

## **PRESENT**

### **Members of the Committee**

Councillors Charles Williams (Vice-Chairman), David Champion, Maighread Condon-Simmonds, Robert Mingay and Louis Mosley.

### **Others in Attendance**

Ms Erin Lawn, Development Management Team Leader - South  
Mr Luke Perkins, Development Management Team Leader - North  
Ms Hazel Salisbury, Legal Adviser  
Ms Sian Saadeh, Senior Planning Officer - Central  
Mr Owen Woodward, Senior Planning Officer – Strategic Sites  
Mr Graham Stallwood, Head of Development Management  
Ms Sarah Day, Governance Administrator

### **A1 APOLOGIES FOR ABSENCE**

It was noted that Councillor Condon-Simmonds was attending the meeting in place of Councillor Read.

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

In respect of Agenda Item N30 it was noted that Councillor Mosley knew the applicant, but confirmed that he had not discussed the application with him.

In respect of Agenda Item N31, the Chairman stated that all Members of the Committee knew Councillor Robert Freeman. It was noted that Councillor Freeman would leave the Committee room whilst the Committee deliberated on this item.

### **A3 MINUTES OF THE MEETING HELD ON 8 JANUARY 2013**

The Chairman signed the minutes.

### **A4 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 Item C31 – Flats 9 and 10 Edinburgh House, 56-57 Courtfield Gardens, SW5**

The Senior Planning Officer - Central introduced the report and drew the Committee's attention to the Addendum Report which included photographs that had been submitted by Mr Nicholas Beyts. He displayed an electronic presentation.

Messrs Peter Desmond-Thomas and Nicholas Beyts, local residents, were called to the table to make their representations. They objected to the application on the following grounds in addition to those contained in their letters of objection included in the report:

- Contrary to the Planning Officer's view, the proposed rear extension would not improve the relationship with the neighbouring properties;
- The proposed rear extension was not acceptable; it would not be in harmony with other extensions in the vicinity;
- The proposed rear extension would be contrary to Core Strategy policies CL1, 2 and 3; and
- Paragraph 4.7 of the report stated that the use of the terrace could not be controlled and the additional Juliette balcony would result in additional noise and overlooking for neighbours especially when the kitchen door led out to the terrace.

In response to questions from the Committee, the Planning Officer stated that there were three balconies in the terrace and that the subject terrace already existed and had been in use for several years.

Responding to questions from the Committee, Mr Beyts stated that the proposed Juliette balcony would result in additional noise for neighbours.

Mr Andrew Taylor was called to the table to respond to the objections. He made the following points:

- The proposed glass structure would replace the existing carbuncle that was not concurrent with other buildings in the terrace;
- The Juliette balcony should not result in additional noise as it would serve a bedroom; and
- The terrace was already in use.

In response to a question from the Chairman and Members of the Committee, the Planning Officer confirmed that the building was not used as an hotel. He stated that the terrace would only be slightly larger and would be subject to building regulations to ensure it was structurally safe.

After a brief deliberation, the Committee agreed to grant the application.

RESOLVED –

That the recommendation be adopted;

### **Agenda Items N26 and N27 – 115 Elgin Crescent, W11**

The Chairman explained that both applications would be introduced together, but the Committee would discuss the items separately in its deliberations and decision making.

The Development Management Team Leader – North introduced the reports and explained that he would refer to the first application, Agenda Item N26, as the large basement application and the second application, Agenda Item N27, as the small basement application to avoid any confusion.

In respect of Agenda Item N27, the Planning Officer displayed an electronic presentation and stated that in both applications, the proposed rear extension would be visible from the communal gardens and minimally from the pavement. He pointed out the proposed light-wells.

In respect of Agenda Item N26, the Planning Officer displayed an electronic presentation and highlighted the footprint of the proposed basement.

In response to a question from the Chairman, the Planning Officer stated that the proposed basement would extend approximately 3.5 metres under the footway.

The Planning Officer stated that the street tree was a key issue and that a previous application had been refused due to the lack of a legal agreement to replace the existing street tree. He added that a legal agreement was now in place in respect of Agenda Item N26.

Responding to questions from the Committee, the Planning Officer explained Supplementary Planning Document guidance for building under the footway and made the following points:

- Neither the Council's Arboricultural Officer nor the Transportation and Highways Officer had objected to the proposal;
- There was no basis to resist construction under the footway in this instance;
- A Construction Traffic Management Plan (CTMP) had been provided, but only in draft and not in time for the consultation;
- A satisfactory CTMP would be required by Condition;

- Borehole tests were required for the Construction Method Statement and had been carried out;
- The proposed basement area that would not be constructed underneath the house would be covered with one metre of topsoil and would cover less than eighty-five per cent of the garden area;
- The top line of the proposed rear extension was almost level with the pavement; and
- The Council's new policy for basements was only in draft form and held very little weight when considering this application.

Councillor David Lindsay, Ward Councillor, was called to the table to make his representations. He was accompanied by Mrs Stella Read and Mr James Mackay, local residents, who objected to the application. Mr Mackay stated that he was speaking on behalf of twenty-seven residents who also objected to the application. They made the following points:

- Not all new developments in the Norland Ward enhanced the Conservation Area and this was contrary to Core Strategy policy CL3;
- Core Strategy policy CL2 required building works to be of the highest quality and it was questionable whether this was a high quality proposal;
- Residents were very concerned about structural stability and utility issues related to the proposal;
- In 2005 there had been a fatal accident nearby and the CTMP had to be robust to prevent any further accidents;
- The proposal would reduce the number of parking bays available for residents;
- The Baxter Report stated that the application site was situated in a flood risk area;
- Paragraph 4.20 of the report was incorrect;
- No regard had been given to Thames Water and a key consideration was the impact the proposal would have on drainage, sewerage and utilities;
- The groundwater report carried out in 2012 stated that further borehole testing should be carried out, but this had not been done;
- There was already evidence of cracking in a newly laid pavement nearby;
- The proposed scale of the development was not in keeping with the area;
- The construction of the proposal posed a risk to the safety and welfare of residents and school children;
- The construction works could last for up to two years;
- The structural integrity of houses not entitled to a party wall agreement had not been protected;
- The Construction Method Statement raised structural stability concerns for nearby properties;

- Subsidence was already an issue for houses in the area;
- The Baxter Report and Thames Water had acknowledged that there was a subsidence risk; and
- Flooding was a frequent problem in Elgin Crescent and Rosmead Road.

Responding to a question from the Chairman, Councillor Lindsay asked whether the proposed rear extension was appropriate for the Conservation Area and whether it was designed to a high standard and if not, then the application should be refused.

Mr Thomas Croft, Architect, was called to the table to respond to the objections. He made the following key points:

- All basement developments were disruptive;
- A draft CTMP had been submitted;
- He had met with neighbours and discussed some of the issues and revised the CTMP accordingly;
- An impact survey had been carried out;
- No noisy works would be carried out on Saturdays;
- Comfort cooling was proposed to improve conditions for the applicant's daughter who suffered from a medical condition;
- The ground investigations were satisfactory;
- The structural engineers had already constructed a basement development at the other end of the road without complaints or damage;
- There would be one lorry movement per day;
- The road would not be closed;
- Rosmead Road was little used and the property was at the end of the terrace which made the construction process easier;
- Several of the objectors already had basement developments;
- The proposal was similar to other schemes in the area; and
- The works were proposed to improve the applicant's family home.

Responding to questions from the Chairman, Mr Croft made the following points:

- The proposed basement would be excavated from the pavement and four parking spaces would be restricted during the excavation works after which the pavement would be replaced;
- The works were proposed to take thirty-nine weeks;
- He had worked in the area for around twenty years;
- Only experienced contractors would be chosen who were members of the Considerate Constructors Scheme;
- Groundwater tests had been carried out and none had been found; and
- Thames Water had not objected to the application.

The Engineer was called to the table to respond to questions from the Committee; he made the following points:

- Movement limits had been agreed and he had liaised with the neighbour's engineers;
- A geological specialist had been appointed to calculate the size of footings in order to remain within the movement limits;
- The party wall notices had been served, but not signed;
- The property was built on clay which meant that long term settlement had to be limited; and
- All of these factors would be taken into account at the detailed design stage.

The Planning Officer read an excerpt from the Baxter Report, and stated that the application property was on the very edge of the flood zone. He added that the application included measures to address this.

In response to questions from the Committee, the Planning Officer stated that the noise was controlled by the Control of Pollution Act and any condition imposed to control noise would not meet the test of necessity. He added that the subterranean development would still leave sufficient space for trees and utilities. He stated that there was a rear extension at 71 Elgin Crescent, but this was some distance from the application site.

The Chairman recommended that the CTMP should be put before the Planning Applications Committee for approval, should either of the applications be approved.

In respect of Agenda Item N27, Members of the Committee made the following points:

- The proposed rear extension was not to a high standard and was not in keeping with the Conservation Area;
- The proposed rear extension was not appropriate for the Conservation Area; and
- The proposed rear extension was not sympathetic to the house.

The Planning Officer pointed out that the artist's impression included in the electronic presentation was not an approved drawing.

The Chairman asked the Committee to vote in respect of Agenda Item 27.

The Committee voted to refuse the application on the grounds that the proposed design of rear extension was not of a sufficiently high quality for the Conservation Area. All Members of the Committee voted to refuse the application except Councillor Mosley.

RESOLVED –

That Agenda Item N27 be refused.

The Chairman asked the Committee to vote in respect of Agenda Item N26.

The Committee voted to refuse the application on the grounds that the proposed design of the rear extension was not of a sufficiently high quality for the Conservation Area. All Members of the Committee voted to refuse the application except Councillor Mosley.

RESOLVED –

That Agenda Item N26 be refused on the same grounds as N27.

**The Committee adjourned for five minutes and reconvened at 8.00pm**

### **Agenda Items S32 and S33 – 195-197 King’s Road, SW3**

The Development Management Team Leader – South introduced the report and displayed an electronic presentation including photographs of the property and function room. She drew the Committee’s attention to the Addendum Report which included amendments to conditions.

Responding to questions from the Committee, the Planning Officer stated that the function room was of primary significance and drew the Committee’s attention to paragraph 4.22 of the report. She confirmed that the top of the kitchen would be level with the top of the windows.

Councillor Ian Donaldson, Ward Councillor and Mr Terence Bendixson, The Chelsea Society, were called to the table to make their representations. They made the following points:

- This was an historic neo-Tudor public house;
- Many aspects of the application were welcomed as the building needed modernising, but the loss of the function room was not acceptable;
- The function room was a community and social asset and an important architectural part of the listed building which should be retained;
- It was the finest function room in Chelsea;
- The application did not have to be rejected, but modified in order to keep the function room in public use; and
- The removal of the external advertising was welcomed.

In response to questions from the Committee, Councillor Donaldson stated that the room had not been marketed as a function room and was in need of renovation to increase its use.

Mr Tom Martin, Martins Properties, and Ms Delia Bettison, Kings Court resident, were called to the table to respond to the objections. They made the following points:

- The proposal was for the restoration of a fine building; it would safeguard its use and provide much needed residential accommodation;
- A function room would be provided on the ground floor which was more appropriate as mixing residential and commercial use was not promoted and it had proved difficult to provide disabled access to the existing first floor function room;
- A light and airy area would be provided to the rear of the premises for functions;
- The function room's existing features would be retained and the freestanding furniture was removable;
- The existing function room was actively advertised for hire;
- A number of similar function rooms were available in the area;
- The use of the function room was constrained by licensing laws;
- The building had not been used as a public house for years;
- The public floor-space would be enlarged;
- The function room created a lot of disturbance for local residents; and
- The proposal was a welcome change for residents of Kings Court.

Responding to questions from the Committee, Mr Martins clarified that folding doors would be used in the function room to avoid obscuring the room.

The Head of Development Management stated that the non-structural alterations did not normally require listed building consent.

In its deliberations, the Committee made the following points:

- The proposed works would enhance the building and original features would be retained;
- There was no disabled access to the function room;
- The proposal would reduce disruption for neighbours as there was no internal staircase to the first floor function room; and
- The proposal would change the character of the function room.

RESOLVED (with Councillor Campion dissenting) –

The Committee agreed to grant the applications.

## **Agenda Item N30 – 43 Wallingford Avenue, W10**

The Development Management Team Leader – North introduced the report and gave an electronic presentation.

In response to a question from the Committee, he confirmed that the proposed basement walls would touch the boundary.

Mrs Vera Lonsonci Johnson, a local resident, was called to the table and objected to the application on the following grounds:

- There were noise nuisance issues connected with the premises' owner who had parties in the middle of the night;
- Complaints had been made to the Council in relation to the noise nuisance;
- The proposal would result in an increase in noise nuisance;
- Irregular alterations had been permitted and she was concerned about the integrity of the building;
- The long term effects of the proposal had not been considered;
- Local residents should be protected;
- The plans and Construction Method Statement were inconsistent as was paragraph 4.5 of the report; where would the proposed basement be built? and
- There was no reference to borehole tests in the report.

The Head of Development Management reminded the Committee that it should only take planning matters into consideration when reaching its decision.

In response to a question from the Committee, Ms Johnson stated that no one had approached her in relation to a party wall agreement.

The Chairman suggested that Ms Johnson make herself aware of her rights under the Party Wall Act.

Mr Ian Dollamore, Urban Infill, was called to the table to respond to the objection. He made the following points:

- Previously the house had been rented out and complaints had been made during this period;
- It was intended that the owner would occupy the premises and would not be hosting large parties;
- The proposals were fairly innocuous;
- In design terms, the impact of the proposal would be negligible and would have no impact on the Conservation Area;
- The proposal met with the requirements of Core Strategy Policies CL6 and CL1;

- The underpinning for the proposed basement would be more stable than the existing foundations and the requirements of the Supplementary Planning Document had been met; and
- The application was for a single storey basement only.

In response to questions from the Committee Mr Dollamore stated that the applicant had not met with the objectors, but that he would meet with them to go through the Party Wall process and discuss the proposal. He confirmed that the owner was not a night club owner.

The Head of Development Management reminded the Committee that comments in respect of the property owner were not relevant planning matters for its consideration.

After some deliberation, the Committee agreed to grant the application.

It was noted that Councillor Campion asked for tight control of the Construction Traffic Management Plan.

The Head of Development Management stated that anyone could set up an alert to be notified of documents such as the CTMP via the Council's website by setting up a 'My RBKC' account.

RESOLVED –

That the recommendation be adopted.

### **Agenda Item N31 – 19 Gordon Place, W8**

The Development Management Team Leader – North introduced the report and gave an electronic presentation which included a photograph showing the pattern of closet wing extensions in the terrace. He stated that this was the only property without a mansard roof and closet wing extension. He reported that the applicant had provided a daylight and sunlight report which confirmed that the proposal complied with the BRE guidelines. The Planning Officer displayed a detailed analysis of the vertical sky component test and Core Strategy policy CL5. He stated that there would be no material worsening of sunlight/daylight for any windows. He explained that the proposal would result in a loss of light, but this would not be a material loss.

Councillor Robert Freeman was called to the table and objected to the application on the following grounds in addition to those contained in his letter of objection included in the report and the note to the Planning Applications Committee placed around the table, a copy of which has been placed on the Minute Book:

- The proposal would cause material harm to the Conservation Area;
- The proposal would increase the sense of enclosure for 12 Pitt Street and its neighbours;
- The principal bedroom was located on the lower ground floor and the sense of enclosure to this room would increase materially;
- The Core Strategy clearly stated that the light should not be worsened where daylight was already poor;
- The applicant's daylight/sunlight report was confusing;
- There would be a reduction in the visual sky component figure;
- The loss of light was material and would be damaging; and
- Councillor Freeman read a statement submitted by his wife who suffered from limited mobility and who was extremely concerned about the increased sense of enclosure that would result from the proposal.

Ms Beatrice Sapsford, applicant, was called to the table to respond to the objection. She made the following points:

- When designing the application, the Council's policies had been followed and amendments had been made to accord with policy;
- An additional daylight/sunlight report had been commissioned and found that the proposal met all of the relevant requirements;
- The application for planning permission was submitted in July 2012 and Councillor Freeman's objection was submitted in December 2012;
- The daylight/sunlight report had been revised following complaints from Councillor Freeman that the report was incorrect and found that the proposal would not result in a significant loss of light;
- All other houses in the terrace had been modernised and had dormer windows and conservatories;
- The architect had looked at the other properties in the terrace to ensure that the design was in keeping with the terrace; and
- The Conservation Area Policy Statement identified the roofline of this terrace as being acceptable for additional storeys.

In response to a question from a Member of the Committee, Ms Sapsford confirmed that she had not visited 12 Pitt Street, but stated that her consultants had visited and taken photographs to show the effects of the proposal.

Councillor Freeman withdrew from the Committee Room.

Councillor Champion stated that he had visited Councillor Freeman's property and stated that the proposal would result in an overwhelming sense of enclosure for the bedroom window in question.

The Planning Officer read the Core Strategy policy in respect of sense of enclosure. He stated that the proposal would increase the sense of enclosure, but not to such an extent to warrant refusal. He added that the habitable room accommodation in the Councillor Freeman's property was not limited and confirmed that the bedroom in question was the main bedroom in the house.

The Chairman acknowledged that the property had to be looked at as a whole.

The Committee's attention was drawn to photographs included in the Addendum Report.

After deliberation, the Committee agreed to grant the application.

RESOLVED (with Councillor Campion dissenting) –

That the recommendation be adopted.

### **Agenda Items N28 and N29 – Colville Primary School, Lonsdale Road, W11**

The Development Management Team Leader – North introduced the report and gave an electronic presentation which included a photographic montage of the proposal. He explained the differences between the application before the Committee and a previous application.

In response to questions from the Committee, the Planning Officer stated that there were no conditions in relation to the hours of use and added that he would not recommend imposing such conditions.

It was noted that many of the objections were management related issues that should be addressed by the school governors.

RESOLVED –

That the recommendations be adopted.

### **Agenda Item C29 – 117A Queen's Gate, 39-49 Harrington Road and 2 Reece Mews, SW7**

The Senior Planning Officer – Central introduced the report and drew the Committee's attention to the amended and additional condition recommended in the Addendum Report. She gave a short electronic presentation.

In response to a question from the Committee, the Planning Officer stated that further details could be requested in relation to the levels and suggested amending Condition 5.

The Committee agreed that 'levels within the site be submitted and approved' should be added to Condition 5.

RESOLVED –

That the recommendations be adopted subject to amended condition 5 as approved above.

RESOLVED –

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

<b>Agenda Item(s)</b>	<b>SITE</b>
C27	5 Harley Gardens, SW10
C28	24 ½ Queen's Gate Mews, SW7
C30	56 Queen's Gate Mews, SW7
C32	27 Redcliffe Road, SW10 – it was noted that it was proposed to lower the level of the garden
S25	Vintners Row, 2 Lamont Road Passage, SW10
S26	Flat 2, 165 Draycott Avenue, SW3 – Councillor Campion abstained from voting on this item – attention was drawn to the Addendum Report
S27	69 Cadogan Gardens, SW3
S28 and S29	9 Paultons Square, SW3 – It was noted that the Chairman had visited the premises
S31	Footway adjacent to Roper's Gardens, Chelsea Embankment, SW3 – one additional representation was included in the Addendum Report

*Withdrawn from the Agenda – Land at Royal Hospital Chelsea, Royal Hospital Road, SW3*

**Action by: EDP&BD**

**ANY OTHER URGENT MATTERS**

The meeting ended at 10.10pm

Chairman