

Planning and Development Control Committee Minutes

Tuesday 18 July 2023

PRESENT

Committee members: Councillors Omid Miri (Chair), Florian Chevoppe-Verdier (Vice-Chair), Nikos Soussous, Patrick Walsh, Alex Karmel and Adrian Pascu-Tulbure

Officers:

Matt Butler (Assistant Director of Development Management)
Allan Jones (Team Leader Urban Design and Heritage)
Neil Egerton (Team Leader)
Anisa Aboud (Principal Planning Officer)
Graham Simpson (Principal Planning Officer)
Mrinalini Rajaratnam (Chief Solicitor - Property and Planning)
Charles Francis (Clerk)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Wesley Harcourt and Rebecca Harvey.

2. DECLARATION OF INTERESTS

The Chair, Councillor Omid Miri declared an interest in relation to item 4 – Shepherd's Bush Police Station, as he worked for the Office of Andrew Slaughter MP who had submitted written comments in objection to the application. Councillor Omid Miri recused himself from the item and did not participate or vote.

3. MINUTES

The minutes of the previous meeting held on 6 June 2023 were agreed as an accurate record, subject to amending Cllr Alex Karmel's declaration of interest (Item 4 - 70-80 Lillie Road) to read *that he lived 4 doors away and the property was sold many years ago*.

CHANGING THE ORDER OF THE AGENDA

Councillor Omid Miri proposed the order of the agenda was amended so that Item 4 - Shepherd's Bush Police Station was considered as the last agenda item. This was agreed by the Committee.

4. LA RESERVE HOTEL, 422 - 428 FULHAM ROAD, LONDON SW6 1DU, WALHAM GREEN, 2022/03682/FUL

An addendum was circulated prior to the meeting that modified the report. Anisa Aboud presented the item.

The agent spoke in support of the application.

Councillor Florian Chevoppe-Verdier proposed an amendment to the condition in relation to construction hours on match days, and for this to be amended to prohibit construction 2 hours before and 2 hours after kick-off This was seconded by Councillor Patrick Walsh.

The Committee voted on the amended condition as set out above as follows:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

The Committee also discussed travel arrangements by coach and the impact this would have on local roads. Councillor Adrian Pascu-Tulbure proposed an amendment, to refuse all hotel bookings by coach. This was seconded by Councillor Nikos Soslous. This proposal was subsequently withdrawn and officers were asked by the Committee to work closely with Highways colleagues, to amend the Heads of Terms around coach free bookings and for this to include adjoining side streets in addition to the Fulham Road.

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

Recommendation 1:

FOR	5
AGAINST:	1
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) and obligations listed in the report and the additional condition passed by the Committee.
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 Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

5. **OSRAM COURT, 182 SHEPHERD'S BUSH ROAD, LONDON W6 7PF, ADDISON, 2022/01100/FUL**

An addendum was circulated prior to the meeting that modified the report. Neil Egerton presented the item. There were no registered speakers.

The Committee voted on the officer recommendation 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 conditions 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.

6. **54 UXBRIDGE ROAD, LONDON W12 8LP, SHEPHERD'S BUSH GREEN, 2023/00262/ADV**

An addendum was circulated prior to the meeting that modified the report. Neil Egerton presented the item. There were no registered speakers.

Councillor Alex Kamel proposed an additional condition that any application for the extension to the temporary period of the illuminated shroud advertisement be returned to Committee for consideration. This was seconded by Councillor Adrian Pascu-Tulbure.

The Committee voted on the additional condition as set out above as follows:

FOR:	2
AGAINST:	4
NOT VOTING:	0

The Committee voted on the officer recommendation as follows:

Recommendation 1:

FOR:	4
AGAINST:	2
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That that the Director of Planning and Property be authorised to grant permission subject to the conditions 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.

7. **FLAT GROUND AND FIRST FLOORS, 90 DEVONPORT ROAD, LONDON W12 8NU, CONINGHAM, 2023/00907/FUL**

An addendum was circulated prior to the meeting that modified the report. Neil Egerton presented the item. The Applicants spoke in support of the application.

The Committee voted on the officer recommendation as follows:

Recommendation 1:

FOR:	0
AGAINST:	Unanimous
NOT VOTING:	0

The officer recommendation of refusal was lost. Therefore, the Chair sought a proposer and seconder for Approval. Councillor Karmel proposed that Flat Ground And First Floors, 90 Devonport Road, London W12 8NU be approved in accordance with the application. This was seconded by the Chair, Councillor Omid Miri.

The Committee voted on the new recommendation to approve the application as follows:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

The Committee then discussed the reasons for approval. Cllr Karmel stated that having considered all the information put forward to the Committee both by the officers today and in the report, on balance the harm identified by the officer in respect of design was not unacceptable and the harm identified in respect of visual amenity to the terrace, which is already significantly impaired, was not unacceptable. Given the modest size of the extension, 11 square feet, it is not over bulky.

The Chair proposed that the meeting was adjourned. This was agreed by the Committee and the meeting was adjourned between 8:55pm and 9:10pm.

The meeting resumed and the presenting officer read out the following standard conditions to be imposed on the recommendation to approve the application. These were as follows:

1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2) The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans.

3) The development hereby approved shall be carried out and completed in accordance with the materials (including colour and finish) specified on the drawings hereby approved and as detailed below:

- Window on flank (south) elevation: White uPVC frame.

- Rooflight: Timber frame.

- Pitched roof: Dark slate tile.

Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

To ensure a satisfactory external appearance, in accordance with Policies DC1 and DC4 of the Local Plan (2018).

4) Prior to the occupation of the development hereby permitted, the new window at second floor level on the southern elevation [as per Dwg. No. 2201.05 (Rev. A)] and Dwg. No. 2201.06 (Rev. A)] shall be fitted with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, and shall be non-opening and fixed shut up to a height of 1.7 m above the finished floor level. The window(s) shall thereafter be permanently retained as approved.

To protect the amenities of adjoining occupiers in terms of privacy and overlooking in accordance with Policy HO11 of the Local Plan (2018).

5) No external air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the rear elevation unless otherwise shown on the approved drawings.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2, DC4 and HO11 of the Local Plan (2018).

The Committee voted of the 5 standard conditions listed above as follows:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

The Committee voted on the 2 reasons for approval set out above as follows:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

The Committee voted on Recommendation 2 to make minor changes to the conditions to the permission granted:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant permission subject to the conditions listed above;
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 to the permission granted.

8. 5 AND 7 MELBRAY MEWS, LONDON SW6 3NS, PALACE AND HURLINGHAM, 2022/02556/FUL

An addendum was circulated prior to the meeting that modified the report. Graham Simpson presented the item. There were no registered speakers.

The Committee voted on the officer recommendation as follows:

Recommendation 1:

FOR:	4
AGAINST:	2
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 the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

9. SHEPHERDS BUSH POLICE STATION, 252 - 256 UXBRIDGE ROAD, LONDON W12 7JA, WHITE CITY, 2022/01953/FUL

The Chair, Councillor Omid Miri declared an interest in relation to item 4 – Shepherd’s Bush Police Station, as he worked for the Office of Andrew Slaughter MP who had submitted written comments in objection to the application. Councillor Omid Miri recused himself from the item and did not participate or vote.

In the absence of the Chair, the Vice-Chair, Councillor Florian Chevoppe-Verdier chaired the item.

An addendum was circulated prior to the meeting that modified the report. Neil Egerton presented the item.

An agent spoke on behalf of the applicant in support of the application.

The Committee voted on the officer recommendation 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 upon the completion of a satisfactory legal agreement and subject to the conditions and obligations listed n 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 Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Addendum

Meeting started: 7.00 pm
Meeting ended: 10.15 pm

Chair

Contact officer: Charles Francis
Committee Co-ordinator
Governance and Scrutiny
Tel 07776 672945
E-mail: charles.francis@lbhf.gov.uk

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
Addendum 18.07.2023

REG REF.	ADDRESS	WARD	PAGE
2022/01953/FUL	Shepherds Bush Police Station, 252/256 Uxbridge Road	White City	8
Page 70	Para 6.8, Point 1, line 2: Delete `,or until any subsequent Local Plan review no longer identifies this need,`		
Page 71	Section 11: Delete: ` S278 Works`; Add `Prior to the commencement of development, enter into a S278 Agreement to fund the following works:`		
2022/03682/FUL	La Reserve Hotel 422/428 Fulham Road	Walham Green	73
Page 74	Amend description of development: second line, delete `to replace the previously demolished building` and insert `The retrospective demolition of existing buildings and` Condition 2, add drawing no. PL10 Rev B (West Elevation)		
Page 79	Condition 15, first sentence, delete “new trees” and replace with “seven new replacement trees”. Condition 16, first sentence, delete “Condition 14” and replace with “Condition 15”.		
Page 80	Condition 21, after the second sentence, add “has been submitted to and agreed with the Local Planning Authority”.		
Page 82	Condition 26, at the end of first sentence, add “Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.”.		
Page 84	Condition 29, first sentence, delete “Condition 23” and replace with “Condition 28”.		
Page 92	Delete Condition 52.		
Page 95	Under Neighbour Comments, add to the list “39A Moore Park Road”		
Page 97	Paragraph 1.12, second sentence, replace “23 March 2018” with “23 March 2021”.		
Page 98	Delete Paragraph 1.18 and 1.19 and replace with: “1.18 For the purposes of the current application, officers consider that the baseline condition of the site, should be that the site is vacant. Harm to the character and significance of the locally listed buildings of merit has occurred in full. In considering whether it is currently expedient to take enforcement action, officers have considered the planning history of the site. At this time, prior to any decision on this application, the previous demolition of the building is a criminal offence, and the Council has the		

ability to prosecute. Such action would not be time constrained. At the same time, an enforcement notice seeking to remedy the breach of planning control would require the original buildings to be reinstated on-site or any new build granted permission to be implemented within a timescale.

1.19 If planning permission is granted under the current application, which includes retrospective demolition, then officers consider this affords the Council the best opportunity to secure the replacement building on the site in a specific timescale agreed and secured via the binding legal agreement with the applicants. Non-compliance with that agreement would result in swift prosecution action being instigated in the courts.”

- Page 98 Paragraph 2.2, first sentence, delete “9 objections”, and replace with “8 objections and 1 letter neither objecting nor supporting”.
- Page 101 Para 3.15, second sentence, delete “43” and replace with “70”
- Page 102 Paragraph 4.1, second sentence, delete “The existing hotel building”, and replace with “The original hotel building occupying the site”.
- Page 105 Paragraph 4.18, after last sentence, add: “Given the quality of the replacement building and the fact that the application site is currently vacant, there are considered to be positive heritage benefits from the scheme in repairing this element of street frontage and complementing the character of the adjacent locally listed, buildings of merit. As such, the development is not considered to result in harm to character or significance of the Moore Park Conservation Area or the setting of adjacent heritage assets.”
- Page 106 Paragraph 4.27, delete second sentence and replace with: “The proposal would make a positive contribution to the urban environment and would not cause undue harm to the character or significance of the Moore Park conservation area.”
- Page 107 Paragraph 4.29, delete and replace with: “There are several mature trees at or near the rear boundary with Hilary Close. The application is supported by an Arboricultural report which includes mitigation measures to protect the trees during and after construction. Two of the Norway Maple trees to the front of the site, (have already been felled), and a Common Lime tree to the rear, which has outgrown the site due to its cramped location, will be felled and replaced by suitable alternatives. The Council’s Arboricultural Officer has considered the report and is satisfied that these three trees can be replaced with seven semi-mature Birch trees to the site frontage, and that the remaining trees in and around the site will be protected during the works and their long term health will not be compromised by the proposed development. Conditions would be attached to secure the implementation of the measures contained within the Arboricultural report, and the planting of replacement trees. On this basis the proposal complies with London Plan Policy G7, OS5 of the Local Plan (2018) and SPD (2018) CAG6.”
- Page 117 Under 8), delete “Demolition and”.
- Delete obligation ‘7) Provision of a Servicing and Deliveries Management Plan’
- After 12), add “13) obligation to ensure that the replacement building is implemented in an agreed timescale unless otherwise agreed in writing by the Council through the submission of a building contract to ensure that development is completed in a timely manner”.

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Add informative to decision notice: `The applicants attention is drawn to the fact that the erection of scaffolding may require separate Highways consent. You are advised to contact the Council Highways team prior to the commencement of any work to ensure all relevant consents and licences are obtained for the works. Further information on licenses can be found via the following links on the Council website - <https://www.lbhf.gov.uk/business/highways-licences/scaffolding-licence>.

2023/00907/FUL 90 Devonport Road Coningham 142

Page 147 Para 6.8; line 8: Delete `not`

Page 147 Para 6.8: line 9: Delete `Officers consider that the proposed development does not satisfactorily comply with Policy HO11` and add this line to the end of paragraph 6.9.