

Planning and Development Control Committee Minutes

Tuesday 5 September 2017

PRESENT

Committee members: Councillors Adam Connell, Michael Cartwright, Iain Cassidy (Vice-Chair), Colin Aherne, Lucy Ivimy, Alex Karmel, Natalia Perez, Viya Nsumbu and Wesley Harcourt

4. MINUTES

The minutes of the meeting of the Planning and Development Control Committees held on 11 July 2017 and 25 July 2017 be confirmed and signed as an accurate record of the proceedings.

5. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Jacqueline Borland.

6. DECLARATION OF INTERESTS

Councillor Wesley Harcourt declared a non pecuniary interest in respect of 2 Scrubs Lane as he is the LBHF delegate sitting on the OPDC Planning Committee. He remained in the meeting but did not participate or vote on the item.

Councillor Natalia Perez declared a non pecuniary interest in respect of 2 Scrubs Lane as she is the LBHF delegate sitting on the OPDC Planning Committee. She remained in the meeting but did not participate or vote on the item.

Councillor Michael Cartwright declared a non pecuniary interest in respect of 2 Scrubs Lane as he is the LBHF substitute delegate sitting on the OPDC Planning Committee. He left the meeting and did not participate or vote on the item.

Councillor Adam Connell declared a non pecuniary interest in respect of 2 Scrubs Lane as he is the LBHF substitute delegate sitting on the OPDC Planning Committee. He remained in the meeting but did not participate or vote on the item.

Councillor Alex Karmel declared a pecuniary interest in respect of 2 Scrubs Lane as he one of the companies he works for had some involvement with the application. He left the meeting and did not participate or vote on the item.

7. DECISION TO RE-ORDER THE AGENDA

In view of members of the public present for particular applications and the need for the Chair to hand over to the Vice-Chair for 2 Scrubs Lane, the Chair proposed that the agenda be re-ordered, with which the Committee agreed, and the minutes reflect the order of the meeting.

8. PLANNING APPLICATIONS

8.1 Former Laundry Site Rear of Nos 9 - 61 Pennard Road London, Shepherd's Bush Green W125 2017/01887/FUL

Please see the Addendum attached to the minutes which amended the report.

The Committee heard a representation in objection to the application by two members of the Shepherds Bush Market Tenants Association. Some of the points raised included: the consultation letters (for revisions to the application) were received less than 7 days before the closing date of the consultation which meant there was limited time in which to respond. The containers were sited without permission and the proposal was a retrospective application to legitimise this action. Concerns were raised regarding conditions 16 to 33 of the Officers' report. The area needed a long term solution for regeneration not a temporary one. The Committee were urged to conduct a site visit before a decision was taken.

The Committee heard a representation from the Applicant. Some of the points raised included: The rationale behind the application was to increase footfall in the area (including Shepherds Bush Market) and enhance commercial opportunities. The containers provided affordable workspace and supported food and beverage sales as well as storage facilities. The Applicant hoped the market traders would take advantage of the facilities.

In the course of discussions, Councillor Karmel proposed that the decision was deferred for a site visit. This proposal was seconded by Councillor Ivimy. This was put to the vote and the result was as follows:

For:

2

Against:

7

Not Voting:

0

Councillor Karmel noted that Conditions 4 and 5 within the Officer report appeared to contradict each other and that if the application were to be approved that they would require amendment. Committee seconded this proposal.

The Committee voted on application 2017/01887/FUL and whether to agree the officer recommendation of approval and the changes set out in the addendum. This was put to the vote and the result was as follows:

For:
2
Against:
7
Not Voting:
0

The Committee voted on a motion to refuse the application. This was put to the vote and the result was as follows:

For:
8
Against:
1
Not Voting:
0

RESOLVED THAT:

Planning Application 2017/01887/FUL be refused for the following reasons:

- The impact of the proposal on the adjoining conservation area.
- The impact on the adjoining hostel and residents.
- The creation of additional parking pressures.
- The proposed use will increase footfall which will be to the detrimental to the retail character and shopping function of Shepherds Bush Market.
- Inadequate cycle provision.
- Inadequate disabled access to the first floor units.

8.2 Palace Wharf Rainville Road London, College Park and Old Oak 2017/9320/VAPO

Please see the Addendum attached to the minutes for further details.

On the advice of the Legal Officer, Councillor Connell requested that the Committee move into private session in order to discuss commercially sensitive information to which the Committee agreed:

RESOLVED THAT:

EXCLUSION OF PRESS AND PUBLIC

That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business on the grounds that they contain information relating to the financial or business affairs of a person (including the authority) as defined in paragraph 3 of Schedule 12A of the Act, and that the public interest in maintaining the exemption currently outweighs the public interest in disclosing the information.

All members of the Public were asked to leave the meeting Committee at 8:25 pm. The Public returned at 9.05 pm and the open part of the meeting resumed on the application report.

The Committee voted on whether to approve the application 2017/9320/VAPO and the results were as follows:

For:
0
Against:
9
Not Voting:
0

The Committee voted on whether to refuse application 2017/9320/VAPO and the results were as follows:

For:
9
Against:
0
Not Voting:
0

The Committee considered that the provision of off-site affordable housing was inferior to the provision of on-site affordable housing.

RESOLVED THAT:

The Committee resolved to overturn the officer recommendation of approval of the application and refuse the officer recommendation.

8.3 2 Scrubs Lane London NW10 6RB College Park and Old Oak 2017/02737/OPDOBS

Please see the Addendum attached to the minutes which amended the report.

Councillor Wesley Harcourt declared a non pecuniary interest in respect of 2 Scrubs Lane as he is the LBHF delegate sitting on the OPDC Planning Committee. He remained in the meeting but did not participate or vote on the item.

Councillor Natalia Perez declared a non pecuniary interest in respect of 2 Scrubs Lane as she is the LBHF delegate sitting on the OPDC Planning Committee. She remained in the meeting but did not participate or vote on the item.

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In the absence of the Chair, the Vice-Chair chaired the item.

The Committee voted on planning application 2017/02737/OPDOBS and the results were as follows:

For:
4
Against:
0
Not Voting:
0

RESOLVED THAT:

That the officer comments set out in the report be agreed.

Addendum

Meeting started: 7:00 pm
Meeting ended: 9:22 pm

Chair

Contact officer: Charles Francis
Committee Co-ordinator
Governance and Scrutiny
Tel 020 8753 2062
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PLANNING AND DEVELOPMENT CONTROL COMMITTEE
Addendum 05.09.2017

<u>Reg. No:</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
2017/01887/FUL	Old Laundry Site	Shepherd's Bush Green	16
P21	Condition 17, line 6: Remove 'and vehicle emissions'		
P27	Add the following condition (no. 34):		
	All approved landscaping shall be retained and regularly maintained for the duration of the development.		
	Reason: To ensure a satisfactory external appearance in accordance with policies 7.5 of the London Plan (2016), policies BE1 and OS1 of the Core Strategy (2011) and policies DM E3 and DM E4 of the Development Management Local Plan (2013).		
P34	Para. 1.13, line 4: replace 'former Shepherds Bush Library' with 'Bush Theatre'		
P41	Add the following after the 'Officer Comment' under Air Quality. Since the report was published, Air Quality have revised their comments and stated that based on the low number of additional anticipated service vehicles, emissions details would not be required for the temporary proposal.		
2017/02737/OPDOBS	2 Scrubs Lane	College Park and Old Oak	61
P69	Paragraph 3.18: Line 5 – insert sentence 'Deign Council CABE had recommended the same at Design Review during pre-application and these comments were not incorporated into the eventual proposed scheme.'		
P75	Paragraph 3.61: Line 3 – Include heading – 'Head of Terms'		
P75	Paragraph 3.63: Line 2 - insert the following text: The section 278 agreement shall include footway, access and junction improvements at detailed locations agreed with the Highways Authority. The application site must not be occupied until the section 278 agreement has been completed. Insert text from Informative 8 from page 83 'Highways Works'.		
P75	Paragraphs 3.64 and 3.65: Remove paragraphs		
P76	Paragraph 3.73: Line 2 – replace the figure for Travel Plan review payments from £2,500 to £3,000.		
P81	Condition 17: Insert text 'Construction Logistics Plan' in heading and on line 1.		
P81	Condition 18: Line 8 – replace TRAVL with TRICs		
P81	Insert Additional Conditions:		
	Condition 19:		
	Mechanical Ventilation – Air Quality		
	Prior to commencement of the development, (excluding site clearance and demolition) a report including detailed information on the proposed mechanical ventilation system with NOx filtration shall be submitted to and approved in writing by the Council. This report shall specify air intake and air extract locations and the design details and locations of windows on all residential floors and nursery (Class D1) use to demonstrate that they avoid areas of NO2 or PM exceedance e.g. Scrubs Lane (A219), Harrow Road (A404). The whole system shall be designed to prevent summer overheating and minimise energy usage. Chimney/boiler flues and ventilation extracts shall be positioned a suitable distance away from ventilation intakes, openable windows, balconies, roof gardens, terraces and receptors. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the residential development and thereafter permanently retained and maintained.		

Reason: To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

Insert Condition 20:

Low Emissions Strategy - Air Quality

Prior to the commencement of the development (excluding site clearance and demolition) a Low Emission Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NOx emissions standards for the chosen energy plant) that are required to reduce the exposure of future residents to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NOx and particulates from on-site transport during Demolition, Construction and Operational phases e.g. use of Low Emission Vehicles, and energy generation sources. Evidence shall be submitted to and approved in writing by the Local Planning Authority to show that the Energy Plant installed within the energy centre comply with the relevant emissions standards in the Mayor's Sustainable Design and Construction Supplementary Planning Document (2014) shall be set out in the document. The strategy must re-assess air quality neutral in accordance with the Mayor of London SPG 'Sustainable Design and Construction' (April 2014) guidance. It must also identify mitigation measures as appropriate to reduce building emissions to below GLA benchmark levels. Approved details shall be fully implemented prior to the occupation/use of the residential development and thereafter permanently retained and maintained.

Reason: To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

Insert Condition 21:

Green Infrastructure - Air Quality

Prior to commencement of development (excluding site clearance and demolition) details for construction of a green infrastructure (including details of planting species and maintenance) on the section of development facing Scrubs lane (A219) and Harrow Road (A404) shall be submitted to and approved by the local planning authority. The green infrastructure shall be constructed and planted up in full accordance with the approved details within the first available planting season following completion of buildings on Scrubs Lane (A219) and Harrow Road (A404). Any plants which die, are removed, become seriously damaged and diseased within a period of five years from completion of these buildings shall be replaced in the next planting season with others of similar size and species. Approved details shall be fully implemented prior to the occupation/use of the residential development and thereafter permanently retained and maintained.

Reason: To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

Insert Condition 22:

CHP & Gas Boiler Compliance with Emission Standards – Air Quality

Prior to the operation of the CHP units and the Ultra-Low NOx Gas fired boilers, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Evidence that the termination height of the Flue stacks for the CHP plant has been installed a minimum of 5 metres above the roof level of the tallest part of the building
- Details to demonstrate that the CHP Plant, Ultra Low NOx Gas fired boilers and associated abatement technologies shall meet a minimum dry NOx emissions standards of 50mg/Nm-3 (at 5% O2) and 30 mg/kWh (at 0% O2) respectively.
- Following installation, emissions certificates and the results of NOx emissions testing of each CHP unit and Ultra Low NOx gas boilers by an accredited laboratory will need to be provided to the Local Planning Authority to verify emissions.

Where any installations do not meet the relevant emissions standard it should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason: To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

Additional Information received today from external consultants:

Members are also advised that a response to LBHF Committee Report has been received from DP9 Planning Consultants (today) on 05/09/2017 commenting on LBHF grounds of objection and contradicting officers' assessment of:

- Design development
- Heritage
- Open Space at the front of the building
- Access and Servicing
- Affordable Housing
- Air Quality and Sustainable Design and Construction