

Planning and Development Control Committee Minutes

Tuesday 5 December 2023

PRESENT

Committee members: Councillors Omid Miri (Chair), Wesley Harcourt, Rebecca Harvey, Nikos Souslous, Patrick Walsh and Alex Karmel

Officers:

Joanne Woodward (Director of Planning and Property)
Matt Butler (Assistant Director of Development Management)
Ieuan Bellis (Team Leader)
Allan Jones (Team Leader Urban Design and Heritage)
Roy Asagba-Power (Team Leader)
John Sanchez (Deputy Team Leader)
Jesenka Oezdalga (Senior Planning Officer)
Catherine Paterson (Highways)
Mrinalini Rajaratnam (Chief Solicitor - Property and Planning)
Charles Francis (Clerk)

1. APOLOGIES FOR ABSENCE

Apologies for absence were provided by Councillor Florian Chevoppe-Verdier and Councillor Adrian Pascu-Tulbure.

2. DECLARATION OF INTERESTS

There were no declarations of interest.

3. MINUTES

The minutes of the previous meeting held on 7 November 2023 were agreed as an accurate record.

4. PUBLIC CAR PARK, COOMER PLACE SW6, LILLIE, 2023/02674/FR3

An addendum was circulated prior to the meeting that modified the report. Roy Asagba-Power presented the item.

There were no registered speakers.

The Committee voted on the officer recommendations as amended by the Addendum as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant permission subject to the condition(s) listed in the report.
2. That the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

5. SHEPHERD'S BUSH MARKET, FORMER OLD LAUNDRY YARD, 42 AND 48 (GROUND FLOOR) GOLDHAWK ROAD, LONDON W12, SHEPHERD'S BUSH GREEN, 2023/01093/FUL

An addendum was circulated prior to the meeting that modified the report. John Sanchez, supported by Ian Dias, presented the item.

A resident spoke in objection to the application.

At 8:35pm a planned protest disrupted the meeting which prohibited the registered speakers in support of the application from addressing the Committee.

The Chair proposed a temporary suspension to which the Committee agreed.

The disruption continued until 9:20pm when the Chair formally proposed that the meeting be formally adjourned. This was seconded by Councillor Rebecca Harvey. The Committee voted unanimously to adjourn the meeting.

Addendum

Meeting started: 7.02 pm
Meeting ended: 9.20 pm

Chair

Contact officer: Charles Francis
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PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Addendum 05.12.2023

REG REF.	ADDRESS	WARD	PAGE
2023/02674/FR3	Coomer Place Car Park	Lillie	10
Page 16	<u>Condition 14</u> (Secured By Design), renumber as condition 15 and in the first line, replace 'Prior to first use' with 'Prior to commencement'.		
Page 29	<u>Para. 6.56, fifth line delete</u> 'That bedroom includes a high-level window in its rear elevation which is 1.8m above the finished floor level'.		
Page 31	<u>Para. 6.70, first line, delete</u> 'some' and replace with 7.		
2023/01093/FUL	Shepherd's Bush Market, Former Old Laundry Yard, 42 And 48 (Ground Floor) Goldhawk Road, London W12	Shepherd's Bush Green	37
Page 44	<u>Condition 5 Part (m): Infrastructure Protection – London Underground:</u> REPLACE 5 (m) with: "Demonstrate that reasonably practicable mitigation measures will be employed, to mitigate any risk to railway operations prior to the occupation and use of the proposed balcony and terraces spaces facing the London Underground elevation."		
Page 48	<u>Condition 9 (i): Construction Logistics Plan:</u> REPLACE 9 (i) with: "Details of programme of works, including measures for vehicle holding areas, HGV deliveries, hours of operation, before and after condition surveys of the highway and details on restrictions on a maximum vehicle number per hour and hours of movement accessing the site from Goldhawk Road; and other matters relating to minimising the impact of traffic and its management to be agreed and set out within an approved Construction Logistics Plan and other related documents connected to all phases of development".		
Page 63	<u>Condition 44: Balconies/Terraces</u> ADD (1 st line) "...or terrace..." after the word "balcony".		
Page 65	<u>Condition 50: 1:20 Roof Top Plant Enclosures</u> AMEND 1 st line to read: "Prior to the commencement of the relevant part of the development (excluding demolition works)..."		
Page 71	<u>Condition 71: Zero Emission Delivery Hub</u> AMEND 1st line to read: "Prior to the occupation of the residential and /or commercial building hereby approved, details..."		
Page 75	<u>Condition 81: Commercial Building</u> DELETE: "...office space (Class E (g))..." and INSERT: "...offices and research and development uses (Class E (g) (i) and (ii))..."		
Page 76	<u>Justification (1):</u> 3 rd line: DELETE "...flexible..."		
Page 81	<u>Justification (15):</u> 1st line: DELETE "...one..." ADD "...three..."		
Page 83	<u>Neighbour Representations (2nd Objection listed):</u> DELETE "Arch 60, SBM, W12" and ADD "Arch 160, SBM, W12"		

- Page 95 Para. 2.8 (2nd line): CLARIFICATION: “The 2012 planning permission was judicially reviewed but the Court upheld the Council’s decision to grant planning permission. The scheme was dependent upon a Compulsory Purchase Order (CPO) for its implementation. Although that CPO was made, it was quashed by the Court of Appeal on the basis that the Secretary of State had not explained sufficiently why he disagreed with his Inspector. As a result, the scheme could not proceed.”
- Page 100 Para 3.8 (2nd line): DELETE: “The residential building.”
- Page 107 Para. 3.27 (13th line): DELETE: “...terraces...”
- Page 108 Para. 3.29 (Table 1): CLARIFICATION: “90%” refers to equivalent family sized units.
- Page 110 Para. 3.33 (4th line): DELETE sentence (repetition)
“The set back top floor would be constructed out of textured concrete to differentiate its volume”.
- Page 119 Para. 3.53 (3rd line): ADD “...secondary...”
- Page 128 Para. 4.34 (TfL) (1st bullet): DELETE “In a late representation...”
- Page 142 Save Shepherd’s Bush Market: ADD: “...and 23 September 2023)”
- Page 164 Para. 8.22 (8th line): INSERT:
“Legacy leases are made up of predominantly holdings protected by the 1954 Act”.
- Page 165 Para. 8.26 (5th line – 4th sentence): REPLACE sentence:
“In the interim, traders who are being relocated during the construction works will be relocated to a mixture of temporary container facilities and into previously surrendered units elsewhere in the market and will not be able to operate under their existing leases because the leases are location specific”.
- Page 166 Para. 8.28 (1st bullet): CLARIFICATION: The rent/service charge holiday during construction is for all legacy traders, not just those traders that want to stay.
- Page 167 Para. 8.31 (8th line – 5th sentence) AMEND sentence:
“The Applicant intends to grant leases to the legacy traders with 1954 Act protection where legally possible and the precedent lease (as detailed further above) will be used as the basis for new leases”.
- Page 171 Para 8.51 (4th line – 2nd sentence): DELETE “...A flexible...”
- Page 187 Para. 9.4 (11th line): DELETE: “...having regard...” (repetition).
- Page 193 Para. 9.23 (3rd bullet): REPLACE “...Table 1...” with “...Table 3...”
- Page 201 Para. 9.45 (4th line): DELETE: “SPD Policy 8” and ADD: “SPD Key Principle HS7”
- Page 211-213 Paras. 10.53 – 10.59: Amend references to NPPF as follows. Para. 10.53, update to reference to paragraph 189 of NPPF. Para. 10.5, update to reference paragraph 195 of NPPF. Para. 10.55, update to reference paragraph 197 of NPPF. Para. 10.56, update to reference paragraph 199 of NPPF. Para. 10.57, update to reference paragraph 200 of NPPF. Para. 10.58, update to reference paragraph 201 of NPPF.
- Page 221 Para. 10.51 (4th line): UPDATE ‘...,particularly the duties of s.66 and s.72...’

- Page 221 Below Para. 10.51 INSERT new para. 'Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of] any of the provisions mentioned in subsection, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- Page 221 Para. 10.97 – (11th line): AMEND sentence 'Although some elements of conflict with policy have been identified above, (particularly the less than substantial harm to the setting of the Shepherd's Bush Conservation Area), when considering the 'weighed balance' required by paragraph 202 of the NPPF, officers recommend that the proposed development is acceptable having regard to the NPPF...'
- Page 222 Para.11.6 (2nd line): AMEND to: "...Shepherd's Bush Market underground station..."
- Page 225 Para. 11.19 (S278 highway infrastructure components):
DELETE bullet point. ADD to last sentence: "... (as set out under the Heads of Terms – Pages 263 and 264)."
- Page 232 Para. 11.45 & 11.47: AMEND: DMP/DLP & CMP/CLP secured by Conditions.
- Page 249 Para. 12.74 DELETE Paragraph (Repetition of 12.73)
- Page 259 Legal Agreement (Heads of Terms): Market Leases: AMEND
ADD - (i) (ii) and (iii) to the first 3 paragraphs plus:

"In each case, it is accepted that Legacy traders may change their mind and may prefer to take one of the alternative options and, for these purposes, any formal documentation that is signed up by Legacy Traders (even if different to their original Heads of Terms) will be included in the percentage thresholds detailed above".

"Agreeing to include the service charge with annual 6% cap within the new long term Market leases with Legacy traders (the wording for which is already included in the precedent lease)"
- Page 261 Demolition/Construction AQDMP Monitoring Contribution
DELETE "...anniversary of..."
- Page 264 Legal Agreement (Heads of Terms) – EXTRA HEADINGS: before "Retention of the Architect"

Transport for London (TfL) Infrastructure Works:
£250,000 financial contribution towards station improvement works at Shepherd's Bush Overground station, comprising wayfinding / signage / messaging / passenger shelters and seating, to improve circulation within the station.

Public Access to the ground level public realm on the site (Market/Goldhawk Mews/Pennard Mews) within agreed operational times.

Developer to safeguard the retention of No.48 Goldhawk Road as a primary pedestrian entrance and route to the development site.
- Page 265 Para. 16.8 (5th line); Before last sentence ADD 'Considering the 'weighted balance' required under paragraph 202 of the NPPF...'