

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 6 June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>96 Clifton Hill, London, NW8 0JT</b>		
<b>Proposal</b>	Change of use of ground (part), first and second floors to 2 residential flats (Use Class C3). Associated alterations to front garden to accommodate bike and bin store and installation of skylight to roof. (The Clifton Public House)		
<b>Agent</b>	Mr Gordon Young		
<b>On behalf of</b>	Mr Yew Wing Ho		
<b>Registered Number</b>	16/09197/FULL	<b>Date amended/ completed</b>	28 November 2016
<b>Date Application Received</b>	24 September 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		
<b>Licensed opening hours of ground and basement Public House</b>	Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 23:00		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site is a detached three storey building with basement, which is currently vacant and undergoing building works. Its lawful use is as a public house and is a designated Asset of Community Value (ACV). Although the property is not listed it is an unlisted building of merit and is located within the St Johns Wood Conservation Area. The building has been vacant since 2013, but the ground and basement have recently re-opened as a public house.

Permission is sought for the change of use of the first and second floors of the building from ancillary pub accommodation to two self-contained residential flats (Use Class C3). Associated alterations are proposed at ground floor level to provide access to the flats. A bike and bin store is also proposed in the front yard area.

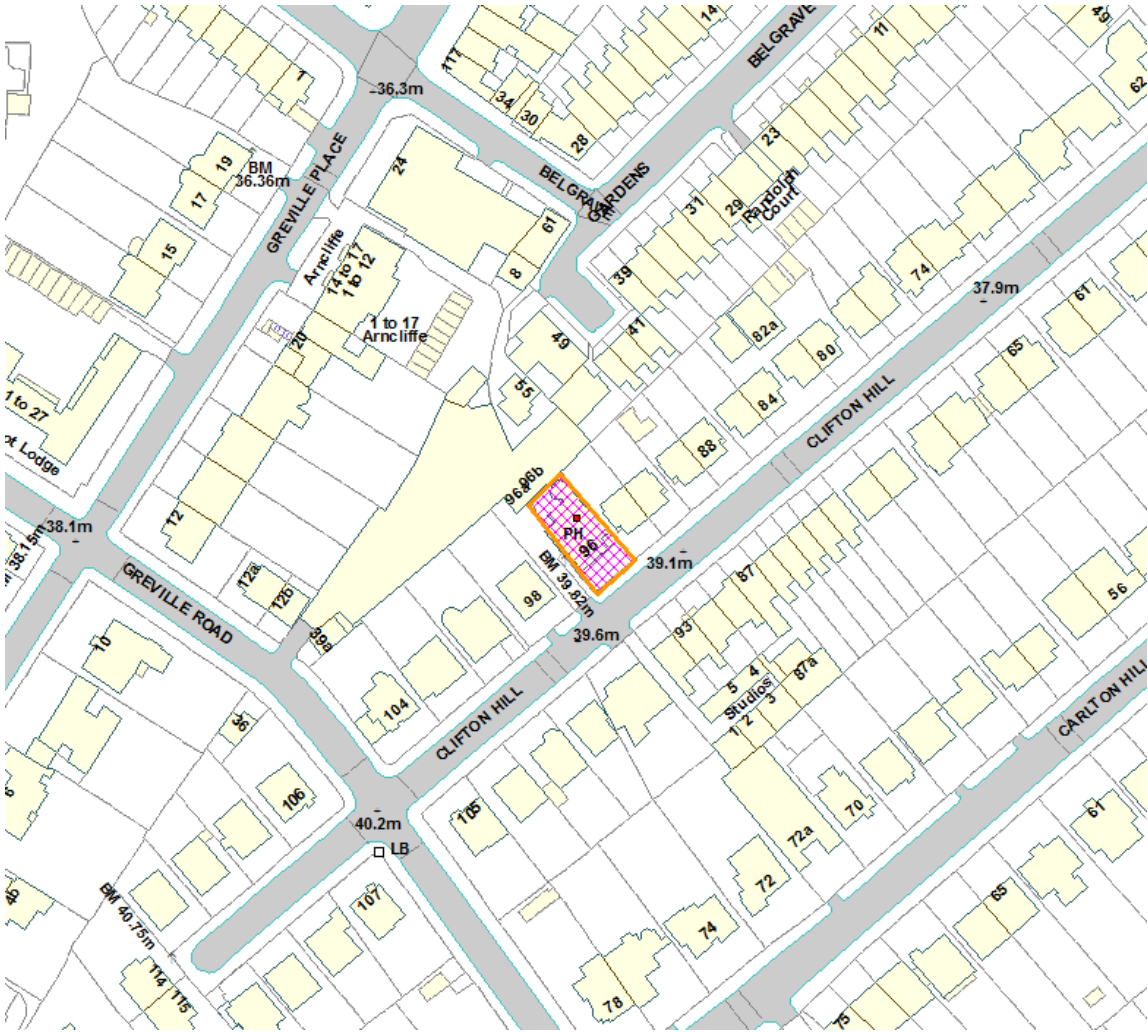
Objections have been received namely in relation to the operation of the pub and the loss of the ancillary pub accommodation.

The key issues in relation to this application are:

- The acceptability of the proposals in land use terms;
- The impact of the proposals on the amenity of surrounding occupiers;
- The impact of the proposals on the highways network; and
- The impact of the use on the conservation area.

The application is recommended for approval as it is considered that, subject to conditions, the proposed development complies with policies in our Unitary Development Plan (UDP) and the City Plan.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Street view of building



Front garden

## 5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY:  
No objection raised.

ENVIRONMENTAL HEALTH:  
Raise no objection. Sufficient information has been provided to protect future occupiers from the risk of noise and vibration from the public house below. Request a 'deed of easement agreement' and conditions to protect occupiers from external noise.

HIGHWAYS PLANNING:  
Raise an objection as existing parking stress levels are high, therefore, additional residential parking will not be readily absorbed into the highway network. Also object due to insufficient size of cycle parking.

CLEANSING:  
Objection to proposed waste and cycle storage. No details of waste storage for the public house.

PLANNING ENFORCEMENT TEAM:  
Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 22

Total No. of replies: 5

No. of objections: 3 objections raising some or all of the following points:

#### Land Use:

- Building was designed to operate as a single commercial entity
- Incompatibility of two uses with likely noise complaints from new residential regarding the pub. If permitted onerous conditions would be required on the license limiting the operation of the pub.
- Lack of marketing information regarding the letting of the whole building as a pub.
- No objection subject to the public house retaining its ACV status.

#### Design:

- No heritage statement submitted therefore the applicant has to meet Westminster's validation requirements.
- Negative impact on heritage asset.
- Binstore will be unsightly and cause smells which will have a negative effect both to the street scene and to patrons of the pub.

#### Highways:

- Lack of parking.

#### Other:

- Entrance to the pub would have to be via the side entrance, which is narrow and would lead to patrons over spilling into and blocking the side alley which is used by the tenants to the properties to the rear.

- Recommendations that a new entrance is formed to the pub on the front elevation of the building.
- Inconsistencies between the planning application and the licensing plan.
- Bin store will reduce visual amenity

No. in support: 2 who consider the proposals to be acceptable / beneficial.

1 letter from the Freeholder in relation to the use of the upper floors.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is a detached building comprising of two storeys plus basement and attic situated on the north side of Clifton Hill. Although the property is not listed it is designated as an unlisted building of merit which positively contributes to the St Johns Wood Conservation Area. To the rear of the property is a conservatory and toilet block extension and stairs which lead down from first floor to ground floor level. A warehouse building containing a mix of uses, including offices and luxury car hire club is located to the rear of the application site, accessed by the alley running along the south western boundary of the site.

The building was last in use as The Clifton Public House and is designated as an Asset of Community Value (ACV). The pub has been closed since 2013, but recently reopened providing a public house over basement and ground floor levels only. The first and second floors (subject to this application) remain vacant.

### **6.2 Recent Relevant History**

17/01462/FULL – Extension of ventilation flue on the rear elevation  
Application permitted 9 May 2017

16/11299/FULL - Alterations including: The installation of condenser units and fan at rear ground floor level; extension to existing flue on the rear elevation; installation of light fitting to side entrance; alterations to the boundary walls of the front patio garden to change access points.  
Application Withdrawn 23 January 2017

16/03034/FULL - Alterations including erection of side portico extension with the installation of an associated access ramp, increasing the width of wall and column to front boundary, and extension of ventilation duct to rear elevation.  
Application Withdrawn 2 August 2016

14/12718/FULL - Use as a single family dwelling and internal and external alterations including lowering of existing basement, demolition of the rear conservatory and toilet block,

formation of rear amenity space with glass balustrade and steps, provision of car parking space to front garden with associated alterations to boundary walls and paving.

Application Refused 18 August 2015

08/09330/FULL - Replacement of existing kitchen extract and ductwork to rear elevation.

Application Permitted 22 July 2009

05/03555/FULL - Installation of new entrance door and side screen to front facade.

Application Permitted 11 July 2005

02/02664/FULL - Replacement of paving to front beer garden and installation of extract fans to rear windows.

Application Permitted 24 June 2002

02/00127/FULL - Installation of a rear fire escape staircase.

Application Permitted 21 March 2002

## 7. THE PROPOSAL

Permission is sought for the change of use of part of the ground floor to provide access up to the upper levels in association with the use of the first and second floors of the building from ancillary pub accommodation to two self-contained residential flats (Use Class C3).

Associated alterations are to install a new bike and bin store within the front yard

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
<b>Ground and basement</b>			
Pub (A4)	279	273	6
<b>First and second:</b>			
Ancillary Pub (A4)	236	0	236
Residential (C3)	0	236	236

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

An objection has been received from an action group who seek to protect public houses (planning4pubs) on the grounds that the change of use of the upper floors should be resisted as it will have an unacceptable impact on the character of the area and on the future operation of any pub on the lower floors.

#### **Loss of Public House:**

Paragraph 69 of the National Planning Policy Framework (NPPF) and Policy 4.8 of The London Plan (2016) seek to protect against the unnecessary loss of valued facilities and services where they would reduce the community's ability to meet its day-to-day needs and result in the loss of community assets, including public houses.



Similarly policies SS8 of the UDP and S13 of the City Plan, seek to protect services in locations where they serve local residents, visitors and businesses.

Officers raised concerns that the public house could become unviable should permission be granted for the change of use of the upper floors. The applicant subsequently provided a viability assessment to demonstrate that the public house (at ground and basement) would remain a viable unit, which has been independently assessed by Fleurets on behalf of the City Council. The consultant has noted that a key consideration will be the moving of the kitchen from first floor to basement level and the requirement for new ventilation. He notes that *'the loss of the domestic accommodation will not adversely affect the trade performance of the business in terms of sales, it may however have a slight adverse effect on profitability as staff will not be able to live on site. Many town centre licensed businesses be they bars and/or restaurants trade as 'lock-ups' i.e. no domestic accommodation and they remain profitable. I have no reason to believe this would not be the case at the Clifton PH.'* He concludes that the reconfiguration of the Clifton PH is viable dependant on two factors: That consents are gained for the installation of ventilation / extraction; and that access is available to the pub from Clifton Hill, as it is noted that a gate has been erected across the alleyway to the side of the pub.

Permission has recently been granted for the installation of a flue to the rear of the pub, providing ventilation down to the new basement kitchen. Access is to be retained from Clifton Hill, albeit from a southern side entrance rather than the entrance on the northern side of the pub.

While the objections in relation to the loss of the pub and its future viability are noted, given that the pub has recently re-opened and the conclusions of the independent viability assessment, it is not considered that refusal on the grounds of the loss of the ancillary accommodation could be sustained as the ACV/local service is maintained in a viable format. The loss of the ancillary accommodation is therefore considered to be in accordance with local, regional and national policies/guidance as set out above.

### **Residential use**

Policies H3 of the UDP and S14 of the City Plan seek to encourage the provision of more residential floorspace including the creation of new residential units. The proposed flats are therefore welcomed in relation to these policies. Policy H5 and S15 relate to housing mix. It is considered that the proposed 2x2 bedroom flats is acceptable and maximize the number of units on site. Both flats meet the requirements of the Nationally Described Housing Space Standards (2015).

Objections have been received on the grounds that the use as residential would lead to complaints in relation to the public house due to noise disturbance. During the course of the application Environmental Health Officers (EHO) requested additional information in relation to how the flats would be protected from noise travelling between the public house and the new residential accommodation. Following the submission of additional information, the EHO has raised no objection to the proposals subject to suitable conditions being attached to the draft decision letter. They do however note that this is on the basis of the operation of the pub being in a particular manner (gastro pub with background music). They note that a 'deed of easement agreement' should be formalised to secure this type of use. As this application relates to the upper floors, and not to the operation of the pub, it is not considered that the requirement of such an agreement could be sustained. Given that the

public house in this location is historic, it is considered that such considerations will be subject to any future licensing application, which can include details such as music to ensure that this does not cause disturbance.

The EHO has also commented that limited detail in relation to disturbance from outside sources has been provided, namely the outside seating area to the front of the pub. There are numerous other residential occupiers in close proximity, it is therefore considered that this can be secured by way of condition.

It should also be noted that should permission be granted for the change of use, it will to an extent be a matter of 'buyer beware', given that the public house is now operating on the lower floor levels. The pub is also located within a residential area, and will therefore need to operate in a suitably managed way in order to ensure it does not attract undue complaints from both existing and new neighbouring residents.

In summary, subject to the aforementioned conditions, it is considered that the proposed residential use is acceptable in this location.

## **8.2 Townscape and Design**

The significance of the application site as an unlisted building of merit located within the St John's Wood Conservation Area derives from its appearance, form, scale and long established use as a public house. It is the buildings use which is considered to have determined its scale and form and therefore it could be argued the current form of the building, particularly the core fronting the highway, remains as originally intended and the building can be considered as a completed composition. Furthermore, the scale and form of the building and its contrast to the residential buildings in the street, is considered to contribute to the character and appearance of the area.

An objection has been raised in relation to the impact of the proposed change of use on the heritage asset and the lack of the provision of a heritage statement, contrary to Westminster validation requirements. While a heritage statement has not been provided a design and access statement has been submitted, which is considered sufficient. It is not considered that the change of use will have a negative impact on the character of the area, given that a traditional function of the upper stories of pubs is as living accommodation, as was the case in this instance.

The principle of erecting a bin/cycle store against the side boundary is considered to have a limited impact on the character and appearance of the area given that they are not an uncommon feature to find in a residential street. However, whilst the footprint of the store has been shown on the proposed ground floor plan, it is not shown in elevation and no details regarding its detailed design and materiality have been provided. A condition is therefore recommended requiring the submission of further details.

Subject to the recommended conditions the proposals would be consistent with policies S25 and S28 of the City Plan and policies DES1 and DES 5 of the UDP.

## **8.3 Residential Amenity**

Given that the upper floors of the public house were previously used as ancillary staff accommodation, it is not considered that their use as two residential flats would give rise to any significant additional negative impacts on adjacent residential amenity.

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

The Highways Planning Manager and an objector have noted that the proposals do not include car parking, which is contrary to Policy TRANS23 of the UDP. The site is in an area where on street parking is already at stress levels, in excess of 80% occupancy. While these concerns are noted it is not considered that refusal on these grounds could be sustained, given that only two units are proposed and the location of the site within easy reach of public transport. A condition is also recommended for details to be submitted to provide car club membership for the two new units, which will help to promote this scheme rather than occupiers taking up a parking space.

The Highways Planning Manager has also commented in relation to the cycle parking to the front of the property with the waste store is of insufficient size to provide for 4 bikes and would be unattractive due to its location with the bins. Given the constraints of the site, it is not considered that refusal on these grounds could be sustained. However a condition is recommended for details of the cycle store to be provided. It will be up to the applicant to demonstrate if this is to be located internally or within the front garden as indicated on the submitted plans.

#### 8.5 **Economic Considerations**

Any economic benefits from the development proposals are welcomed.

#### 8.6 **Access**

Objections have been received on the grounds of disparities between the premises license and the planning drawings, with the licensing drawings showing the side entrance in a slightly different arrangement from the planning drawings. An onsite inspection indicates that the planning drawings are accurate and therefore any issues with the premise license will need to be addressed by licensing, an informative is recommended to advise the applicant of this error.

Concerns have also been raised in relation to the access point of the pub moving from the eastern side of the property to the western side and in relation to patrons spilling out onto the side alleyway. The entrance is being moved as a result of the eastern side entrance being used as the new residential access to the upper floors.

It is not considered that refusal on these grounds could be sustained, as planning permission is not required for the pub to use its existing western access as historically the pub had two entrances, one on the east and one to the west. While it is noted that the intensity of use of the western access will increase, as permission is not required for this alteration, and this entrance is outside of the demised of this planning application (which relates to the upper floors) it would be unreasonable to limit access.

In relation to people spilling out into the side alley, it should be noted that the licensing plan indicates that the pub is not licensed within this area, with only the internal areas and the

front garden being licensed. Any issues in relation to people using this side alley will be a management matter for the pub operator.

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

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

An objection has been received on the grounds that the indicated waste store is of insufficient size for the proposed residential use. A condition is therefore recommended for the provision of an amended waste store to be provided.

### **8.8 London Plan**

Policies in relation to the London Plan are addressed elsewhere within this report, namely section 8.1.

### **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 unless stated otherwise.

### **8.10 Planning Obligations**

Based on the applicants floorspace figures of 236sqm of new residential floorspace and subject to any relief or exemptions that may be applicable, the estimated Westminster CIL payment is £129,800 (residential prime location). The estimated Mayoral CIL payment is £11800.

### **8.11 Environmental Impact Assessment (EIA)**

This application is of insufficient scale to trigger the requirement of the submission of an EIA.

### **8.12 Other Issues**

None

## **9. BACKGROUND PAPERS**

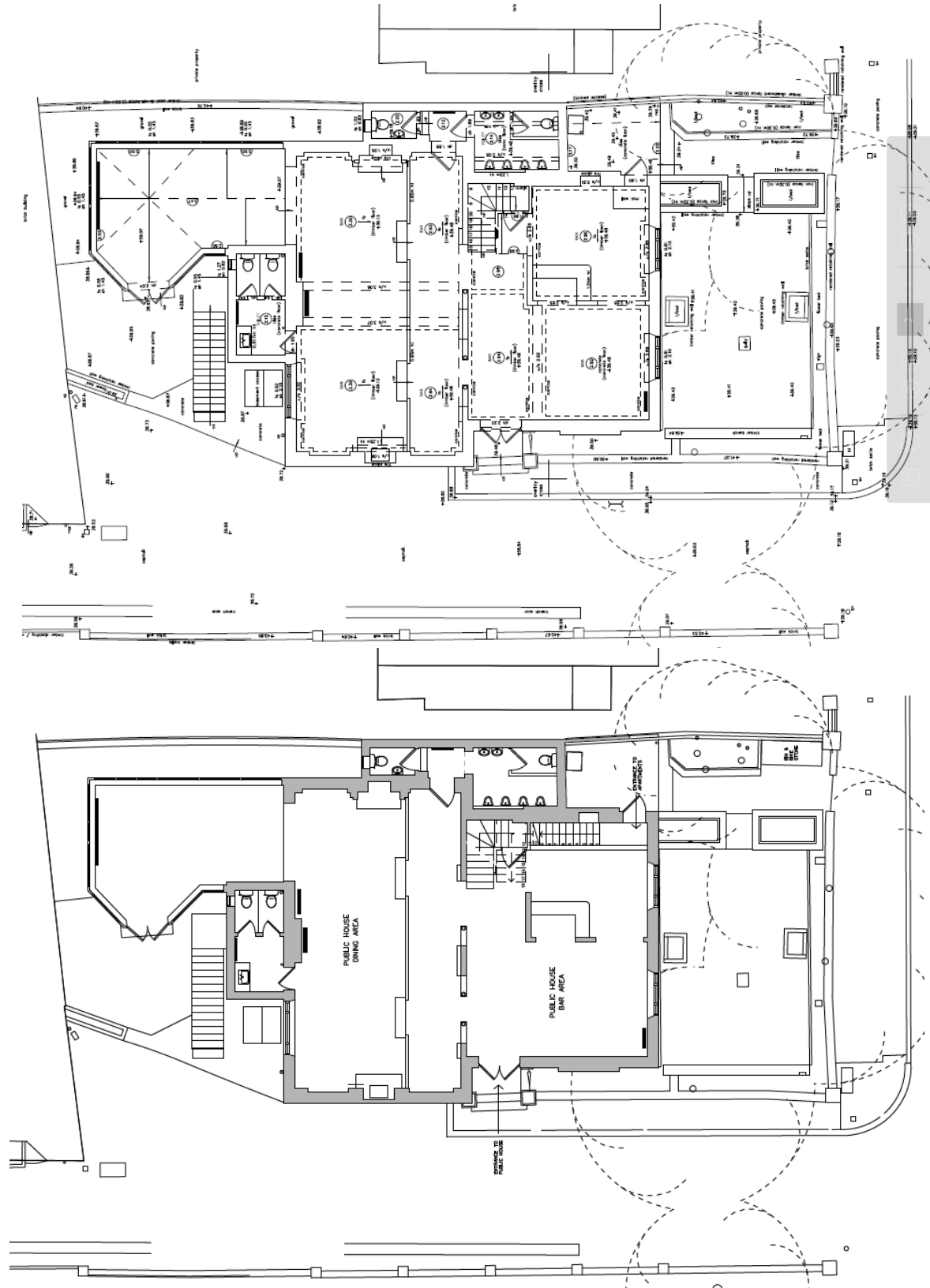
1. Application form
2. Response from St John's Wood Society, dated 19 December 2016
3. Response from Environmental Health, dated 26 April 2017
4. Responses from Highways Planning, dated 18 January 2017
5. Letter on behalf of 96a Clifton Hill c/o Andrews Garage, 22 St Mark's Road, dated 15 December 2016
6. Letter on behalf of 96a Clifton Hill from PKP French Solicitors, received 15 December 2016
7. Letter from Planning 4 Pubs, received 18 January 2017
8. Letter from occupier of 96 Clifton Hill, London, dated 15 February 2017
9. Letter from occupier of 97 Clifton Hill, dated 22 February 2017

10. Letter from occupier of 90C Clifton Hill, dated 17 May 2017

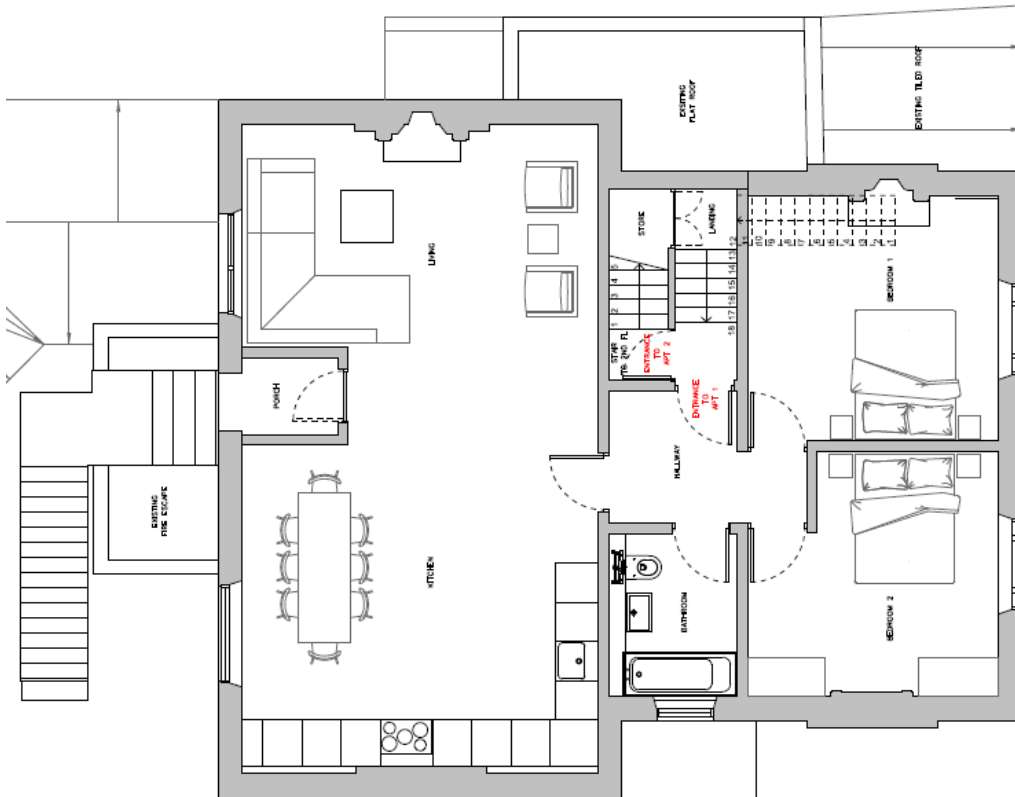
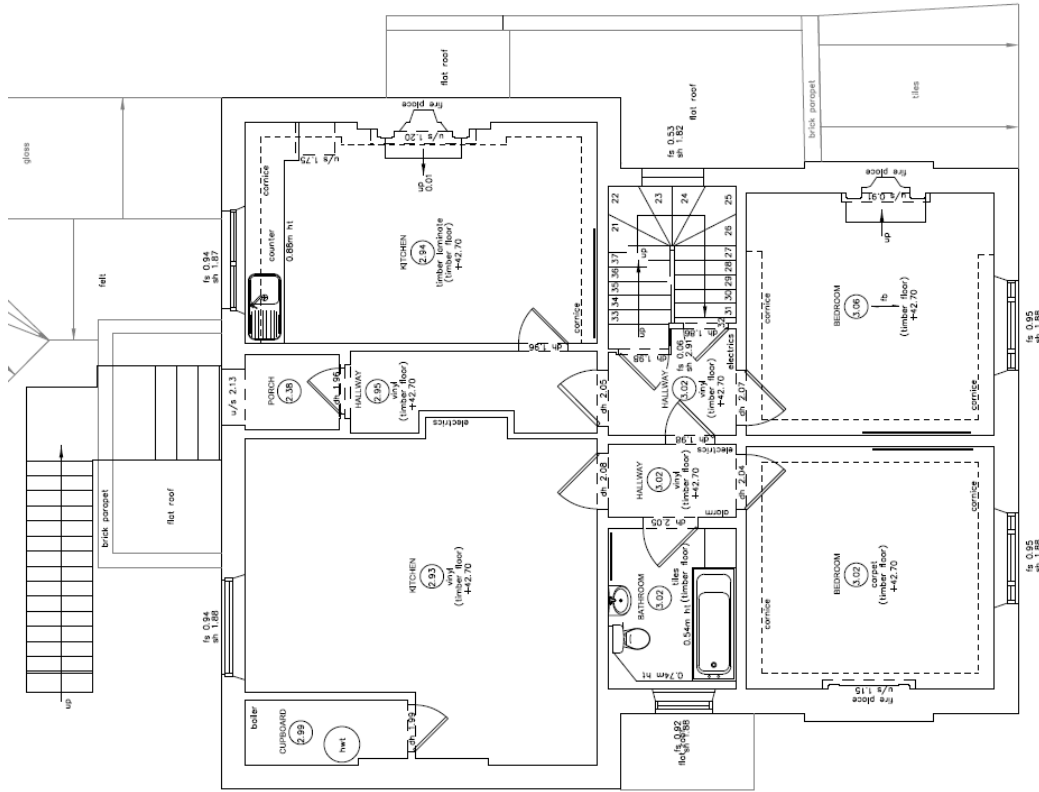
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: <b>RUPERT HANDLEY</b> BY EMAIL AT <a href="mailto:rhandley@westminster.gov.uk">rhandley@westminster.gov.uk</a>
---

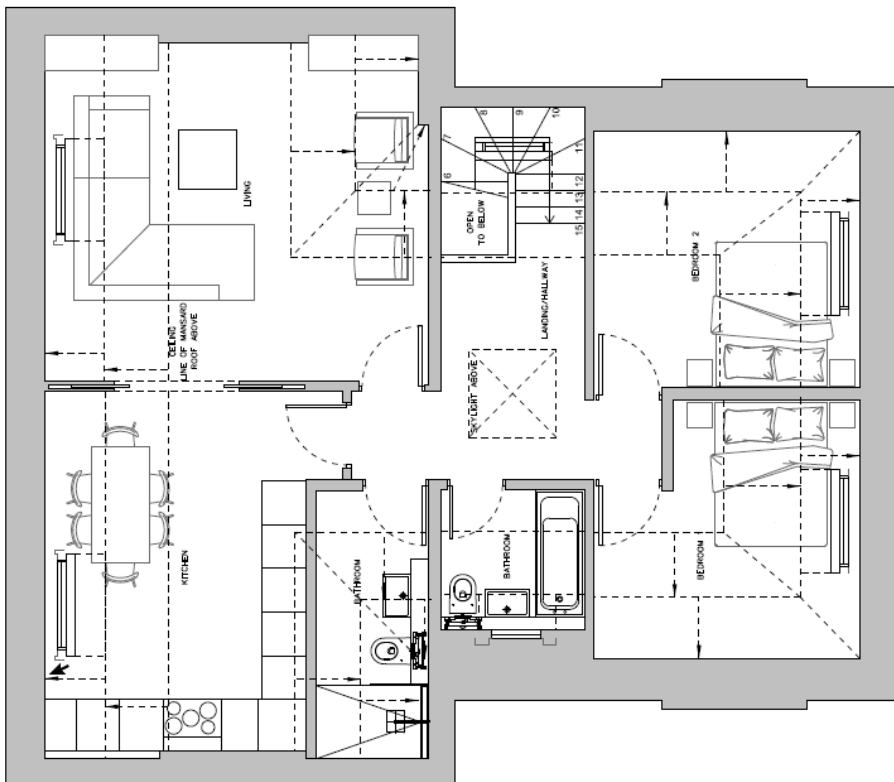
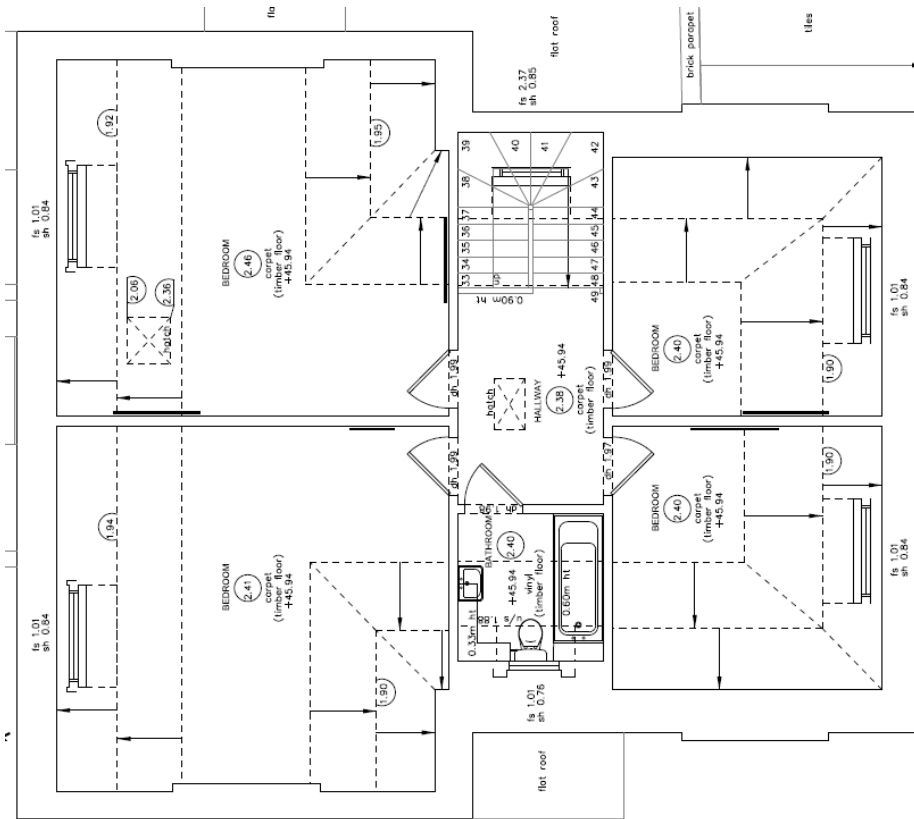
10. **KEY DRAWINGS**  
Existing (above) proposed (below) ground floor plans



Existing (above) proposed (below) first floor plans



Existing (above) proposed (below) second floor plans





**DRAFT DECISION LETTER**

**Address:** 96 Clifton Hill, London, NW8 0JT,

**Proposal:** Change of use of ground (part), first and second floors to 2 residential flats (Use Class C3). Associated alterations to front garden to accommodate bike and bin store and installation of skylight to roof. (The Clifton Public House)

**Plan Nos:** (02)01; (02)02; (02)03; (02)04; (02)05; (03)01 ; (03)02; (03)03; (03)04; (20)01; (20)02; (20)03; (20)04; (20)06; (21)01; (21)02; (21)02; (21)03; (21)04; Design & Access Statement Rev A; Sound Insulation report 161007-002A by ACA Acoustics; Letter dated 20 April 2017 from ACA Acoustics.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

**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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

**Reason:**

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the 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. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed plans, elevations and sections of the following parts of the development - the new bin and cycle store. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 6 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 5 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 7 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16

Item No.
1

hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 8 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. 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 stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the . (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 9 You must apply to us for approval of details of secure cycle storage for the residential use. 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.

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

- Lifetime (25 years) car club membership for each residential unit.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan adopted November 2016 and in STRA25 and TRANS23 of our Unitary Development Plan adopted 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 (November 2016), 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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 4 You are advised that there are discrepancies between the licensing plan and the access to the side of the pub, namely that a portico is shown on the licensing plan which does not exist. You are advised to contact licensing in relation to this error.
- 5 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team  
4th Floor East, Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
[www.westminster.gov.uk](http://www.westminster.gov.uk)  
Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 6 Under condition 17, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure:
  - Lifetime (25 years) car club membership for each residential unit.

Please look at the template wordings for planning obligations (listed under 'Supplementary

planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition

- 7 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:  
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**