



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 4th April, 2017**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Richard Beddoe (Chairman), Tim Mitchell, Susie Burbridge and David Boothroyd.

Also Present: Councillor Antonia Cox (for item 8 only).

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Richard Beddoe 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 Mitchell declared that any Members of the Majority Party who had or would make representations in respect of the applications on the agenda were his friends. He also advised that in his capacity as a Councillor for St James's Ward, and as Cabinet Member for Finance, Property and Corporate Services responsible for the City Council's property portfolio, he regularly met with members of the planning and property industry as well as residents' associations and amenity groups.

2.3 Councillor Mitchell then made the following further declarations as they related to the specific applications on the agenda:

Item 1: That the application is in his Ward.

Item 4: That he had sat on the Committee that had considered a previous application.

2.4 Councillor Susie Burbridge declared that any Members of the Majority Party and Minority Party who had or would make representations on the applications on the agenda were her friends. She declared that she is the Deputy Cabinet Member for Housing. Councillor Burbridge further advised that that she did meet architects and developers from time to time but had not seen or spoken to any in relation to the applications on the agenda.

2.5 Councillor Burbridge then made the following declarations as they related to the specific applications on the agenda:

Item 3: That the application is in her Ward.

Item 4: That she had sat on the Committee that had considered a previous application.

2.6 Councillor David Boothroyd declared that he is Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. No current clients are in Westminster, and if there were, he would be precluded from working on them under the company's code of conduct.

2.7 Councillor Boothroyd further declared that some Thorncliffe clients have engaged planning consultants who are also representing the applicants at the meeting: Savills on item 1 and Rolfe Judd Planning Ltd on item 6. However, he advised that he does not deal directly with clients or other members of project teams, and there is no financial link between the planning consultants and his employers.

2.8 Councillor Boothroyd then made the following further declarations as they related to the specific applications on the agenda:

Item 2: That some friends of his lived relatively close to the site and he had been sent comments on the application by Councillor Ruth Bush in her capacity as a Ward Member.

Item 4: That he had sat on the Committee on 15 April 2014 that had considered the previous application referred to in paragraph 6.1 of the report.

Item 8: That the applicants, Criterion Capital, were clients of Thorncliffe from July 2015 to January 2016, in respect of a development in Camden. Councillor Boothroyd also declared that he lives on Park West Place to the south-east of the site, but not close enough to be affected by the operation of the hotel, so he did not consider the interest to be prejudicial.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 7 March 2017 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 LOWER GROUND FLOOR, BASEMENT AND PART GROUND FLOOR CRITERION BUILDING, 225-229 PICCADILLY, LONDON, W1J 9HR

Use of part ground and part lower ground floors for retail, café and restaurant purposes (sui generis). Creation of new entrances and new shopfronts on both Coventry Street and Haymarket frontages and associated works, including lighting.

Additional representations were received from Environmental Health (30.03.2017) and from the applicant (undated).

The presenting officer tabled the following deletion and replacement of condition 7 and revised conditions 14 and 25:

Delete Condition 7

~~(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 ΔIN; 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 ΔIN; 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.~~

New Condition 7

The design and structure of the development shall be of such a standard that it will protect commercial users within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors or more than 45 dB LAeq

Revised Condition 14

You must not sell any hot-food or drink to take-away from the restaurant element at basement level, nor operate a delivery service from any part of the development, even as an ancillary part of the retail and restaurant/cafe use (Sui Generis).

Revised Condition 25

Customers entering or leaving the retail/cafe/restaurant use after 23.00, must not use the entrance on Haymarket.

RESOLVED:

That conditional permission be granted, subject to amendments to conditions 7, 14 and 25 as set out above, a further amendment to condition 14 prohibiting any ancillary take away sales from the café on the ground floor after 23:00 and an additional condition ensuring that the basement bar area does not exceed 15% of the floor area and a maximum of 65 customers.

2 69 FERNHEAD ROAD, LONDON, W9 3EY

Use of ground floor as a takeaway (Class A5) and erection of full height kitchen extract duct to rear elevation.

RESOLVED:

That permission be refused on the grounds that the proposed use would harm the retail character and function of the Local Centre and reduce the range of shops for local people, and impact upon amenity as it would increase levels of noise and cause late night disturbance for nearby residents, particularly those who live immediately above and below the ground level premises.

3 15E CLEVELAND SQUARE, LONDON, W2 6DG

Erection of a mansard roof extension and internal alterations at fourth floor level.

RESOLVED:

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.

4 66 VICTORIA STREET, LONDON, SW1E 6SQ

Variation of condition 12 and removal of condition 15 of planning permission dated 02 September 2014 (RN: 13/12543) for use of part ground and part first floor of the east building as restaurant (Class A3) use and the setting out of external tables and chairs, namely to manage the restaurant use according to the new Operation Management Plan and remove the requirement to provide external produce display.

RESOLVED:

That conditional permission be granted.

5 16 RUTLAND GATE, LONDON, SW7 1BB

Installation of three air conditioning units on rear terrace and erection of a new purpose built acoustic enclosure including 3 storage units.

RESOLVED:

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

6 15-21 GANTON STREET, LONDON, W1F 9BN

Installation of openable shopfronts.

RESOLVED:

That conditional permission be granted.

7 5 LAUDERDALE ROAD, LONDON, W9 1LT

Erection of single storey side extension at ground floor level to enlarge existing ground floor flat.

Late representations were received from Transport for London (29.03.2017) and London Underground (03.04.2017).

The presenting officer advised that Transport for London and London Underground Limited had confirmed that they had no objection to the application in their late representations and so the recommendation had been amended accordingly.

The presenting officer then tabled the following additional condition:

Additional Condition

You must apply to us for approval of a Structural Methodology Report prepared by an appropriately qualified structural engineer, which demonstrates how the transfer of any vibration from the nearby London Underground tunnel through the structure of the extension to the existing building will be minimised. You must not start work on the development until we have approved what you send us. You must then carry out the development in accordance with the Structural Methodology Report that we approve.

Additional Reason

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

RESOLVED:

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

8 157 EDGWARE ROAD, LONDON, W2 2HR

Use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level.

An additional representation was received from Katy Walker (09.01.2017).

A late representation was received from Councillors Heather Acton and Antonia Cox (04.04.2017).

Councillor Antonia Cox declared that she lived in the area where the application site was located. She then addressed the Committee in her capacity as a Ward Councillor in representing the views of residents and objecting to the application.

The presenting officer tabled the following additional condition:

Additional Condition

You must apply to us for approval of detailed drawings showing the method by which the existing windows at first and second floor level will be obscured so that the windowless hotel rooms and associated internal structures would not be visible externally. You must not start work on this part of the development until we have approved what you send us. You must then carry out the development in accordance with the detailed drawings that we approve prior to occupation of the hotel use.

Thereafter you must retain and maintain the obscured windows in accordance with the details we approve.

Additional 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 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007.

RESOLVED:

That the application be deferred for an updated transport and servicing report to be provided to include the impact of amendments to the junction of Edgware Road and Burwood Place and for the applicant to provide an operational management plan, including arrangements for arrivals and departures and details of restrictions to be placed on coaches, and for the application to then be put before this Committee for further consideration.

The Meeting ended at 8.22 pm.

CHAIRMAN: _____

DATE _____