



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (2)** held on **Tuesday 5th April, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Peter Freeman (Chairman), Melvyn Caplan, Paul Church and Ruth Bush

Also Present: Councillors Tim Roca (Item 1) and Robert Rigby (Item 5)

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Peter Freeman 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 Freeman declared that in his capacity as Deputy Cabinet Member for the Built Environment he sometimes receives requests from developers to provide him with a presentation on a pending planning application or to discuss future projects. These always take place in the presence of council officers. At such meetings views or guidance from the Council are requested. No guarantees or commitments are given during such meetings on behalf of the City Council.

- 2.3 Councillor Freeman also declared that in respect of items 4 and 8 on the agenda, that the sites were located in his ward. He declared a Prejudicial Interest in respect of Item 4 that as he had objected to the application as a Ward Councillor when it was first presented to Committee he would step down from the Committee and would not take part in the consideration of the revised application.
- 2.4 Councillor Paul Church declared that in his capacity as Ward Councillor for West End ward which included Fitzrovia, Marylebone, Mayfair and Soho, he met and engaged regularly with residents, residents associations, amenity societies, businesses, developers, officers, planners and other stakeholders. He considered members of both the Majority and Minority party as friends and met with them regularly. He added that he was the Deputy Cabinet Member for Children and Young People. Councillor Church also declared in respect of item 7 on the agenda, the application site was in his ward.
- 2.5 Councillor Bush declared in respect of Item 4 that she had sat on the Committee when the application had previously been considered. In respect of Item 6 she declared that a political friend was one of the objectors but that she had not discussed the application with them. She declared in respect of Item 1 that she would step down from the Committee during the consideration of the application to make a Ward Member representation.

3 MINUTES

RESOLVED: That the minutes of the meeting held on 15 March 2016 be signed by the chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 207 SHIRLAND ROAD, W9

Use of the ground and basement floors as a retail unit (Class A1).

An additional representation was received from the Paddington Waterways and Maida Vale Society (7.1.16).

The presenting officer tabled the following revision to the reason for granting of the certificate:

On the balance of probability, it has been demonstrated that the ground and basement floors were in use as a Class A1 retail shop prior to the 6 April 2015 and therefore benefited from a permitted change of use in accordance with the General Permitted Development Order 1995 (as amended).

Having stepped down from the Committee, Councillor Bush addressed the Committee in her capacity as a Ward Councillor in objection to the application and left the room when the Committee discussed the application.

Councillor Roca addressed the Committee in his capacity as a Ward Councillor in objection to the application.

RESOLVED:

Deferred for the Director of Law, in liaison with the Director of Finance if required, to review the evidence submitted in support of the application and the basis of lawfulness claimed by the applicant in order to provide advice to the Committee on the determination of the application and any rationale for refusing the certificate of lawful existing use.

2 ABELL HOUSE AND CLELAND HOUSE, JOHN ISLIP STREET, SW1

Single storey extension at 11th floor level to duplex unit in Cleveland House with a roof terrace over at 12th floor level.

RESOLVED:

That conditional permission be granted.

3 110 VAUXHALL BRIDGE ROAD, SW1

Retention of the existing public house at part basement and part ground floor levels. Use of first and second floors and new roof extension to provide 8 flats (6x1 bed, 2x3 bed) with associated rear extensions at first and second floor levels, and external alterations including new windows to rear elevation, creation of an entrance door at ground floor level and installation of wall lighting and entry system.

Late representations were received from Ellen Godsall (Undated), NTA Planning (5.4.2016) and Alan Smith (4.4.2016).

The presenting officer tabled the following changes to the draft decision letter:

Additional Condition

22. You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason: To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

Amended wording

Condition 10

You must not occupy the Class A4 public house premises hereby approved until we have agreed appropriate arrangements to secure the following:

A noise limiter device set at 90dB(A) to be fitted to any sound or musical amplification system used within the public house premises to ensure that there is no noise nuisance caused to local residents or businesses.

You must only occupy the Class A4 public house premises in accordance with the approved arrangements. Please refer to Informative 9 of this decision for further advice.

Informative 9

Under Condition 10 we are likely to accept a legal agreement under Section 106 of the Town and County Planning Act to secure the noise limiter device within the Class A4 public house premises. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.

Environmental Health require the noise limiter to be fitted to the musical amplification system set at 90dB(A) so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered to increase sound levels or alteration or modification to any existing sound systems(s) should be effected so as to ensure that no noise nuisance is caused. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

RESOLVED:

That conditional permission be granted subject to:

- (1) the changes to the draft decision letter as tabled and set out above and further revised so that condition 10 is a pre-commencement condition that requires agreement of appropriate arrangements which will potentially be in the form of a subsequent legal agreement; and
- (2) an additional condition that required agreement of appropriate arrangements to secure mitigation of the increased demand for on-street car parking potentially in the form of a subsequent legal agreement requiring car club membership for each flat.

4 40 RYDER'S TERRACE, NW8

Demolition of existing building and erection of a single dwelling house (Class C3) comprising sub-basement, basement, ground and one upper floor. Associated works including landscaping, alterations to boundary walls and existing vehicular and pedestrian entrances.

A late representation was provided by the applicant in the form of a summary proposal (undated).

Having declared an interest Councillor Freeman stepped down from the Committee and left the room during the consideration of the application.

RESOLVED:

That Councillor Melvyn Caplan be elected as Chairman for the duration of the item.

RESOLVED:

That conditional permission be granted.

5 12 ELM TREE ROAD, NW8

Excavation of basement with a rear lightwell, to provide a swimming pool.
Installation of associated plant.

The presenting officer tabled the following revision to wording of Condition 6, 7 and 8 to specifically refer to the plant which serves the car-lift and swimming pool:

Condition 6

- (1) Where noise emitted from the proposed plant and machinery (which serves both the carlift and swimming pool) 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 its noisiest, shall not at any time exceed a value of 5 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 proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery (which serves both the carlift and swimming pool) 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 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 proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment (which serves both the carlift and swimming pool) , 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 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 background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 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.

Condition 7

No vibration from the carlift or swimming pool plant shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Condition 8

You must apply to us for approval of details of a supplementary acoustic report demonstrating that the carlift and swimming pool plant will comply with the Council's noise criteria as set out in Condition 6; of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Councillor Robert Rigby addressed the Committee in his capacity as a Ward Councillor.

RESOLVED:

That conditional permission be granted subject to the amendments to the wording of Conditions 6, 7 and 8 as tabled and set out above and to Conditions 2 and 4 to prohibit noisy working on Saturdays and to restrict the car stacker to one car below ground respectively.

Councillor Bush dissented from the decision.

6 19 KILDARE GARDENS, W2

15/11065/FULL - (Application 1)

Erection of single storey extension to rear closet wing at second floor mezzanine level to enlarge existing dwellinghouse.

15/11086/FULL – (Application 2)

Construction of basement under part of existing building and part of rear garden with rear lightwell and erection of rear extension at ground floor level and alterations to fenestration in rear elevation.

Late representations were received from Mrs Victoria Maxwell and Mr Alastair Maxwell (undated).

RESOLVED:

Application 1: That conditional permission be granted.

Application 2: That conditional permission be granted.

7 BERKELEY HOUSE, 15 HAY HILL, W1

Erection of a single storey roof extension to create two residential units (Class C3).

RESOLVED:

That conditional permission be granted.

Councillor Church dissented from the decision.

8 5 LANGFORD PLACE, NW8

Complaint about a high hedge made under Part 8 of the Anti-social Behaviour Act 2003.

The presenting officer tabled the following proposed reason that the complaint should not be proceeded with:

That the high hedge is not adversely affecting the complainant's reasonable enjoyment of the domestic property and the effect of the hedge complained of upon light to the windows of the living room in question is not such that in the

circumstances of the case it will be materially improved by removal of that section of hedge that lies adjacent to the complainant's dwelling.

RESOLVED:

That the complaint be not proceeded with for the reason tabled and set out above.

The Meeting ended at 8.51 pm

CHAIRMAN: _____

DATE _____