

PRESENT

Members of the Committee

Councillors Terence Buxton (Chairman), Robert Atkinson, Matthew Neal, Jonathon Read and Marie-Therese Rossi.

Others in Attendance

Ms Sarah Jones, Senior Planning Officer - South
Ms Erin Lawn, Development Management Team Leader - South
Mr Luke Perkins, Development Management Leader - North
Ms Elen Richards, Development Management Team Leader - Central
Ms Sarah Scannell, Senior Planning Officer - North
Mr Graham Stallwood, Head of Development Management
Mr Andrew Wells, Legal Adviser
Ms Sarah Day, Governance Administrator

A1 APOLOGIES FOR ABSENCE

Councillor Dent Coad sent her apologies and Councillor Atkinson attended the meeting in her place.

A2 MEMBERS' DECLARATIONS OF INTEREST

There were none.

A3 MINUTES OF THE MEETINGS HELD ON 6 DECEMBER 2011 AND 10 JANUARY 2012

The minutes were confirmed as correct records of the meetings and signed by the Chairman.

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.

The Chairman stated that no recording, filming or photography was permitted in the Committee room.

Agenda Item N16 - 282-292 Westbourne Grove, W11

The Planning Officer introduced the report and gave a very detailed account of the planning history for the buildings, accompanied by a presentation which included approved drawings for previous applications

for planning permission. He summarised the reasons for refusal of previous applications for planning permission and pointed out the similarities between the application submitted in 2007 and approved in 2008 and the application before the Committee.

Councillor Dez O'Neill, Councillor for Colville Ward was called to the table to make his representations. He made the following points:

- The planning history for this site had wasted hours of deliberation, inspections and local community time; the Planning Department had found itself bogged down in the detail and had been taken for a ride;
- The Committee had refused the application considered in October 2011 and as a result, an improved scheme had been submitted;
- However, the report was incorrect at paragraph 4.6 as Councillor Atkinson objected to the proposed Westbourne Grove frontage when the application was being considered by the Planning Applications Committee in October 2011;
- It was not satisfactory that the pilasters did not line up with the corbels as this was a basic architectural design feature;
- The size of the proposed doors was unclear;
- At present, the doors were eight feet high, which was large enough, but they appeared larger on the plans;
- A condition should be imposed to retain the present size of the doors; and
- The application should be deferred to address the pilaster and corbel misalignment.

In response to a question from the Committee, Councillor O'Neill stated that the doors looked large already.

Ms Marion Gettleson and Ms Robina Rose were called to the table and objected to the application on the following grounds:

- Ms Rose was a Member of the Ladbroke Association when the design for the upper floors of the premises had been agreed in 2004;
- Small changes had been made over the past eight years in order to manipulate the overall design of the building;
- If planning permission was refused then it was the whole application that was refused and not just certain aspects;
- The six individual shops on Westbourne Grove had now become one large unit with only a fire escape access onto Westbourne Grove;
- The main entrance for the retail unit had moved to Portobello Road;
- There had been discussions with residents in 2005 and the main issues were to maintain, preserve and enhance the Conservation

Area, but now there was no entrance to the shop on Westbourne Grove at all;

- The building had been transformed into a pastiche, non-functional building;
- The Council's website was not working on 2 March 2012;
- There was no mention of residents in the report;
- This development would not be permitted on Sloane Street;
- It was merely proposed to strip the plastic off the shop front and paint the wood underneath;
- This application would be refused if it was prospective;
- There was a lack of detail in the drawings submitted; more detailed drawings showing the mullions, stallrisers and wider pilasters should be submitted;
- The proposal damaged Westbourne Grove and Portobello Road streetscapes and had a very negative impact on the Conservation Area;
- The buildings were misaligned;
- The proposed doors would be 10 square feet which was too large;
- In 2004 it had been required for all doors to be kept shut; why had this been overlooked;
- The proposal would result in increased congestion on Portobello Road;
- The existing glass was not traditional and should be replaced;
- The sewing machines had been refused in 2010 and should be removed; they resulted in a negative impact on the Ladbroke Conservation Area;
- The Core Strategy stated that all development should enhance heritage and improve the quality of shop fronts;
- It was impossible to fix the building and the application should be refused;
- The applicant had knowingly ignored the Core Strategy when installing the shop front; and
- The wider public interest should be the main consideration and the application should be rejected.

The Planning Officer confirmed that entrance doors on Portobello Road were currently 2.7 metres in width and 2.4 metres high and the proposed doors would be 3 metres wide and 2.9 metres high.

The Chairman asked why the pilasters and corbels were not lined up.

Mr Alan Gunne-Jones, representing the applicant, responded to the objections with the following points:

- The Committee's debate at the Planning Applications Committee meeting in October 2011 provided a clear agenda for resubmission;

- The proposal for Westbourne Grove had been welcomed (Mr Gunne-Jones read the refusal notice to the Committee);
- The issues relating to quoins and pilasters had been dealt with at the previous meeting where it was clarified that the original structural steel work of the building was out of line;
- This application was not retrospective as it did not seek consent for what was already there;
- A study of drawing A208.3 would show that a new shop front would be installed;
- The detail was shown at a good scale in the drawing; and
- In October, there had been no objection to the materials; the issue was the extended expanse of the shop front and this application addressed this.

The Chairman asked if the applicant would withdraw the appeal if the Committee granted the application before it.

The Head of Development Management clarified that an appeal could be withdrawn by the appellant at any point in the process before a decision had been made by the Planning Inspector.

Mr Gunne-Jones stated that he would have to check with the client, the Planning Inspectorate and the Local Authority prior to taking any decision to withdraw the appeal as there would be cost related issues to consider.

In response to questions from the Committee, Mr Gunne-Jones made the following points:

- The pilasters and corbels did not match up for structural reasons;
- The proposed doors were functional and would open inwards; and
- Toughened laminate glazing was proposed and the sewing machines were no longer illuminated and therefore acceptable.

The Planning Officer confirmed that it was not possible to match the pilasters and corbels due to the structural constraints of the building.

In its deliberation the Committee made the following points:

- Councillor Atkinson had objected to the corbels and pilasters on the Westbourne Grove frontage at the previous meeting;
- The size of the doors gave rise to concern;
- Little by little, the applicant had got what they wanted with no respect for the Conservation Area;
- The entrance had shifted from Westbourne Grove to Portobello Road;
- The Portobello Road frontage had been addressed;
- The application had progressed from very bad to just bad.

Councillor Rossi and Atkinson voted to refuse the application. Councillors Neal, Read and Buxton voted in favour of the application.

Councillor Buxton stated that he would be writing to the applicants to ask them to withdraw their appeal.

RESOLVED –

That the recommendation be adopted;

Agenda Item N17 – 14 Upper Phillimore Gardens, W8

The Planning Officer introduced the report. He stated that the middle roof ridge could not be seen from any viewpoint and, responding to a question from the Committee, stated that it would be very hard to see the roof light proposed in the front light-well. He confirmed that it was not proposed to change the front light-well.

Mrs Monica Moezinia, Ms Yasmine Moezinia, Mrs Sabine Diederichs and Mr Mikael Berglund, all local residents, were called to the table and objected to the application on the following grounds, in addition to those contained in their letters of objection:

- Any underpinning scheme proposed for 14 Phillimore Gardens needed Ms Monica Moezinia's consent under the Party Wall Act and it would not be given as she did not want to lose the amenity of her home for three, four or even five years;
- A Construction Method Statement had not been submitted and this was contrary to the Subterranean Development Supplementary Planning Document (SPD);
- The decision should be deferred until the plans had been changed and a Construction Method Statement had been submitted;
- There were flaws in the report; 14 Upper Phillimore Gardens was a five storey dwelling;
- It was extremely concerning that 3 Upper Phillimore Gardens had been confused with 14 Upper Phillimore Gardens in documents submitted by the engineers;
- How could anyone be confident that the plans were reliable when there was evidence of such carelessness in such vital documents;
- The Council had stated that it should have tougher guidance and the Committee should therefore accept that the current policy was not fit for purpose and the application should not be approved;
- What level of devastation must there be before the Council would accept that the residents' amenity was being harmfully impacted;
- In the last few years the area had changed to a noisy property developers' heaven causing material harm to the amenity, character and appearance of the Conservation Area;

- Subterranean works resulted in an increase in residents and traffic in the area;
- The completion time was much longer than the period predicted by developers; it was usually double the predicted time;
- 44 Phillimore Gardens had taken four years to complete;
- Residents were subject to long-term hoarding and the houses usually increased in size above ground too;
- Why was such a development being permitted in the Conservation Area?
- There were already five houses boarded up in the area;
- As a result of the works, streets were blocked, cars damaged, there was an increase in noise nuisance and residents were unable to use their gardens;
- The works ruined the character of the Conservation Area and ruined the quality of life for residents that the Council should be protecting;
- Mr Berglund and his family had not been able to use their garden for four years due to the subterranean works carried out next door to his property; and
- How was there no basis on which to reject this proposal?

Mr Christian Leigh, Planning Consultant, Mr Tony Hayes, Structural Engineer, and Mr Mike Fisher, Architect, responded to the objections with the following points:

- The pre-application discussions for the proposed development had commenced in mid 2011 and there had been revisions to the scheme following advice from the Planning Department;
- The proposal would have no harmful effect on the Conservation Area;
- The proposal did not conflict with the Council's policy for subterranean development;
- The applicant had appointed a structural team, party wall engineers, prepared a Construction Method Statement and would have to adhere to stringent conditions;
- There would be no harm to trees in the area;
- Adequate soil depth would be retained;
- There was structural information to show that the proposed basement could be built and appeal decisions had stated that large basements did not affect the Conservation Area;
- The Committee's decision had to be based on Planning Policy (Mr Leigh read the introduction from the Subterranean Development SPD);
- The Construction Method Statement was being developed with the constructor;
- Mr Hayes had worked on the project for nine months and it had reached the detailed design stage;

- Basement construction methods would be used that would cause less disruption to neighbours;
- A top down method would be used to stabilise the building above ground prior to commencement of the subterranean development;
- Whereas a piled scheme had been used for 3 Upper Phillimore Gardens, this would be an underpinning scheme;
- Mr Fisher had lived in London for 20 years including in Upper Phillimore Gardens and would do his best to mitigate any problems;
- 14 Upper Phillimore Gardens was currently uninhabitable and needed a complete refurbishment;
- The residents' concerns were understood and the team would do its best to complete the works with minimum discomfort to local residents;
- Mr Fisher hoped that his client would move into his house on good terms with his neighbours;
- The team would try to programme works in response to neighbours' timetables; neighbours would be kept informed by way of a newsletter from the contractor and dialogue would be encouraged; and
- Most houses needed refurbishing after ten to fifteen years.

Responding to questions from the Committee, Messrs Leigh, Hayes and Fisher made the following points:

- The works were expected to last for 18 to 24 months; and
- The proposed works could be carried out without the neighbour's permission.

The Head of Development Management stated that the Party Wall Act protected neighbours and was incumbent on the owner of the property. He added that the Planning Authority could not impose an end date for works with a view to restricting works in an area.

In its deliberations, the Committee made the following points:

- It was regrettable that there was so much development in the area;
- The guidance for such projects needed to be reconsidered;
- The developers did not address any of the neighbours' concerns; and
- The Committee was sympathetic to the neighbours, but there were no grounds on which to refuse the application.

After a vote, the Committee agreed to grant the application.

RESOLVED (with Councillor Atkinson dissenting) –

That the recommendation be adopted;

Agenda Item C30 – 160 Cromwell Road, SW5

The Planning Officer introduced the report and exhibited a photograph showing the rear of the hotel and Imperial Court next door. She stated that the proposed planters would prevent overlooking and confirmed that the Environmental Health Officer had recommended conditions to restrict the use of the proposed smoking terrace and to prevent noise nuisance for local residents.

The Planning Officer drew the Committee's attention to the additional information contained in the Addendum Report. She confirmed that it was proposed to use natural ventilation.

Ms Elizabeth Kitson, shared freeholder of 4 Lexham Gardens and speaking on behalf of residents of the building, was called to the table and objected to the application on the following grounds:

- Objections had been submitted, but residents had not been updated until one week prior to the Committee meeting;
- The proposal would result in overlooking, noise nuisance, odour nuisance and would affect the enjoyment of neighbouring properties;
- The Planning Officer did not make it clear that 4 Lexham Gardens adjoined the hotel;
- The distance between her property and the hotel was misleading on the photographs shown by the Planning Officer;
- Ms Kitson compared the distance between her kitchen window and the proposed smoking terrace to that of the distance between her and the Committee;
- Ms Kitson circulated photographs taken from her bay window facing towards the hotel's garden to show how close the proposal would be;
- A 2.5m planter placed at the top of the terrace would not address any overlooking issues;
- Although the Environmental Health Officer stated that the properties were subject to noise from Cromwell Road, this was not the case to the rear of the property;
- A cigar bar was not odour free and there would only be natural ventilation which, depending on the wind direction, would subject the adjoining property to the smell of smoke;
- There was no information on how smells would be extracted;
- There was no staircase to the garden at present and residents had no access to the garden, which was used as a dumping ground by the hotel;

- There would be an opening door from the terrace which would have a negative impact on the adjoining property; and
- Ms Kitson would have her property valued prior to the works and upon completion of the works.

Mrs Sana Al Naimi, representing the applicant, responded to the objections with the following points:

- The applicant proposed to use full height obscured glazing for the north elevation of the terrace in response to neighbours' concerns;
- The hotel would comply with the conditions imposed in relation to noise;
- Cromwell Road was a very busy road and the proposal should not add to the background noise;
- It was unlikely that the neighbouring property would be affected by odours emanating from the proposed terrace as it was ten metres away;
- If the opaque glass was full height in the northern elevation this would also eliminate odours;
- Should it be necessary, mechanical ventilation could be introduced;
- The proposed staircase would be used as a fire escape only;
- The door would be only be used for fire escape purposes;
- The sunlight/daylight impact had been assessed following BRE guidelines and it had found that there would be no impact;
- PPS5 did not oppose contemporary design if it was of a high quality; and
- The proposal was part of a full refurbishment programme to transform the premises into a four star hotel.

Responding to questions from the Committee, Mrs Al Naimi made the following points:

- The proposed terrace was not a room and would seat thirteen people;
- The doors to the bar would be kept closed; and
- The metre gap at the top of the proposed terrace would provide cross ventilation.

The Head of Development Management explained that the key issue for the Committee was to consider if the proposal was acceptable; he suggested that an informative could be added to remind the applicant that another application for planning permission would have to be submitted if the scheme had to be amended.

In its deliberations, the Committee made the following comments:

- There would be no barrier to prevent noise emanating from the proposed terrace;
- The proposed design was a concern in the Conservation Area; and
- The proposal was a room extension rather than a smoking terrace.

The Committee agreed that the application should be deferred on the grounds of amenity. The Chairman clarified that by deferring the application, the applicant would have a chance to address Ms Kitson's concerns.

RESOLVED –

That the application be deferred;

Agenda Items N20 and N21 – 48 Holland Park Avenue, W11

The Planning Officer introduced the report. He confirmed that the front basement had been removed from the application. The Planning Officer pointed out that the front steps that were proposed to be removed were not original steps. He confirmed that Ms Helena Benes, Principal Planning Officer, Conservation and Design had reported that the steps were not original.

Mr Bill Pelham, resident of 50 Holland Park Avenue, was called to the table and objected to the application on the following grounds:

- The proposal would have a negative impact on neighbouring properties;
- The existing conservatory had not been built in accordance with the plans and the breaches had never been rectified;
- Mr Pelham did not want to see a repeat of the situation with this proposal;
- The Council had a duty of care to ensure that the drawings were accurate;
- The proposed brick wall should be set back 330mm to minimise the adverse impact;
- The roof should not slope towards his property;
- Mr Pelham's amenity would be compromised by the full width, double height openings; and
- The objectors were seeking a better design to improve amenity and he urged the Committee to consider his requests.

Mr Tim Boyd, Michaelis Boyd Associates, responded to the objections with the following points:

- The proposal was to improve the current conservatory which was constructed in 1994 and did not enhance the character of the Conservation Area;
- The proposal would improve and complement the building and neighbours' amenity;
- The proposed conservatory would be smaller than the existing conservatory;
- The side wall would be the same as the existing side wall, but there would not be any glazing to create overlooking;
- The roof pitch would slope in the direction of 50 Holland Park Avenue, but it would terminate on the solid wall with a gutter;
- Internal blinds could be fitted;
- The front lightwell would be built of new stone and would be reconfigured to improve safety; and
- The proposed steps would not increase overlooking;

The Committee agreed that the proposal was an improvement.

RESOLVED –

That the recommendations be adopted;

Agenda Items S20 and S21 – The Phene Arms, 9 Phene Street, SW3

The Senior Planning Officer introduced the reports.

The Chairman highlighted the similarities with the application for the Cross Keys public house.

The Committee commented that in the absence of a s106 agreement there were outstanding issues regarding parking permits and planning contributions.

The Chairman stated that the Committee was conscious of the issues in relation to noise nuisance connected with the public house and accepted that the management of the public house needed to improve.

RESOLVED –

That the recommendations be adopted and the applications refused;

Agenda Items N22, N23, N24 – 108-110 Notting Hill Gate, W11

The Senior Planning Officer introduced the reports and drew the Committee's attention to the Addendum Report. She stated that additional representations had been submitted by Councillor Campion in relation to the proposed tables and chairs.

Responding to questions from the Committee, the Senior Planning Officer stated that the applicant would need a highways licence to place tables and chairs on the public highway.

The Committee commented that this was a very busy area. It was noted that the permission to place tables and chairs on the pavement in front of the restaurant would be for one year only.

RESOLVED (with Councillor Atkinson dissenting in relation to Agenda Item N24) –

That the recommendations be adopted;

Agenda Item C31 – Marlborough Court, Pembroke Road, W8

The Planning Officer introduced the report and drew the Committee's attention to the Addendum Report.

Responding to questions from the Chairman, the Planning Officer drew the Committee's attention to Condition 7 and stated that the garden could be removed without planning permission.

Members of the Committee commented that it was a very narrow access onto a very busy red route and considered deferring the application for further information.

The Head of Development Management advised that he did not consider further information would be forthcoming which might overcome the concerns expressed by Councillors.

The Planning Officer drew the Committee's attention to paragraph 3.3 of the report which contained the previous reasons for refusal.

The Committee agreed that the application should be refused on the same grounds as the previous application in relation to pedestrian access and protection of a tree and furthermore because delivery vehicles would block access and egress.

RESOLVED –

That the application be refused for the above reasons;

Agenda Item C28 – Kensington Close Hotel, Wright’s Lane, W8

The Planning Officer introduced the report and stated that most objectors were concerned about noise nuisance from the plant, bar and restaurant area. She stated that the bar area would be located further away from residential properties and drew the Committee’s attention to Conditions 9 and 10 in relation to windows and doors. The Planning Officer confirmed that the Travel Plan had been submitted.

RESOLVED –

That the recommendation be adopted subject to the section 106 agreement;

RESOLVED –

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

Agenda Item(s)	Site
C29	Flat 4, 72 Courtfield Gardens, SW5
C32	88-89 Queen’s Gate; 4-5 Queen’s Gate and 22-23 Queen’s Gate Mews
N19	Apartment 27, 1 Wycombe Square, W8
S22	Basement Flat, 20 Redburn Street, SW3
S23	8 St Catherine’s Mews, SW3 – attention was drawn to additional comments in the Addendum Report regarding sunlight

Withdrawn

Agenda Item N18 – 35 Clarendon Road W11

Action by: EDP&BD

ANY OTHER URGENT MATTERS

The meeting ended at 9.40pm

Chairman