



CITY OF WESTMINSTER

# MINUTES

## Planning Applications Committee (2)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (2)** held on **Tuesday 7th June, 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

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

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

2.2 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.

2.3 Councillor Freeman declared in respect of item 4 that the site was located in his Ward.

- 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. He declared in respect of items 7 and 8 that the sites were located in his Ward.
- 2.5 Councillor Caplan advised that the application site for item 2 was in fact located in the Bryanston and Dorset Square Ward as opposed to Little Venice which he represented. He therefore advised that he did not have any interests to declare.
- 2.6 Councillor Bush declared in relation to items 1 and 4 that had received representations directly from people objecting to the application. While she had acknowledged receipt of them she had not made any comments on the application. In respect of item 7 she declared that she had sat on the committee which had considered an earlier application on the site. In respect of item 9 she declared that the site was located in her Ward. She advised that although she had made representations against the application previously she had received advice from the Director of Law that she did not have a prejudicial interest and could therefore remain on the committee and determine the application.

### **3 MINUTES**

- 3.1 **RESOLVED:** That the minutes of the meeting held on 10 May 2016 be signed by the chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 78-110 ROCHESTER ROW, LONDON**

Erection of a roof extension to provide six residential units (use class C3) and associated alterations.

Late representations were received from Councillor David Harvey (7/6/16) on behalf of himself and his Ward colleague Councillor Chalkley, Robin Ball (2/6/16) and Bell Cornwell (1/4/16).

The presenting officer tabled the following additional conditions to be added to the draft decision letter:

#### **Additional conditions:**

##### **1. Flat 17 Roof light**

You must apply to us for approval of detailed drawings (revised sections, elevations

and floor plans) showing the following alteration(s) to the scheme:

- (i) Roof amended to ensure natural light penetrates to the lobby of Flat 17 on the fourth floor.

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 details.

## **2. Relationship of new roof and existing roof to Flat 17**

You must apply to us for approval of detail drawings (sections, elevations, and plans at scale 1:20) of the following parts of the development:

- (i) Relationship between the new roof and the existing mansard roof to Flat 17.

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 details.

## **3. Fire escape**

No development shall take place until a Fire strategy has been submitted to and approved in writing by the City Council as local planning authority illustrating means of escape for the approved flats and for the upper floors of Flat 17.

**RESOLVED:** Deferred to seek revisions to the proposal to ameliorate impact upon light reaching the rooflight to flat 17 and to also seek clarification regarding the ownership of the rooflight.

## **2 MARYLEBONE FLYOVER, LONDON**

Removal of existing internally illuminated 6m x 3m advertising display (landscape format), to be replaced with an internally illuminated digital advertising unit (portrait format) 7.5m x 5m.

**RESOLVED:** That advertisement consent be refused due to harm to amenity.

## **3 124-126 ST JOHN'S WOOD HIGH STREET, LONDON, NW8 7SG**

Erection of a new 3 storey dwelling with terrace accessed from Charles Lane including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level.

**RESOLVED:** That conditional permission be granted.

## **4 29 ABERCORN PLACE, LONDON, NW8 9DU**

Use of part of the existing roof level services structure as one self-contained flat with associated external alterations, including insertion of new windows and rooflights.

Late representations were received from Rackham Planning Ltd (6/6/16) and Paul Barnett (2/6/16 and 17/6/15).

The presenting officer tabled the following changes:

**Amendments to Recommendation and Draft Decision Notice.**

ADDITIONAL INFORMATIVE (No.7) in relation to Bats:

When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81DA)

**RESOLVED:** That conditional permission be granted subject to the additional informative as tabled and set out above.

**5 22 MONTPELIER SQUARE, LONDON, SW7 1JR**

Erection of a single storey rear extension at first floor level and remodelling and extended the infill extensions at lower ground and ground floor levels.

**RESOLVED:**

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.

**6 15 BRYANSTON SQUARE, LONDON, W1H 2DN**

Erection of single storey roof extension and installation of seven condenser units at new roof level in connection with a single family dwelling (Class C3). Internal alterations.

**RESOLVED:** That permission and Listed Building Consent be refused on design and conservation grounds.

**7 29 RIDING HOUSE STREET, LONDON, W1W 7DX**

Use of the ground floor as residential floorspace (Class C3) to enlarge the existing dwelling at basement, first and second floor levels. Alterations to front and rear elevations.

**RESOLVED:** That conditional permission be granted.

## **8 16 CONDUIT STREET, LONDON, W1S 2XN**

Dual/alternative use of the second floor for either office (Class B1a) or residential (Class C3) use (1 x 2 bedroom unit). Installation of 4 x external grilles at second floor level on the Mill Street elevation and 1 x external grille on Conduit Street elevation.

**RESOLVED:** That conditional permission be granted.

## **EXEMPT REPORTS UNDER THE LOCAL GOVERNMENT ACT 1972**

**RESOLVED:** That under Section 100 (A) (4) and Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), the public and press be excluded from the meeting for the following item(s) of business because it involves the likely disclosure of exempt information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

## **9 207 SHIRLAND ROAD, LONDON, W9 2EX**

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

The presiding officer advised Councillor Bush that he believed that she did have a prejudicial interest in the application having previously stepped down from the committee to make representations in objection to the application in her capacity as a Ward councillor. In light of this advice Councillor Bush withdrew from the committee during the consideration of the item.

Confidential legal advice was received from the Director of Law (26/5/16).

The presenting officer tabled the following amendment to the draft decision notice:

### **Amendments to Draft Decision Notice.**

AMEND recommendation from:

~~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).~~

To:

On the balance of probability, it has been demonstrated that the ground and basement floors had changed from a public house (Class A4) to a retail shop (Class A1) prior to the 6 April 2015 and that change of use therefore benefited from permitted development rights in accordance with the General Permitted Development Order 1995 (as amended) and planning permission is not required.

Councillor Tim Roca addressed the committee in his capacity as a Ward councillor in objection to the application.

**RESOLVED:** That the certificate be issued.

Councillors Freeman, Caplan and Church acknowledged the force of overall legal advice provided but wished their reservations concerning the quality of certain aspects of the submitted evidence to be recorded.

The Meeting ended at 8.48 pm

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

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