



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 **Wednesday 28th July, 2021**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Robert Rigby (Chairman), Susie Burbridge, Mark Shearer and Tim Roca

**Also Present:** Councillors Selina Short and Geoff Barraclough

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

2.1 Councillor Robert Rigby explained that a week before the meeting, all four Members of the Sub-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 Sub-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 Sub-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 Rigby declared that in respect of Item 2, he had sat on a previous Planning Applications Sub-Committee which had considered the Application.

2.3 Councillor Burbridge declared that in respect of Item 1, she had sat on a previous Planning Applications Sub-Committee which had considered the Application.

- 2.4 Councillor Burbridge declared that in respect of item 3 the application site was situated within her ward and advised that she would approach the Application with an open mind.

### **3 MINUTES**

#### **3.1 Matters Arising**

##### **3.1.2 Item 2 Queens Court, Queensway London W2 4QN**

The Presiding Officer advised the Planning Applications Sub-Committee (1) that Condition 3 on Pg. 9 of the Minutes needed to be amended and should read

- ‘ Condition 3 - Request to delete restaurant use from the permitted flexible uses. Officers agreed to delete retail from the rear’.

#### **RESOLVED:**

That subject to the amendments being made to the minutes the Chair sign the minutes of 22 June 2021 as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

Before consideration of the planning applications, the presiding officer informed the Committee that the Government had updated the National Planning Policy Framework (NPPF) on 20 July 2021 and all the committee reports referred to the previous NPPF . All applications had been reviewed in the light of this new guidance The policies in the City Plan are consistent with national policy as set out in the NPPF and should be afforded full weight in the determination of applications.

#### **1 DEVELOPMENT SITE AT 5-9 MARBLE ARCH, 2-20 (EVENS) EDGWARE ROAD & 53-59 (ODD) BRYANSTON STREET LONDON**

Use of part ground, part lower ground and part basement as an art gallery (Class F1)

Late Representations were received from CBRE (28.07.21), Gerald Eve LLP (28.07.21), The Portman Estate (28.07.21), Almacantar Ltd (27.07.21 and The LUME London (Unknown).

#### **RESOLVED**

That conditional permission be granted with an additional Condition for openings between 1000 to 2300 Mon -Sun and for an additional informative to encourage applicant to engage with local schools /community groups /youth clubs regarding access to the facility

#### **2 77 ASHLEY GARDENS THIRLEBY ROAD LONDON SW1P 1HG**

Application 1: Installation of an air condensing unit within a bespoke attenuation enclosure on the main flat roof of the building for 77 Ashley Gardens

Application 2: Installation of an air condensing unit within a bespoke attenuation enclosure on the main flat roof of the building for 79 Ashley Gardens

Additional Representations were received from a local resident (22.07.21) and a local resident (20.07.21)

Late Representations were received from a local resident on (27.07.21), local resident (26.07.21) and a local resident (22.07.21)

The presenting officer tabled the following amendments to the Committee Report.

## **PLANNING APPLICATIONS SUB-COMMITTEE**

### **Item 2: 77 & 79 Ashley Gardens, Thirleby Road, SW1**

Committee Report Corrections/ Typos

#### **Summary, 5th para, 1st sentence:**

Mistakenly refers to January 2021 and is amended as below:

‘Permission was granted at appeal in January 2020 for the installation of air condenser unit within an acoustic enclosure on the central section of the roof within a roof pocket of the enclosed communal stairwell each for flat 77 and flat 79 Ashley Gardens’.

#### **Para 8.13 (Unilateral Undertaking), 1st sentence:**

Mistakenly refers to January 2021 and is amended as below:

‘The permissions granted at appeal in January 2020 remain extant and capable of implementation’.

#### **Para 8.13 (Unilateral Undertaking), 3rd sentence:**

Refers to para 56 of the NPPF, this is now 57 in the new NPPF which came out last week:

‘The unilateral undertaking is necessary to avoid potential harm to the living conditions of residents which could arise from both schemes and accords with the tests set out in paragraph 57 of the NPPF’.

for Director of Place Shaping and Town Planning

Tracey Rust addressed the Sub-Committee in support of the application

Councillor Selina Short in her capacity as Ward Councillor addressed the Sub-Committee in objection to the application.

## **RESOLVED:**

That the application be deferred for a Members Site Visit and be reported back to the Planning Applications Sub-Committee (1) on 17 August 2021.

**3      4 TENNIEL CLOSE LONDON W2 3LE**

Excavation of a basement under the existing dwelling incorporating a rear lightwell with external staircase to rear, alterations to front and rear elevations including new windows and rooflights.

The presenting officer tabled the following notifications regarding the recent publication of the (NPPF), the existing and proposed floor plans of the building, an amendment to Part 5 of the Report and an amendment to Condition 4.

## **PLANNING APPLICATIONS SUB COMMITTEE**

### 28 July 2021 Item 3 – 4 Tenniel Close NPPF Update

Since the publication of this committee report, the Government on 20 July 2021 published the latest National Planning Policy Framework (NPPF) and this is a material consideration determining planning applications. This application has been reviewed in the light of this new guidance and the application is in accordance with the NPPF.

### Item 3 – 4 Tenniel Close

Existing and proposed floor plans and section were missed off the published report. See below for these.

### Part 5 of the report:

Under the Arboricultural Officer section, it should have read no objection.

### Condition 4:

To now read:

You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings, including a scheme of sustainable urban drainage in the rear lightwell. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping according to these approved drawings within one planting season of completing the development (or within any other time limit we agree to in writing).

Mr Elie Osborne addressed the Sub-Committee in support of the application.

Sonia Falaschi-Ray on behalf of the Tenniel Close Residents Association addressed the Sub-Committee in objection to the application.

## **RESOLVED:**

1. That conditional permission, as amended, be granted.
2. That an additional Informative be added which encourage communication between the applicant/owner and the neighbours in Tenniel House regarding construction of the proposed basement, to ensure pedestrian access in the

private road, and in submitting the COCP to the Environmental Services to encourage the removal of spoil from the first floor across the private road onto the public highway.

#### **4 129 SHIRLAND ROAD LONDON W9 2EP**

Conversion of existing retail unit into residential dwelling (Class C3) and associated external alterations including, mechanical ventilation unit, replacement shopfront to front elevation and installation of a new window and Juliet balcony to rear elevation. The presenting officer tabled the following notifications regarding the recent publication of the National Planning Policy Framework (NPPF), amendments to the Report, an amendment to Condition 6 and an additional condition.

#### **PLANNING APPLICATIONS SUB COMMITTEE 28 July 2021**

##### Item 4 – 129 Shirland Road NPPF

Update Since the publication of this committee report, the Government on 20 July 2021 published the latest National Planning Policy Framework (NPPF) and this is a material consideration determining planning applications. This application has been reviewed in the light of this new guidance and the application is in accordance with the NPPF.

##### **Paragraph 2 of Section 8.7 of the report.**

This paragraph has been written in error and should be omitted. The Waste Project Officer did not respond to the application.

Minor change to condition 4 to read:

The balustrade associated with French doors on the rear elevation hereby approved shall be black painted metal vertical railings and be retained in that condition thereafter.

##### **Change to condition 6 to read:**

You must provide the cycle parking space under the front lightwell stair as shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other Purpose

##### **Addition of condition 7 to read:**

You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the flat hereby approved.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021).

Robert D Platt addressed the Sub-Committee in support of the application.

Councillor Geoff Barraclough in his capacity as Ward Councillor addressed the Sub-Committee in objection to the application.

**RESOLVED:** (FOR Councillors Robert Rigby, Susie Burbridge and Mark Shearer;  
**AGAINST** Councillor Tim Roca)

That Conditional permission, as amended, be granted.

The Meeting ended at 8.40 pm

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

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