

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 26th July 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Westbourne	
<b>Subject of Report</b>	<b>Carlton Gate Phase 3, Admiral Walk, London, W9 3TD,</b>		
<b>Proposal</b>	Use of canal for permanent mooring of 6 x 2 bedroom canal houseboats with associated gravel access paths and service posts with pedestrian access between Finch Lodge and Harrow Road and parking in basement car park underneath Willow Court with associated alteration to elevation of Willow Court.		
<b>Agent</b>	Mr John Cannon		
<b>On behalf of</b>	Mr Charles Rifkind		
<b>Registered Number</b>	15/06084/FULL	<b>Date amended/ completed</b>	17 July 2015
<b>Date Application Received</b>	24 June 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside of Conservation Area		

## 1. RECOMMENDATION

1. Grant conditional permission

## 2. SUMMARY

The application site is located on the north side of the Grand Union Canal, which is part of the Blue Ribbon Network, and to the south of Carlton Gate which is a development of over 400 flats built in the 1990s. It is not located in a conservation area.

Planning permission is sought in respect of the use of the canal for the permanent mooring of 6 x 2 bedroom canal houseboats with associated gravel access paths and service posts with pedestrian access between Finch Lodge and Harrow Road and parking in the basement car park underneath Willow Court with associated alterations to elevation of Willow Court.

Several objections have been received on the grounds of security and access issues, the impact on the garden area, the impact on the canal, loss of amenity to neighbouring occupiers and general conflict with the City Council's adopted policies. Concerns have also been raised in respect of the consultation process and the reasons behind the submission of the application.

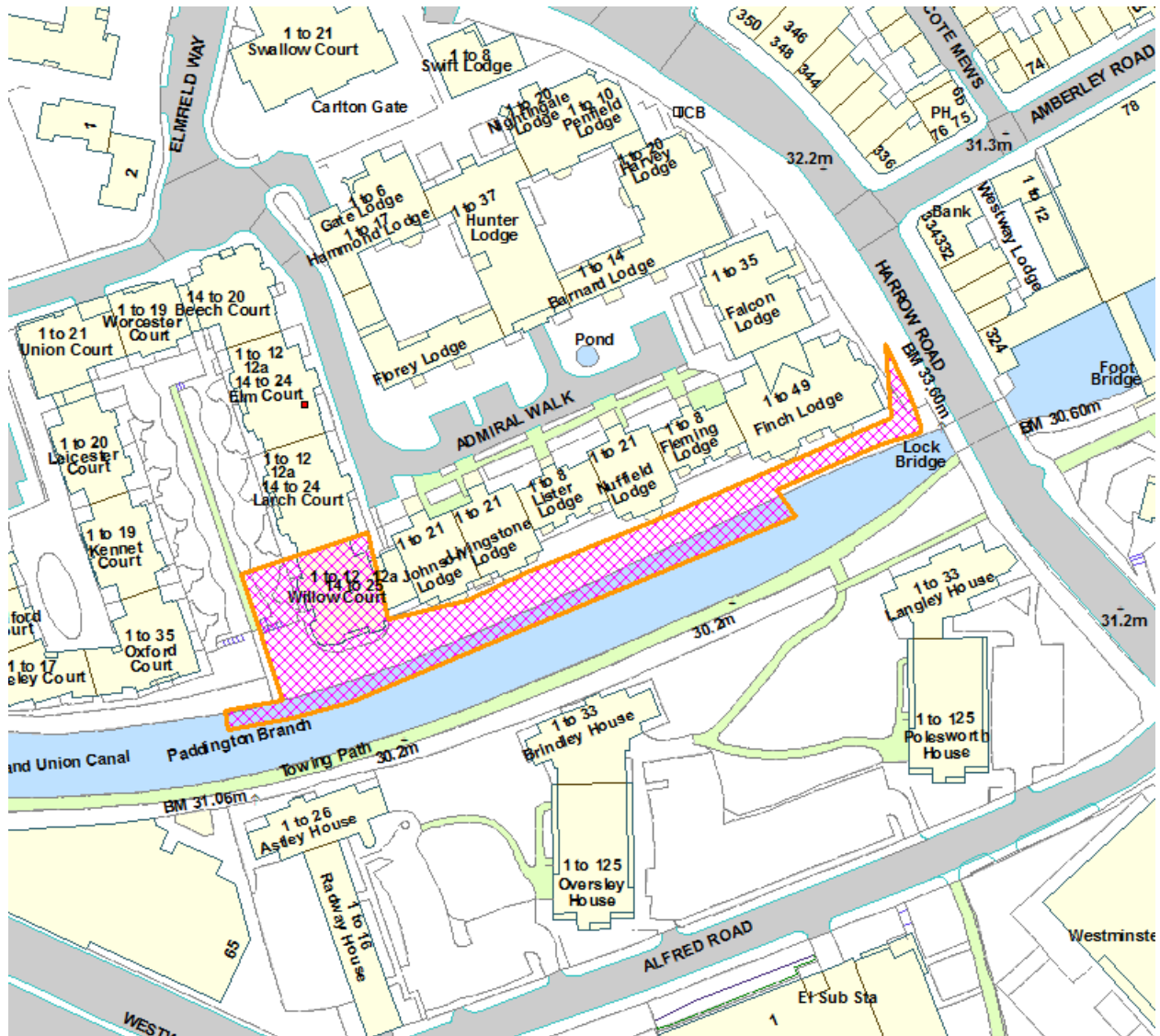
Notwithstanding the objections received, the proposals are considered to be acceptable and would accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November

Item No.
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2013 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP).
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### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### ORIGINAL CONSULTATION

#### Environment Agency (Thames Region)

As the canal is not designated a main watercourse and there are no other constraints within their remit at this site, they have no comments to the proposed development.

#### Canal & River Trust

No objection to the proposed development. The site is suitable for permanent residential moorings, given its central location and proximity to transport and other amenities. The applicant has submitted a 'Works Proposal' for this development to the Canal and River Trust, where it was concluded that, subject to a survey in relation to the depth of the canal; the proposed moorings would not have a negative impact upon navigational safety. The Canal and River Trust will require that these surveys be undertaken before providing any licence for the use of the Trust's waterspace.

The proposed boats will take the form of a traditional narrowboat, whilst the park benches between the boats will ensure that views of the canal are maintained. The design and siting of the boats is accordingly considered to be acceptable.

#### Inland Waterways Association

As the boats will be permanently moored in this location, a full planning application should include drawings to show the appearance of the proposed houseboats in order that the impact on the canal environment can be assessed. Six identical vessels could make this section of the canal look like a caravan park. No details are provided about pump out facilities for toilets. Further evidence with canal depths is required to support the statement concerning the navigation operational width.

#### Natural England:

Any response to be reported verbally.

#### North Paddington Society

Any response to be reported verbally.

#### Paddington Waterways & Maida Vale Society

Please take neighbours' views into account regarding loss of amenity space, noise and refuse strategies.

#### Arboricultural Manager

No attempt seems to have been made to examine the trees alongside the proposed moorings. Assessing the White Willows in particular on site indicates that these should be examined for safety reasons. A recent site visit indicated some trees of this species have been felled within the last few years presumably due to basal decay in their trunks. A reassessment of the trees should be undertaken after a survey has been undertaken.

#### Highways Planning Manager

The applicant advises that car parking is available in the neighbouring basement car park of the Carlton Gate properties. 6 spaces are offered which would satisfy the requirement of TRANS23. However it is not clear if the existing spaces are linked via a condition to the

existing residential units with the Carlton Gate flats. If the spaces are not linked to existing residential units, a condition should be imposed to secure these spaces are linked to the proposed residential units. If the spaces are linked to the existing residential units, then the use of the spaces for the new residential units (houseboats) are not acceptable and it would be considered that no off-street parking is provided by the application.

Secure cycle parking should be provided.

**Environmental Health:**

No objections. However, it is noted that some of the local objectors are concerned about disposal of waste from toilets. The applicants should address this.

**Crime Prevention:**

The venue currently benefits from existing access controls, including surveillance and movement detector alarms systems, limiting prescribed individuals only onto the site. In addition, a continuous and dedicated staffed security service operates and manages the development. The existing security provision is commensurate with the perceived risk.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 265

Total No. of replies: 13

No. of objections: 13

No. in support: 0

Objections were raised on the following grounds;

Amenity

- The boats would completely block light and outlook whilst providing a view into the living rooms and bedrooms of flats alongside the canal;
- Occupiers of the boats drying their washing will create an eyesore.
- Impact of the stoves on air quality.

Impact on Canal

- The proposed dwellings are out of sorts with the canals working and living canal boats and are not designed to move and transport in true sympathy with the canal's true purpose;
- Impact on a heritage asset, which is an important historic transport link to the capital;
- The canal is not wide enough to accommodate the moorings so the proposal is likely to result in traffic jams.
- Impact on natural habitat of the Canal.

Conflict with Adopted Policies

- The proposal is contrary to policy S35 as it fails to 'protect all open spaces', 'protect tranquillity and amenity' and 'protect ecological value' in the area;
- The proposal is contrary to policy S36 as it would occupy an important habitat for wildlife and create a barrier between the canal and the green habitat along the canal's edge;
- The proposal is contrary to policy S37 as it would damage the ecological value of an important waterside habitat and reduce the water surface that is in itself an important

- habitat. It would also reduce the landscape value of the canal and its setting, reduce the space available on the canal transport and damage the heritage asset of the Grand Union Canal;
- The proposal is contrary to policy S31 as each boat would have a stove that would generate ground-level pollution;
  - The proposal is contrary to two emerging policies;
  - General conflict with policies relating to the blue ribbon.

#### Impact on Garden Area

- Inappropriate replacement of garden with gravel path;
- Residents would lose use of this garden to the occupants of the boats who will allegedly create a mess as well as noise;
- Around 1000 residents of Carlton Gate will have their waterside amenity greatly diminished or withdrawn entirely;
- Destruction of garden and natural habitat;
- Garden will be used for storage and will be polluted by wood stoves;
- The service posts will destroy tree roots and trees.

#### Security and Access Issues

- Carlton Gate is a gated community where residents pay for upkeep of grounds, including this area adjacent to the canal. The proposal would undermine safety and security as those living on the boats would not need to use the same security gates as everybody else;
- The provision of access to the garage would affect the security of expensive vehicles parked in the garage and potentially provide access to the flats;
- It is queried whether or not the occupants staying on the boats would be subject to the same service charges and codes of conduct as residents in Carlton Gate;
- The occupiers of the boats are likely to have dogs which would be dangerous;
- There are currently insufficient parking spaces for Carlton Gate's tenants and leaseholders.

#### Consultation Process

- Delay in receiving consultation letters;
- Easter and summer holidays are not suitable times for an application to receive proper consultation as many people are on holiday;
- The majority of affected residents are not native English speakers who are not familiar with the UK planning procedures and will not appreciate the impact of the proposals when the letter they received gives so little information;
- Most properties are rented, so owners are unlikely to see the notice;
- Many occupiers are frequently away on business or spending time abroad with family so are unlikely to see the notices on time, especially over Easter and summer holidays;
- Unable to get an answer on telephone number provided for planning department.

#### Other issues

- Reduction in property values;
- Request made to consider objections received in respect of earlier application that was withdrawn;
- The interests of the applicants and owners are purely commercial, with no benefits to be afforded to local residents and Westminster as a whole;

- An approval would set a precedent for further developments of this nature;
- It is queried who is behind this application;
- The disposal of human waste is unhygienic.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**SECOND CONSULTATION:**

Following the provision of further information on the car parking arrangements and the appearance and layout of the boats, neighbouring occupiers were re-consulted.

No. Consulted: 268

Total No. of replies: 8

No. of objections: 8

No. in support: 0

Many of the original objections were reiterated. Further concerns are raised in respect of flooding caused by canal boats, the danger of having boats in close proximity to a curve in the canal, the alleged misleading and 'greedy' landlords, the pollution caused by the disposal of waste from boats into the canal and limited faith in the Council to address any issues should they arise.

One neighbour states that there are several precedents that deem this application invalid and a judicial review is threatened by several residents in the case of permission being granted.

The proposals would fail to comply with new policies CM35.2 and CM37.2

**THIRD CONSULTATION:**

Following provision of further information on the appearance and layout of the boats, arrangements for waste disposal and an operational management plan, neighbouring occupiers as well as the statutory and non-statutory consultees were re-consulted.

**PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY:**

Please take neighbour's views into consideration.

**ENVIRONMENTAL HEALTH:**

With reference to the stoves, it would be expected that the occupiers of the boats use 'smokeless fuels' (authorised fuels) and possibly approved appliances.

No. Consulted: 268

Total No. of replies: 11

No. of objections: 11

No. in support: 0

Many of the original objections are reiterated. It is also stated on this occasion that barges are unecological and are not a solution to the housing crisis. Further concerns have been raised in respect of the 'unethical' process of submitting numerous planning applications for a scheme.

## **6. BACKGROUND INFORMATION**



## 6.1 The Application Site

The application site is located on the north side of the Grand Union Canal and to the south of Carlton Gate which is a development of over 500 flats built in the 1990s.

This side of the canal is currently used as a private garden by the residents of Carlton Gate, with the canal towpath located on the south side of the canal.

It is located within the North West Westminster Special Policy Area (NWWSPA) as designated by the Unitary Development Plan and the North Westminster Economic Development Area (NWEDA) as designated by the City Plan. It is not located in a conservation area. The Grand Union Canal is part of the Blue Ribbon Network.

## 6.2 Relevant History

Planning permission was granted for the development of Carlton Gate on 11 January 1988 (RN: PT/TP/1494) and was subject to a condition requiring the underground car park to be used solely by the residents of the flats. The purpose of such a condition was to prevent increased demand for on-street parking in the surrounding area.

### 01/04791/OUT

Moorings of 10 houseboats with service pods and footpath (Outline application).  
Application Withdrawn 24 January 2002

### 15/00319/FULL

Moorings for six residential canalboats with new gravel access paths and service posts to towpath with access between Finch Lodge and Harrow Road.  
Application Withdrawn 6 May 2015

## 7. THE PROPOSAL

This application seeks planning permission for the use of the canal for the permanent mooring of 6 x 2 bedroom canal houseboats with associated gravel access paths and service posts with pedestrian access between Finch Lodge and Harrow Road and parking in the basement car park underneath Willow Court with associated alterations to elevation of Willow Court.

Each boat would be 21 metres long, 3.5 metres wide and 2.7 metres high, would be constructed in steel and painted blue. They would have oak doors and sliding hatches to the front, side and rear, small decks to the front and rear and a flat roof.

The new pedestrian access, which is currently a locked gate, will have an intercom system and mailboxes.

The current proposal follows the withdrawal of an application comprising six two-storey houseboats, which were considered to be too bulky and detrimental to the navigational safety of the canal.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Policy DES13 of the adopted Unitary Development Plan states that the provision of moorings, for both permanent and visitor use, and facilities for boaters, will be encouraged in locations where these will not hinder navigation of the canal. The plans submitted with the application show that the moorings will leave about 12 metres free for navigation. The Canal and River Trust raise no objections on this basis, however, along with the Inland Waterways Association, state that a survey of the depth of the canal must be carried out and submitted for approval to ensure navigational safety is maintained. It is recommended that such a survey is required by condition.

The proposed moorings would provide an opportunity to increase floorspace used for residential purposes which would comply with policies S12 and S14 of the adopted City Plan and policy H3 of the adopted Unitary Development Plan. The applicant has confirmed that the boats would have assured shorthold lease for a minimum period of one year which can be terminated thereafter with three months notice. Whilst it has been alleged that boats are not a conventional form of housing, the boats would be used in the same way as any flats being let at Carlton Gate and would therefore contribute towards the City's housing stock. An informative is attached to the decision notice to advise the applicant that the boats cannot be used for temporary sleeping accommodation/short term lets.

### 8.2 Townscape and Design

Policy DES13 of the adopted Unitary Development Plan seeks to ensure that development either safeguards or enhances the setting and important views of the canal. The canal boats that would be facilitated by the moorings in this location would be in keeping with the character of the area, where boats are already permitted to moor along the majority of the Grand Union Canal. The boats would be suitable for their surroundings, would be capable of moving up and down the canal when required, and it is not agreed that six identical vessels could make this section of the canal look like a caravan park, as suggested by the Inland Waterways Association. The proposed service posts, at one metre high, would be modest additions to the canal bank. The proposals are considered to comply with policy DES13.

Policy DES12 of the adopted Unitary Development Plan states that permission will only be granted for proposals adjacent to parks, public and private squares which safeguard their appearance, wider setting and ecological value, preserve their historic integrity, protect views into and out of these spaces and will not project above existing tree or building lines. Policy S35 of the City Plan also seeks to protect all open spaces, and their quality, heritage and ecological value, tranquillity and amenity.

Objections have been received on the grounds of the loss of the residents' garden area and the inappropriate replacement of grass with a gravel path. However, the plans clearly show that the majority of the grass area would be retained, the existing residents would benefit from additional benches and would only be sharing this area with the occupiers of

six additional residential units. The applicant has confirmed that the occupiers of the boats would be bound by the terms of their lease from storing anything in the garden area. They would also be prohibited from organised sport, lighting of fires or barbeques, drying clothes outdoors, parties or gatherings of more than 6 persons, drinking of alcoholic beverages or any other activity which could disturb the peaceful enjoyment of the garden by neighbouring apartments or residents.

Given the modest size of the boats and their height in relation to garden area, the gaps between the boats, the restrictions placed upon the occupiers of the boats, the absence of any objection from Natural England or the Environment Agency, it is considered that the proposals would not conflict with the objectives of policy DES12 of the adopted Unitary Development Plan or policy S35 of the City Plan.

The installation of a new gate to provide access from the car park to the moorings is considered to be acceptable in design terms in accordance with policy DES5 of the Unitary Development Plan and policy S28 of the City Plan.

A condition is recommended to ensure that the boats cannot be replaced by different boats which may be less desirable in design terms.

Several of the letters of objection state that the proposal would not comply with policy S37 of the City Plan which relates specifically to Westminster's Blue Ribbon Network. However it is considered that the proposed moorings for narrow boats and associated landscaping works, which would be relatively modest, would protect and improve the blue ribbon network and would therefore comply with the objectives of policy S37.

Reference has been made to the City Council's emerging policies CM35.2 and CM37.2 which relate to open space however weight is not being attributed to these policies at this time.

### **8.3 Residential Amenity**

Objections have been raised on the grounds of the loss of light, outlook and privacy to the raised ground floor flats overlooking the canal at Carlton Gate.

Whilst the boats would be visible from these flats, the flats are at a significantly higher level than the canal and water level, and given that the boats would be of a narrow boat style and limited to single storey, it is considered these objections are not sustainable.

There is shrubbery adjacent to the ground floor flats in the communal garden area and whilst this does not obscure these residential windows, it does provide useful separation to prevent anyone from standing immediately adjacent to the windows on the canal bank. It must be remembered that the private garden could be used now for anyone residing in Carlton Gate and therefore, compared to the existing situation, there is considered to be no additional harm from the proposed residents of the boats.

The terraces at the front and rear of the boats would be very small and located at a much lower level than the raised ground floor windows of the flats in Carlton Gate given the canal and water level. As such they would not result in any undue overlooking or loss of privacy to the occupiers of the flats. A condition is recommended to ensure that the roof of

the boats cannot be used as terraces which would have the potential to affect the privacy of neighbouring occupiers.

Whilst it is acknowledged that the existing flats have had private views and use of the garden area and the canal as there is no public tow path on this section of the canal, the mooring of narrow boats adjacent to residential buildings is a common arrangement along the Grand Union and Regent's Canal and is already evident along much of the south side of the canal. Any noise arising from the proposed moorings is likely to be more closely monitored than noise coming from boats on the south side of the canal as the applicant has indicated that the occupiers of the boats would be subject to the same rules and restrictions as the rest of the Carlton Gate residents. Given the separation between the boats and the flats, it is considered that the use of the boats themselves would not result in a significant increase in noise levels.

A small area at the top of the service posts would be illuminated. Given the separation between these posts and the flats as well as the difference in levels, it is considered that there would be no material light pollution to the detriment of the amenities of neighbouring occupiers.

The proposal is therefore considered to be acceptable in amenity terms in accordance with policies ENV6, EMV10 and ENV13 of the Unitary Development Plan and policy S29 and S32 of the City Plan.

#### **8.4 Transportation/Parking**

TRANS23 of the adopted UDP requires the provision of one parking space per residential unit. The applicant has offered to use six of the existing underground car parking spaces at Willow Court in Carlton Gate (under the same ownership) for use by the occupiers of the boats. The original permission for the development of Carlton Gate was subject to a condition requiring the use of the car parking spaces to be solely for the occupiers of the flats, at a ratio of one parking space to each flat as well as the use of the car parking spaces for employees using the building, and for visitors.

The intention to use some of these spaces for the occupiers of the boats would not strictly comply with these conditions and has raised some concerns. The applicant has provided a map of the car park as well as a list of all flats to demonstrate that the number of car parking spaces exceeds the number of flats by 8. On the basis of the surplus parking spaces, two of which can still be used by visitors and employees of the whole development and the remaining six by the occupiers of the canal boats, the proposals are considered to be acceptable in principle, in transportation and parking terms and would accord with policies of the adopted UDP.

Details of arrangements to secure the provision of the six car parking spaces underneath Willow Court are to be sought by condition and the applicant is advised that suitable arrangements may involve the submission of a Section S.73 application to vary the parking condition (Condition 5) on the original permission for Carlton Gate. Any subsequent application will be subject to public consultation and assessed on its merits. If in due course, planning permission cannot be granted for this arrangement, then the

applicant will have to submit an alternative proposal before being able to implement any future planning permission.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

### **8.6 Access**

The new pedestrian access, which is currently a locked gated between Finch Lodge and Harrow Road, would be fitted with an intercom and mailboxes. Vehicular access arrangements will be the same as used by existing Carlton Gate residents. A louvre would be replaced by a door to provide direct access from the underground car park to the canal bank. Both means of access are considered to be appropriate for the site.

### **8.7 Other UDP/Westminster Policy Considerations**

#### **Refuse /Recycling**

The applicant has confirmed that the existing refuse storage room in the underground car park will be made available for occupiers of the boats and this is considered to be appropriate in principle. However, it is recommended that further details of the refuse storage area are sought by condition.

#### **Trees**

Concerns have been raised by the Arboricultural Officer on the impact of the service posts and associated connections to services and the changes to the pathways in respect of the White Willow Trees on the site. There is likely to be a minimal impact on the trees given the minor nature of the works, however it is recommended that details of tree protection methods are required by condition.

#### **Pollution**

Objections have been on received on the grounds that the stoves on the boats would generate ground-level pollution contrary to policy S31 of the City Plan. The applicant notes in their supporting statement that each boat would have a solid fuel stove. The City Council's Environmental Health Officer has raised no concerns in respect of the principle of the stoves however has stipulated that it would be expected that the occupiers of the boats use 'smokeless fuels' (authorised fuels) and possibly approved appliances. It is recommended that further details are sought by condition.

Concerns have been raised in respect of the disposal of waste from the toilets. The applicant has confirmed that the liquid and foul waste will drain to a sealed sump tank located in the bilge, which is automatically pumped through a 26mm hose to the shore connection into the underground foul sewer system; thereby preventing the discharging of waste into the canal. Whilst this is acceptable in principle it is recommended that more detailed information is sought by condition.

#### **Flooding**

Objections have been received by neighbouring occupiers on the grounds of the increased risk of flooding. However, the Environment Agency has been consulted and has not supported these objections.

## **8.8 London Plan**

As discussed elsewhere in this report, the proposal is considered to be acceptable in terms of its impact on the Blue Ribbon Network and would therefore comply with policies 7.24 and 7.28 of the London Plan.

## **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF.

## **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

## **8.11 Environmental Assessment**

Given the limited scope of the works proposed and the limited number of moorings, and the gaps between the moorings it is considered that this proposal would not adversely affect the biodiversity, ecology or environmental quality along this section of the canal in accordance with policy DES13 of the Unitary Development Plan and policies S36 and S37 of the City Plan.

## **8.12 Other Issues**

### **Crime and security**

Several objections have been received on the grounds of the impact on the safety and security of existing residents of Carlton Gate, and on their cars within the basement car park and the implications this may have on service charges as a result of future occupiers of the boats being able to park their cars in the carpark. Whilst it is not the role of the planning department to comment on service charge arrangements etc, it is noted that the applicant (who is the freeholder of the flats adjacent) intends to manage the new boats and the occupiers in the same way as it manages the flats, which should go some way towards mitigating the concerns raised by neighbouring occupiers. The applicant raises the point that the presence of these canal boats if approved would prevent 'unlawful moorings' which does happen and therefore permanent and controlled canal boats is a benefit to the existing residents of the flats.

In planning terms, six new residential units, albeit in the form of houseboats, would not be considered cause for concern when it comes to crime and security. This is supported by the Crime Prevention Officer.

### **Other Neighbour Objections**

Objections relating to reduced property values, service charges and access to certain parts of the site are not planning matters. Several allegations are made in respect of the

occupiers of the new boats, however, these appear to be unfounded and are not grounds for refusing planning permission.

Concerns have been raised in respect of the consultation carried out by the City Council. However, the City Council met its statutory obligations in terms of consultation and does not have any control over when the application is submitted and thus when consultation letters are sent. As the current proposal has sought to address concerns relating to the previously withdrawn application, it would be unreasonable to base this recommendation on any representation that related to the earlier application.

Allegations have been made in respect of the applicant submitting numerous applications in an attempt to confuse or tire residents but this is not grounds for refusal. Firstly, this application is to overcome the previously withdrawn application (see planning history). Secondly, the three rounds of consultation were carried out by officers as it was felt appropriate to reconsult neighbours on amended and additional information.

With regard to the suggested precedent that this development would set, all future applications would be assessed on their merits.

It has been alleged that approval of this application would result in a judicial review but this in itself does not warrant refusal of an application that is considered to be acceptable with regard to the City Council's adopted policies.

### **8.13 Conclusion**

Notwithstanding the objections received, the proposals are considered to be acceptable in land use, design, amenity, transportation/parking and environmental terms and would therefore accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan) and the Unitary Development Plan adopted in January 2007.

## **9. BACKGROUND PAPERS**

1. Application form.
2. Response from Inland Waterways Association, dated 27 July 2015
3. Response from Canal and River Trust, dated 12 August 2015
4. Response from Environment Agency, dated 29 January 2016
5. Response from Highways Planning - Development Planning, dated 28 July 2015
6. Response from Arboricultural Manager – Development Planning, dated 13 August 2015
7. Response from Environmental Health, dated 29 January 2016 and 15 February 2016
8. Response from Crime Prevention Officer, dated 10 February 2016
9. Response from Paddington Waterways and Maida Vale Society, dated 23 July 2015 and 12 February 2016
10. Letter from occupier of 19 Nuffield Lodge, Admiral Walk, dated 27 July 2015
11. Letter from occupier of Flat 7, Nuffield Lodge, dated 30 July 2015
12. Letter from occupier of Flat 44 Finch Lodge, Admiral Walk, dated 31 July 2015
13. Letter from occupier of 1 Nuffield Lodge, Admiral Walk, dated 3 August 2015
14. Letter from occupier of Flat 18, Johnson Lodge, dated 3 August 2015
15. Letter from occupier of Flat 9, Livingstone Lodge, dated 4 August 2015
16. Letter from occupier of Flat 18, Johnson Lodge, dated 4 August 2015
17. Letter from occupier of Flat 49, Finch Lodge, dated 4 August 2015

18. Letter from occupier of Flat 15, Admiral Walk, dated 7 August 2015
19. Letter from occupier of 19 Johnson Lodge, Admiral Walk, dated 8 August 2015
20. Letter from occupier of Flat 7, Livingstone Lodge, Admiral Walk, dated 9 August 2015
21. Letter from occupier of Flat 21, Finch Lodge, dated 11 August 2015
22. Letter from occupier of 3 Johnson Lodge, Admiral Walk, dated 2 October 2015
23. Letter from occupier of Flat 21, Finch Lodge, dated 4 February 2016
24. Letter from occupier of 6 Nuffield Lodge, Admiral Walk, dated 5 February 2016
25. Letter from occupier of 18 Johnson Lodge, Admiral Walk, dated 7 February 2016
26. Letter from occupier of 18 Johnson Lodge, Admiral Walk, dated 7 February 2016
27. Letter from occupier of 19 Johnson Lodge, Admiral Walk, dated 8 February 2016
28. Letter from occupier of 21 Nuffield Lodge, Admiral Walk, dated 15 February 2016
29. Letter from occupier of 19 Nuffield Lodge, Admiral Walk, dated 15 February 2016
30. Letter from occupier of 43 Finch Lodge, Admiral Walk, dated 16 February 2016
31. Letter from occupier of Flat 25, Langley House, Alfred Road, dated 10 June 2016
32. Letter from occupier of 15 Willow Court, Admiral Walk, dated 12 June 2016
33. Letter from occupier of 18 Johnson Lodge, Admiral Walk, dated 12 June 2016
34. Letter from occupier of 18 Johnson Lodge, Admiral Walk, dated 12 June
35. Letter from occupier of 19 Johnson Lodge, Admiral Walk, dated 13 June 2016
36. Letter from occupier of 49 Lodge, Carlton Gate, dated 15 June 2016
37. Letter from occupier of 7 Nuffield Lodge, Admiral Walk, dated 15 June 2016
38. Letter from occupier of Finch Lodge, Admiral Walk, dated 22 June 2016
39. Letter from occupier of Flat 24, Falcon Lodge, Admiral Walk, dated 22 June 2016
40. Letter from occupier of 47 Airedale Road, London, dated 23 June 2016
41. Letter from occupier of 19 Nuffield Lodge, Admiral Walk, dated 11 July 2016

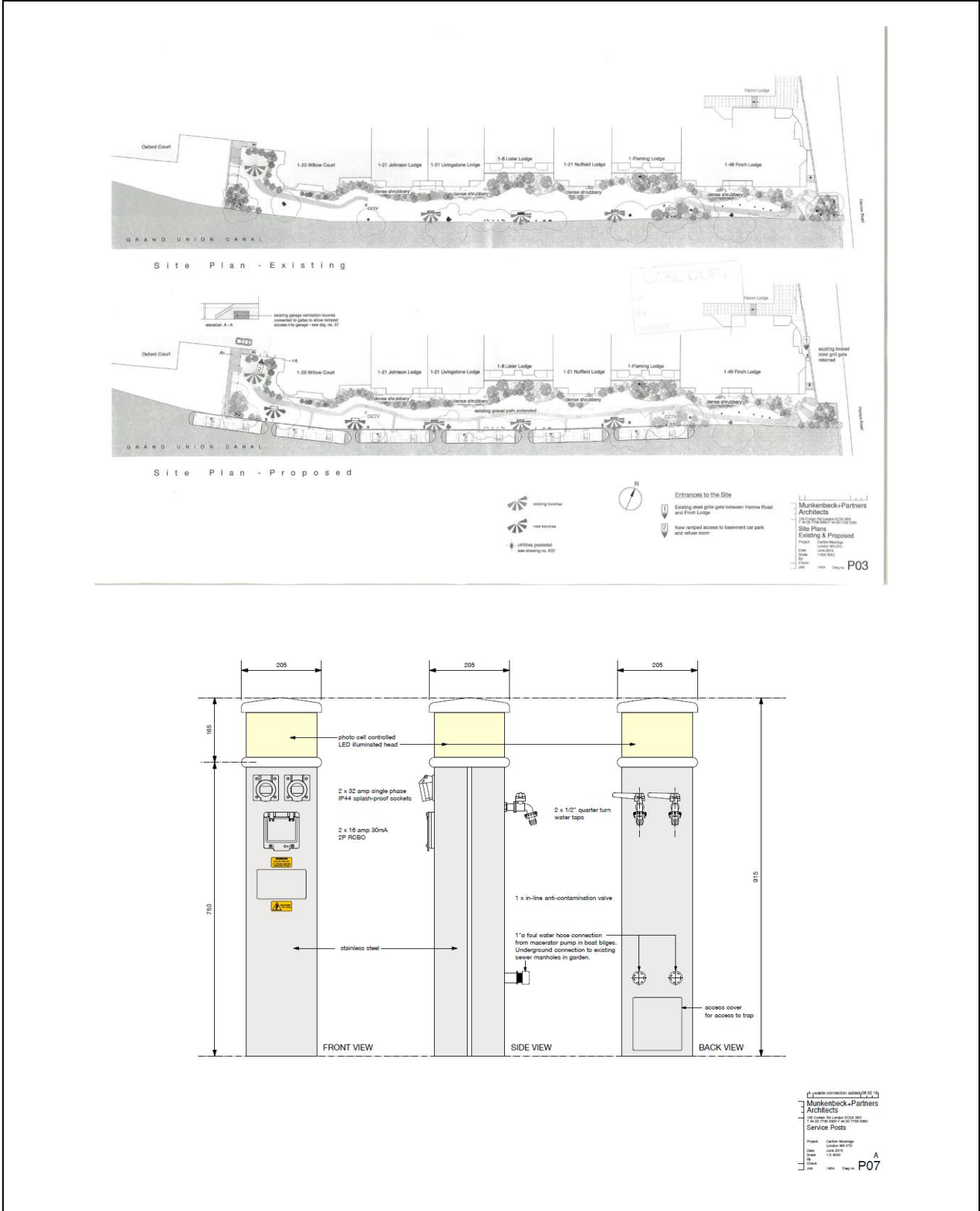
### **Selected relevant drawings**

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

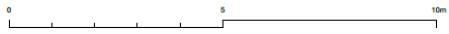
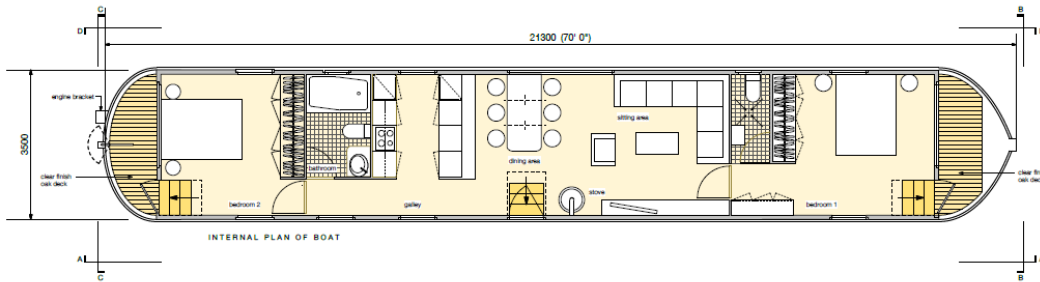
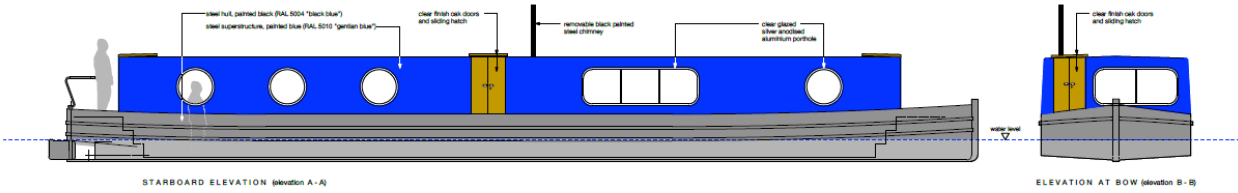
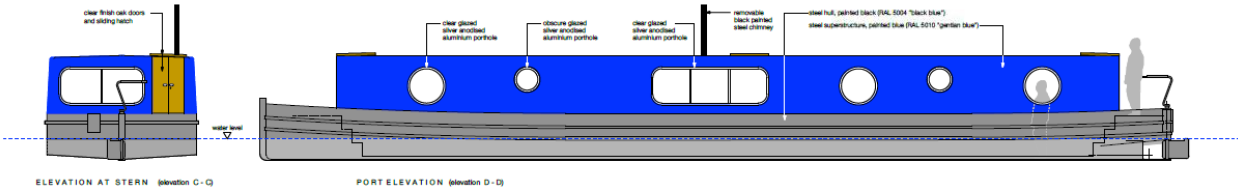
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 0207 641 5939 OR BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk)



10. KEY DRAWINGS







Architect & interior design: **Munkenbeck+Partners Architects**  
775 Capital Mall, Suite 2000, Waco, TX 76707-1600  
Details of Proposed Bridge  
Project: Carbon Montage  
Date: Carbon Montage  
Scale: June 2015  
Sheet: 120-BR-01  
Rev: 1004  
A  
P04

**DRAFT DECISION LETTER**

**Address:** Carlton Gate Phase 3, Admiral Walk, London, W9 3TD

**Proposal:** Use of canal for permanent mooring of 6 x 2 bedroom canal houseboats with associated gravel access paths and service posts with pedestrian access between Finch Lodge and Harrow Road and parking in basement car park underneath Willow Court with associated alterations to elevation of Willow Court (Additional information received).

**Plan Nos:** P01, P02, P03, P04A, P05, P06A, P07A, P08, P09, Design and Access Statement, Parking Justification Statement and Tenant Information - Carlton Moorings.

**Case Officer:** Claire Berry

**Direct Tel. No.** 020 7641 4203

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours.

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 The vessels to be moored at the moorings hereby permitted shall be those shown on drawing no.P04A and P09. The approved details shall be complied with at all times.

Reason:

To ensure that the canal boats are appropriate to the canal location and that they contribute to the character and appearance of the Grand Union Canal, as set out in S37 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES13 of our Unitary Development Plan that we adopted in January 2007.

- 4 All new work to the outside of the Willow Court building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must apply to us for approval of details of how waste for the boats is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the canal boats. You must not use the waste store for any other purpose. (C14CD)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 6 Prior to commencement of development, a detailed survey relating to the depth of the canal shall be submitted to and approved by the City Council in consultation with the Canal and River Trust.

Reason:

To ensure that the moorings do not have a negative impact upon navigational safety, as set out in S37 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES13 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must apply to us for approval of details of secure cycle storage in the basement car park, for the occupiers of the boats. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 8 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing P03. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005.

You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 9 You must apply to us for approval of detailed information regarding the disposal of waste from the toilets on the boats. You must not start any work on this part of the development until we have approved what you have sent us. All future occupiers must then dispose of waste in line with the approved details.

Reason:

To protect the environment and provide suitable waste removal as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must not start work on the site until we have approved appropriate arrangements to secure the following.

-The provision of six car parking spaces (one space per canal boat) in Willow Court for the occupiers of the canal boats.

In the case of the above benefit, you must include in the arrangements details of how this can be achieved, and how you will guarantee this. You must only carry out the development according to the approved arrangements.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 11 You must not use the roofs of the boats for sitting out or for any other purpose. You can however use the roofs to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 12 You must apply to us for approval of detailed information regarding the operation of the stoves on the boats. You must not start any work on this part of the development until we have approved what you have sent us. All future occupiers must then use the stoves in line with the approved details.

Reason:

To protect the environment and provide suitable waste removal as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 The Canal and River Trust provide the following advice.

The applicant should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained. Please visit <http://canalrivertrust.org.uk/about-us/for-businesses/undertaking-works-on-our-property>

The applicant is advised to contact Sam Anderson-Brown (Sam.Anderson-Brown@canalrivertrust.org.uk) from Canal & River Trust's Business Boating team to ensure that all necessary approvals and agreements are in place.

- 3 In respect of Condition 10 you are advised that an application under Section 73 of the Planning Acts to vary condition 5 on the original planning permission dated 11 January 1988 may be considered acceptable. Any acceptable arrangement for the provision of parking for the canal boats must then be submitted pursuant to an 'approval of details application'. Condition 5 states

'In respect of the whole of the car parking accommodation shown on the drawings hereby approved (with the exception of the spaces reserved for nursing accommodation), 1 car parking space per unit shall be provided and permanently retained for the accommodation of vehicles of the occupiers (including employees using the building) and persons calling at the building for the purpose of conducting business with the occupiers thereof and visitors'.

- 4 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use

the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (138AB)

- 5 In respect of condition 12, you are advised that it would be expected that the occupiers of the boats use 'smokeless fuels' (authorised fuels) and approved appliances.