

## **PRESENT**

### **Members of the Committee**

Councillors Gerard Hargreaves (Vice-Chairman), David Campion, Carol Caruana, Louis Mosley and Matthew Neal

### **Others in Attendance**

Mr Derek Taylor, Deputy Head of Development Management  
Ms Wilda Haddad, Legal Adviser  
Ms Erin Lawn, Team Leader - South  
Ms Jo Parker, Senior Conservation Officer  
Ms Claire Shearing, Senior Planning Officer – North  
Mr Jerome Treherne, Governance Administrator

## **A1. APOLOGIES FOR ABSENCE**

There were none.

## **A2. MEMBERS' DECLARATIONS OF INTEREST**

Councillor Campion stated that the Pembridge Association had discussed the proposal for 220 – 224 Westbourne Grove but he had taken no part in the discussion. Regarding the same application, Councillor Caruana stated that she lived in Lonsdale Road but had not discussed this application with anyone.

## **A3. MINUTES OF THE MEETINGS HELD ON 23 JANUARY 2013**

These were accepted as accurate and signed by the Chairman.

## **A4. 1 ELM PARK ROAD, SW3**

The Team Leader - South reminded the Committee that although the application had been deferred by the Committee last month so that issues of sunlight and daylight for adjacent properties in Park Walk could be further examined, it should consider this application afresh. The Team Leader gave an electronic presentation and a model of the proposal was on view in the committee room. She drew attention to an additional representation and the amendment of Policy CL2 in the Addendum Report. The Team Leader referred to the objections by residents of 33 and 35 Park Walk to reduced light to lower ground floor windows and said

this aspect had now been assessed and the survey concluded it would comfortably comply with British Research Establishment guidance and with the aims and objections of Core Strategy policy CL5.

Mr Oliver Heggs was called to the table and objected to the application on the following grounds:

- He lived at 35 Park Walk and his back garden faced the proposed development;
- He highlighted that objections were not to the principle of re-development but to the particular scheme before the Committee;
- The Council's Core Strategy No. 5 stated that high standards of amenity of neighbouring properties should be protected but the proposed large block and the smaller block would lead to an invasion of privacy;
- The Director of Planning recognised that the distance between the application property and its neighbours was less than 18 metres and therefore not compliant with Council policy but he also concluded this was acceptable because of its secondary nature and would not result in an unacceptable loss of privacy. However the Director did not live in any the properties near the proposed scheme;
- The requirement for obscured glass in part of windows did not address the issue of the proximity of these windows;
- The proposal included an additional storey and the flat roof could be used as a roof terrace;
- The room in 3 Elm Park Walk which would be overlooked was currently not habitable but internal remodelling in the future could alter this fact;
- The proposal was inappropriate for the site, its scale of 8,000 sq feet contrasted with the size of most neighbouring properties which were 2,000 sq feet;
- The scheme was too intensive for the site and the excavation required too close to neighbouring properties, and
- The Core Strategy aimed to ensure developments enhanced conservation areas but the style of the proposed building at the gateway to the Chelsea Park and Carlyle Conservation Area did not relate to this context.

Mr Henry Squire from Squire and Partners and Mr Craig Wilson from Savills representing the applicant came to the table and Mr Squire made the following points:

- The applicant had accepted properties on the western flank of proposed building overlooked adjacent properties and had agreed to the Condition that required glazed windows;
- The gap between the proposed building and the adjacent property of 14 metres was typical of properties in many streets in the

borough and the applicant's architects felt overlooking was no longer an issue;

- The windows looking onto other properties were of a narrow slot variety, and
- The green roof was not to be used as a roof terrace and the applicant would accept a condition that prohibited such use.

Mr Wilson made the following points:

- A survey into possible overshadowing had concluded there would be none;
- Two open evenings had been held in a local hall to get views of local residents in addition to correspondence with them;
- Two pre-application meetings had taken place with planning officers and the proposed design had been submitted to the Architect Advisory Panel;
- The height of the proposed building and the number of window openings had been reduced;
- One metre of additional topsoil had been added in the proposal to improve the landscaping;
- The applicant's architects had taken advice from conservation design officers and had responded to local concerns in the proposed scheme, and
- A variety of buildings from different periods existed in the locality.

Mr Squire confirmed to the Committee that the scheme's design complied with all the Architect Advisory Panel's suggestions. At that point, Panel Members with the Senior Conservation Officer examined the model of the scheme which had been set up in the committee room.

Councillor Campion noted that a small arts and crafts building would be dominated by the proposed building which was unfortunate but the application site was not part of a terrace and he felt the design went as far as possible to fit into the context of the immediate vicinity.

The Committee voted unanimously to grant planning permission.

RESOLVED –

That the recommendation be granted with Conservation Area Consent.

## **A5. TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS**

With the permission of the Chairman, the Executive Director, Planning and Borough Development circulated a sheet of amendments to the

report before the committee, a copy of which had been placed on the Minute Book.

### **Agenda items S09 and S010 – 94, 94a and 95-96 Cheyne Walk, SW10**

The Team Leader – South introduced the report and gave an electronic presentation. She referred to the slight amendment to Condition 6 detailed in the Addendum Report. She highlighted that all 96 Cheyne Walk had Grade II\* Listed Building status.

Councillor Champion was surprised and concerned that no Construction Traffic Management Plans (CTMP) had been submitted given the tight street layout. The Team Leader commented that the CTMP was being requested by way of condition and referred the Committee to Condition 4 in the report. She further advised that the basement development aspect was a relatively minor part of the scheme.

Dr Richard Clark, who was a director of Beaufort Mansions, was called to the table and objected to the application on the following grounds:

- He represented residents of 1 – 32 Beaufort Mansion who lived adjacent to the back garden of the application site. Noise during the building works would impact adversely on users of gardens adjacent to the application site and the report made no reference to this;
- Traffic flow along Cheyne Walk up to the Beaufort Street Junction was heavy most of the day already and additional vehicle movements to and from the application site would lead to traffic gridlock;
- Light specifically to the adjacent flats and gardens from the proposed buildings would be cut off and he noted one or two of these gardens had won prizes in the recent past;
- At present Beaufort Gardens residents did not suffer from aircraft noise at night between 11pm and 4.30am but with air conditioning proposed for the garden building there would be noise through the night;
- The report specified neither when the CTMP would be agreed, nor the equipment for the works, and
- The lives of local residents would be adversely affected and the duration of the works was unclear.

Councillor Champion drew attention to conditions in the report which contained stringent controls which had been applied to other basement developments in the borough and which had successfully mitigating potential noise problems for neighbours.

Ms Sarah Round from Savills and Ms Stephanie McDonald an Architect, were called to the table to respond to the objections and made the following points:

- the applicant had worked on proposals with Council planning officers for over a year and a half;
- In December 2011 neighbours had been invited to a public exhibition to raise their concerns and Environmental Health Officers were satisfied that potential impact on neighbours had been minimised;
- They appreciated the concern over the absence of a CTMP but all traffic into and from the site would be directed by banksmen and all those making deliveries would have to give 24 hour notice;
- The current building would be taken down and replaced by an elegant structure one metre higher. However, the building's footprint would be smaller;
- A survey into loss of daylight and sunlight concluded there would be no impact from the development;
- The building at No. 93 Cheyne Walk would be one metre higher which would not noticeably worsen the sense of enclosure;
- The air conditioning plant would be kept within the building and would comply with the Council's noise and environmental health standards;
- The proposed building would include solar panels hidden from view;
- The Council's Environmental Health and Conservation officers had been consulted over demolition of existing structures and the planting of trees;
- It was proposed that 27 lime trees be removed and replaced by some 40 mature evergreen oaks which would be healthier trees than those they replaced;
- 90 per cent of the 1920 building fabric would be retained in the proposed building, and
- The proposal would lead to the regeneration and restoration of Grade II\* Listed building.

Councillor Neal drew attention to the uncertainty over the duration of the works and to local residents concerns over limiting the work's adverse impacts. As a local ward councillor he knew the area well and was aware that gardens close to the application site were in regular use. He felt it was important that a 24 hour hotline telephone number and the name of the manager responsible for the works was made available to local residents.

Ms Round responded to concerns over the absence of a CTMP to say the approach had been to secure the Council's approval in principle to the scheme and then to consult on the CTMP.

In response to Councillor Mosley's query over previous use of the property as a family dwelling over a number of years, Ms McDonald said the building had been inconvenient to live in. The proposed building would restore the integrity of Nos. 95 and 96 and not lead to a loss of the historic fabric. It would result in a better use of space and a more sustainable family house.

The Deputy Head of Borough Development advised that an Informative could be added to draw attention to the Control of Pollution Act 1994 and to the enforcement powers under the Control of Pollution Act.

The Committee recognised that the Chelsea Embankment, as an arterial road already experienced heavy traffic flows which were likely to increase with the Thames Tideway Tunnel works and vehicle movements linked to other developments in the vicinity. It viewed the CTMP as critical and asked for a finalised CTMP to come back to a future committee for approval. The Committee also considered that landscaping was an important factor of this site and application and asked for the proposal to also come back to a future Committee for approval. It was suggested that Conditions 4 and 8 be amended to ensure that the CTMP and the scheme of landscaping were in the future approved by the Committee.

The Committee voted unanimously to grant planning permission:

RESOLVED –

To grant planning permission, subject to the Committee's approval of a CTMP and scheme of landscaping, and to grant Listed Building Consent.

### **Agenda Item S08 – 9 Cheyne Place, SW3**

The Team Leader South gave an electronic presentation and referred to an additional representation from the owner of 11 Physic Place in the Addendum Report.

Mr John Chappell and Mr Nick Smith, residents of 11C and 11A Cheyne Place respectively, were called to the table and Mr Chappell objected to the application on the following grounds:

- As chair of Cheyne Place Ltd he spoke for all residents who lived in the same block where he had lived for 17 years;
- From the recent experience of works nearby in Cheyne Place, he reported that noise from those works had taken place over weekends and it had been difficult to discuss the matter with workers on site because their spoken English was so limited;

- The proposed extension at 9 Cheyne Place would restrict natural light to his garden and was not in a style in keeping with neighbouring houses;
- The installation of lifts would be noisy as would the operation of the condenser;
- His 75 year old tenant was unlikely to renew his tenancy if the works went ahead and Mr Chappell relied on the income from his tenants;
- The report did not clarify the length of time the works would take, and
- Adjacent properties were likely to suffer subsidence and cracks in walls but no recompense was on offer from the applicant.

Mr Smith objected to the application on the following grounds:

- He lived with his wife on the lower ground floor and his flat would probably be the worst affected in the building. If planning permission was granted they would have to delay the start of their family;
- A sale of his current flat had already failed because of the proposed development at 9 Cheyne Walk;
- Pre-works drilling had created terrible noise in his flat, and generally Noise and Nuisance Officers often arrived when the noise had ceased;
- The report did not make it clear that sound levels would be monitored during the works;
- The Royal Hospital Road was an arterial road and was the route for coaches to Victoria Coach Station. The road had busy restaurants along it and elderly residents from the Royal Hospital used the pavement. Despite this no CTMP had been prepared;
- Christchurch Primary School had also objected because of the likely impact of the proposed development on pupils during the school day;
- He asked for more details on how dust would be contained during the works and if the use of skips would require suspension of parking bays nearby.
- He questioned if the applicant had considered potential asbestos issues.

Mr Smith confirmed to the Committee he was aware of the Party Wall agreements commonly used to rectify damage to adjacent properties.

Mr Nick de Lotbiniere and Mr Tom Steel, both from Savills were called to the table to respond to the objections and made the following points:

- Planning officer advice given at pre-application discussions had been followed;

- Experts on basements had advised the applicant on flood risk and structural issues;
- The potential impact to pupils at the primary school had been included in the Construction Survey;
- A borehole test had been carried out;
- A CTMP would be completed and Mr Steel noted that Cheyne Place narrowed further up from No 9 and, in other narrow streets in the borough, basement developments had taken place;
- Two parking bays would need to be suspended;
- A banksman would monitor the arrival and departure of vehicles;
- A tunnel over the pavement would prevent disruption to pedestrian flow;
- The pedestrian crossing was 140 metres away from the application site and the nearest bus stop, 50 metres away;
- None of the objections concerned any reduction in visibility for drivers and pedestrians;
- The scale of the scheme was not unusual with basement excavation under 24 per cent of the garden area;
- A 24 hour contact telephone number would be made available for local residents and it was anticipated the construction period would take 18 months;
- Ways of minimising dust could be considered further;
- The building when finished would be a family home, and
- All the technical standards required by the Council had been met and the building would achieve an above standard in its environmental impact rating.

Mr de Lotbiniere confirmed the tender for work was still awaited and delivery times would be restricted to after 9am and before 4.30pm. Councillor Campion urged the applicant to incorporate the hours of permitted work into the contract at the earliest stage. Mr Smith confirmed the intention of the owners to live at 9 Cheyne Place during the construction phase and to take a lead in mitigating dust and noise. The Chairman referred to Condition 9 which required all these issues to be addressed in the Demolition and Construction Management Plan.

The Committee

RESOLVED – to grant planning permission.

### **Agenda item N220 & 222-224 Westbourne Grove, W11**

The Senior Planning Officer – North introduced the report and gave an electronic presentation. She emphasised the application submitted in 2010 was different to the one before the current Committee. She confirmed to Councillor Caruana that the applicant had agreed to the Section 106 Agreement as detailed in the report. In response to Councillor Campion’s

comment on the large size and low density of the residential units, she advised that despite the low density of the scheme it complied with the density matrix of the London Plan 2013.

Councillor Champion questioned the lack of stall risers in the proposal. The Senior Planning Officer pointed out the absence of stall risers in other shop-fronts along the parade and that the application property's front did not project further out from the building line. She confirmed to Councillor Champion that the drawings of the balustrades along the front indicated they would match the pattern of railings and so meet the wish of the Pembridge Association for standard railings along the street. The Deputy Head of Development Management suggested an additional Informative could draw the applicants attention to the requirement of railings to match the existing pattern along the street and that any departure from this design would require planning permission.

The Senior Planning Officer advised Councillor Mosley that the design for the entrance doors for the new building would not change and therefore the door design had not been included in the report. She confirmed that no residential parking spaces would be lost. The Deputy Head of Development Management draw attention to a requirement linked to the Section 106 Agreement for a CTMP. He drew attention to the lengthy Section 106 Agreement included in the report which detailed financial contributions which were calculated according to a formula. He advised the deadline for completion of this agreement detailed in the report had been set in order to discourage delay in completing the Section 106 Agreement.

The Committee noted that the loss of a post office to an alternative use of the premises did not require planning permission, and also that large units already existed in other locations along the same street.

The Committee voted by four votes to one (Councillor Caruana voted against) to grant planning permission. The Committee

RESOLVED –

to grant planning permission subject to a section 106 Agreement and Conservation Area Consent.

### **Agenda Item N15. 220 and 222-224 , Westbourne Grove, W11**

Councillor Champion drew attention to the position of the application site which was in a mews and cul de sac. This, he said, was likely to raise traffic control issues yet there was no CTMP with the application. Councillor Champion highlighted that for local residents problems caused by deliveries to and from development sites often proved a real nuisance

and, understandably, led to complaints to planning officers and local ward Members. The Deputy Head of Development Management said the Council had no policy recommending CTMPs for extensions to buildings. He commented on the small scale of the proposal and the officer time taken up by the drafting and approval of CTMPs and their enforcement as another reason why no CTMP had been required. He believed that Informative 6 covered construction management issues.

The Committee voted unanimously to grant planning permission. The Committee

RESOLVED –

To grant planning permission.

That the Executive Director’s recommendations be adopted in respect of the following applications:

<b>Agenda Item(s)</b>	<b>Site</b>
S07	37 Clabon Mews, SW1X
N16	5 Addison Crescent, W14
C14	21 Elvaston Place, SW7

**Action by: EDP&BD**

#### **ANY OTHER URGENT MATTERS**

There were none.

The meeting ended at 8.27pm

Chairman