council to agree which elements of the existing stand to be removed and retained.

Add reason for the condition.

To ensure there is a photographic catalogue of the Allen Stand prior to its demolition and to reserve details of the features in the existing stand which are to be carefully removed and saved /stored in the light of the stand's historical association with Ground.

Minor typographical changes to a number of the draft conditions.

RESOLVED:

1. That it be agreed that the less than substantial harm to the setting of the listed pavilion as a result of the proposed new stand is outweighed by the public benefits of the new stand and other works to the Ground, and the heritage improvements to the setting of the Grace Gates.
2. That subject to 1 above, that conditional permission be granted, subject to additional conditions 44, 45 and 46 and amendments to conditions 6, 17, 36 and 43 as set out above; revised condition 16 to require approval of the number of days and times when the retractable seating can be extended; further revised condition 36 for the terminal hours when Harris Gardens can be used for the consumption of alcohol to be 8.00pm and to be cleared by 9.00pm; and subject to the concurrence of the Mayor of London and the satisfactory completion of a legal agreement to secure the following:

Construction Monitoring Contribution and Construction Environmental Management Plan (CEMP)
3. That conditional listed building consent be granted.
4. That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

3 12 TREVOR SQUARE, SW7

Excavation works into garden for extension of the existing lower ground floor level including the demolition of existing rear single storey extension. Use of the proposed extension roof as a terrace. Erection of a third floor mansard roof extension.

The presiding officer tabled the following deletions and additions to conditions:

Remove Conditions 2 and 6 from the Listed Building Consent draft decision letter.

Add the following conditions to the planning permission draft decision letter:

Condition 8:

You must hang all doors or gates so that they do not open over or across the road or pavement.

Condition 9:

Notwithstanding the construction management plan submitted as part of the application, no development shall take place, including any works of demolition, until a full construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

RESOLVED:

1. That conditional permission and conditional listed building consent be granted, subject to deletion of conditons 2 and 6 and additional conditions 8 and 9 as set out above.

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

4 5 DENNING CLOSE, NW8

Creation of new basement storey with two front lightwells, one rear lightwell and one rear glazed rooflight.

An additional representation was received from Councillor Robert Rigby (20.10.2015).

RESOLVED:

That conditional permission be granted, subject to pre commencement condition 5 to include the position of the skip and an additional informative concerning the need to explore the siting of the skip off the road and the need to demonstrate maintenance of access for emergency services.

5 98 WESTBOURNE GROVE, W2

Application 1: 98 Westbourne Grove, W2

Use of the public highway (10.5m x 0.75m) for the placing of three tables and six chairs on the Westbourne Grove frontage.

Application 2: 43 Hereford Road, 2 – 6 Botts Mews, 2 Chepstow Road, 104-106 Westbourne Grove, 98 – 112 Westbourne Grove, W2

Variation of Condition 13 (tables and chairs) of planning permission dated 7 February 2003 (RN 02/03540) for part demolition/redevelopment to provide new buildings, part alterations/extensions (including listed building) to provide 36 flats, 2 live-work units, retail, restaurant facilities and 34 parking spaces in basement with associated works, namely to remove restrictions outside of No. 98 Westbourne Grove (Cote Restaurant) only.

Late representations were received from Ms S S (27.10.2015, 25.10.2015, 23.03.2015) and South East Bayswater Residents Association (27.10.2015).

The presenting officer tabled the following amendment to Application 2 :

Revised Condition 13

No planters, tubs, tables or chairs, freestanding advertisements or any other items shall be placed on either the private forecourt or adjoining public highway along frontages of the application site along Hereford Road, Chepstow Road and Westbourne Grove, apart from the temporary tables and chairs outside No.98 Westbourne Grove, placed in accordance with the terms of planning permission granted under 15/01715/TCH, or any subsequent permission.

RESOLVED:

Application 1:

That conditional permission be granted, subject to an additional condition limiting the number of tables to 2 and the number of chairs to 4.

Application 2:

That conditional permission be granted, subject to the revised condition 13 as set out above.

6 3 HALL GATE, NW8

Details of a construction management plan pursuant to Condition 3 of planning permission dated 06 January 2015 (RN: 14/10072).

RESOLVED:

That the details of the construction management plan be approved.

7 31 EASTCASTLE STREET, W1

Use of the lower ground and ground floors as a restaurant (Class A3); installation of a high level extract duct to rear; new access to front; replacement balustrade to front lightwell and alterations to the shopfront. Installation of plant within an associated enclosure in the rear lightwell at lower ground floor level.

The presenting officer tabled the following amendments to conditions 7 and 10:

Condition 7 (amended wording)

If you choose to provide the bar and bar seating as shown on the submitted drawings, it must not take up more than 15% of the floor area of the property. You must use the bar to serve restaurant customers only, before, during or after their meals.

Condition 10 (amended wording)

Prior to the occupation of the premises for restaurant purposes, you shall submit and have approved in writing by the local planning authority a management plan to show the following:

- i) How you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings.
- ii) Servicing arrangements
- iii) How the restaurant would prevent customers queuing outside

You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use.

RESOLVED:

That conditional permission be granted, subject to the revised conditions 7 and 10 as set out above and a further revision to the operational management plan to cover external smoking.

8 41 FARM STREET, W1

Retention and relocation of plant and installation of associated acoustic enclosures on the rear second floor level.

An additional representation was received from the applicant's agent, Walsingham Planning (20.10.2015).

Late representations were received from Councillor Glenys Roberts (27.10.2015), William Shenkman and Maureen Shenkman (26.10.2015), Alan Hobart (26.10.2015), Jane Mackenzie (26.10.2015) and Colleen Harney Management Services Ltd on behalf of Corsican Management Inc. (26.10.2015).

RESOLVED:

That had an appeal not been lodged, permission and listed building consent would have been refused on the grounds that the proposed plant installation would harm the appearance of this listed building and detrimentally impact upon the character and appearance of the Mayfair Conservation Area.

9 32 HARCOURT STREET, W1

Erection of a single storey rear extension at lower ground floor level and alterations to the front elevation including the removal of redundant advertising. Installation of a new high level extract duct on the rear elevation in connection with the existing public house and internal alterations at all floor levels.

The presenting officer tabled the following amendments:

Condition 9 (amended wording)

The glazed roof over the rear extension at lower ground floor level must not be openable and must remain closed at all times. The rear extension, including the glazed roof, shall be completed in its entirety before being used by customers of the public house.

Deletion of condition 3.

RESOLVED:

1. That conditional permission and conditional listed building consent be granted, subject to the amendment to condition 9 and deletion of condition 3 as set out above.

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

10 5 BINGHAM PLACE, W1

Demolition of the existing dwelling behind the retained front facade. Excavation beneath site and erection of replacement dwelling (Class C3) over two basement storeys, ground, first and new mansard second storey. Use of Part of 21 Nottingham Place to form part of replacement dwelling (Class C3).

A late representation was received from Montagu Evans (23.10.2015).

RESOLVED:

That conditional planning permission be granted.

11 9 MONTAGU BRYANSTON AND DORSET SQUARE MEWS WEST, W1

Alterations including the erection of a 2nd floor roof extension to provide access to an existing roof terrace.

RESOLVED:

That conditional permission be granted.

12 40-41 PALL MALL, SW1

Demolition of 40 and 41 Pall Mall behind retained facades and redevelopment to provide a building of basement, ground and five upper floors comprising retail (Class A1) at part basement and part ground floor levels within the remainder of the building in use as four self-contained residential flats (Class C3).

RESOLVED:

Application withdrawn by officers.

13 CLUTHA HOUSE, 10 STOREY'S GATE, SW1

Conversion of part lower ground and all upper floors from offices (Use Class B1(a)) to 8 x residential flats (Use Class C3), including the erection of an enlarged mansard roof extension at fourth floor level, extension to wine bar within the internal courtyard area at rear lower ground floor level with ground floor roof terrace above and associated external and internal works.

Additional representations were received from Montagu Evans (21.10.2015), The Thorney Island Society (undated) and Policy Exchange (23.10.2015).

Late representations were received from Aberdeen Asset Managers Limited (27.10.2015), Montagu Evans (27.10.2015) and RBA Acoustics Ltd (27.10.2015).

Councillor Louise Hyams addressed the Committee representing all councillors in her Ward in support of the recommendation to refuse the application.

The presenting officer tabled the following amendments to the report:

Section 6.1 Land Use

The 'Total' floorspace figures in Table 1 have been amended as follows:

Use	Existing (m2 GEA)	Proposed (m2 GEA)	Uplift(m2 GEA)
Total	1,172	1322	150

Section 6.3.1 Noise Pollution

Paragraph 18 under sub section Patron Noise should read:

Environmental Health does not agree with the correction of the January 30th noise survey by 5 dB to reflect the noise from patrons at the ground and 1st floor windows of the proposed residential.

Section 6.7 Other UDP/Westminster Policy Considerations

Paragraph. 5 should read:

As outlined in section 6.1.3 of this report, it has not been demonstrated that conditions could be recommended to minimise noise intrusions within the flats. As such the scheme is not considered to comply sufficiently with ENV 6 (4) which requires residential developments to provide adequate protection from existing background noise.

RESOLVED:

That permission be refused on the grounds of quality of the residential development (protection from noise) and impact on the operation of the adjoining public house and wine bar.

14 8 CARLTON VALE, NW6

Removal of two lime trees.

RESOLVED:

That conditional consent be granted.

The Meeting ended at 8.36 pm

CHAIRMAN: _____

DATE _____