

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	25-26 Enford Street, London, W1H 1DW,		
Proposal	Erection of an extension at rear first floor level, alterations to front and rear facades, including the creation of new terraces at rear lower ground and ground floor levels, changing 3rd floor rear mansard to a sheer elevation, and extension at 4 th floor roof level by creating a secondary pitch to the front mansard, and mansard-style screen at the rear, in association with the creation of a 4 th floor roof terrace, all in connection with the use of the building as 3 x flats (Class C3).		
Agent	Tasou Associates Limited		
On behalf of	Mr Frank Montanaro		
Registered Number	17/05941/FULL	Date amended/ completed	5 July 2017
Date Application Received	5 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application premises is a vacant office building (Class B1). Permission has previously been granted for schemes in 2015, 2016 and in January this year for alterations and extensions in connection with the conversion of the building to a single dwelling house as well as three and four flats.

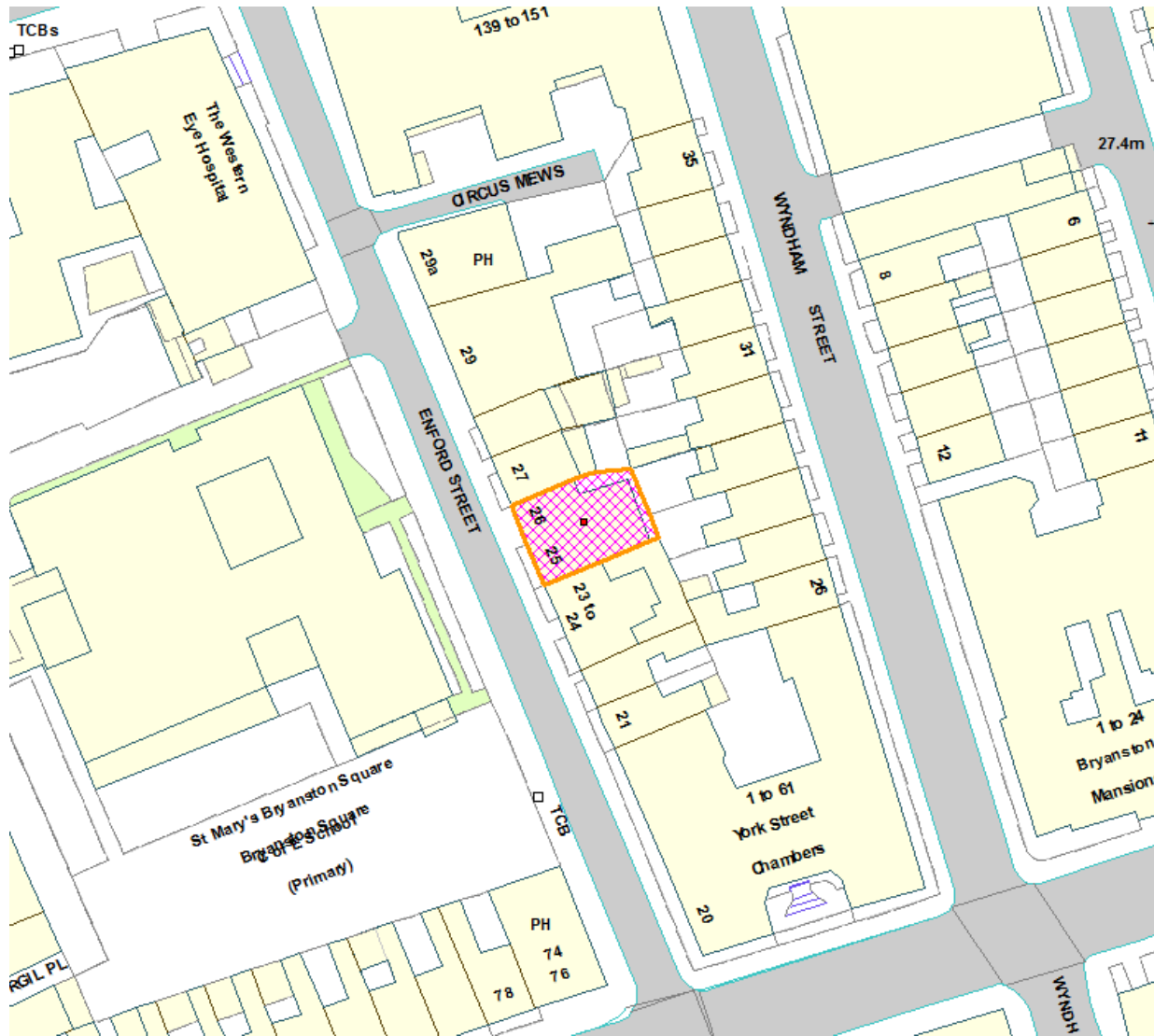
Permission was also refused in November 2016 and an appeal dismissed in June 2017 for an application which included the creation of a 4th floor roof terrace which would be enclosed by a 1.7 m rear timber screen. The provision of a roof terrace was previously considered acceptable provided that it was adequately screened. The previously proposed 1.7m tall screen was considered to be unacceptable in design terms.

The current application seeks to overcome the previous design reason for refusal. The proposed 4th floor roof terrace would be enclosed by a secondary pitched roof at the front and a mansard 'screen' at rear the rear. In addition to the proposed works at 4th floor roof level this latest application includes alterations to the facades, a small rear 1st floor extension and alterations to create rear lower ground and ground floor terraces.

The key issue for consideration is design and the implications that the proposed works at roof level have on the appearance of the building and the character and appearance of the Portman Estate Conservation Area.

It is considered that the proposed 'dummy' 4th floor mansard would provide an effective method of adequately screening the new 4th floor terrace. This is an improvement to the rear timber screen previously proposed, successfully overcoming the design reason for refusal. Other works are also considered acceptable in design terms. The conversion to three flats is again considered acceptable in land use and amenity terms. The application accords with adopted City Plan and UDP policies and is accordingly recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

Objection - The faux mansard performing as screen to the roof terrace results in an increase in perceived building height that is not in keeping with the neighbouring roof lines at the rear of the property. A simple acoustic screen and railing set back 1.5 metres from the rear parapet would safeguard neighbouring amenity and address issues of visual bulk.

CLEANSING:

No objection subject to the imposition of a condition securing and retaining the proposed arrangements for waste and recyclable materials.

HIGHWAYS PLANNING:

Objection to the proposed residential units that are likely to add to existing on-street car parking stress in the vicinity of the site.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Objections on the following grounds:

Amenity:

- Noise from the roof terrace.
- The increase in height of the building will result in loss of sunlight.
- Overlooking and noise from the proposed flats and the roof-top terrace.

Design and Conservation:

- Concern over the proposed black brickwork at rear ground floor level is in keeping with the host buildings and those surrounding the site.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises an unlisted building located within the Portman Estate Conservation Area. The site is located within the Central Activities Zone (CAZ) but outside the Core CAZ. The building is vacant but is lawfully within office (Class B1) use.

The Grade II listed buildings to the west (Wyndham Street), which directly back onto the site, are in residential use (with the exception of No. 35). Nos 23 and 24 Enford Street, located directly to the south of the application site, have recently been converted into five residential units. There are also residential units directly to the north at No. 27 Enford Street.

The building covers the entire site at basement level and has a single storey extension at rear ground floor level, which is set in slightly from the rear and northern boundaries. Access to the flat roof of this extension is restricted by Condition 1 of planning permission dated 24 July 2007 (Ref: 07/04912/FULL) in order to protect the amenity of neighbouring residents.

6.2 Recent Relevant History

94/00962/FULL

Use of the building as offices with ancillary bookshop in the basement.
Application permitted - 22 March 1994

95/01853/FULL

Mansard roof extension to form additional floor for B1 office use & lift overrun above.
Application permitted - 29 June 1995.

07/04912/FULL

Retention of door and window frame at rear first floor level.

Application permitted - 24 July 2007

This permission was granted subject to a condition requiring the door to be fixed shut at all times and used only in an emergency and for maintenance. This condition was imposed to protect the privacy and environment for people in neighbouring properties.

14/10138/FULL

Use as single family dwelling (Class C3), partial demolition of existing rear extension and creation of a rear roof terrace at ground floor level and raising of party walls by 1 metre in order to enclose this space. Creation of sheer storey at rear third floor level and installation of dormers at front roof level. Alterations to fenestration on front and rear elevations at all levels and associated external alterations.

Application permitted - 13 January 2015

15/04066/FULL

Demolition of part ground floor rear extension, erection of replacement part single and part two storey extension at rear ground and first floor levels, raising of parapet wall to rear and side boundaries to enclose new patio, installation of replacement windows to front and rear elevation at all levels and replacement of rear roofslope with sheer brickwork. Use of enlarged and altered building as dwellinghouse (Class C3).

Application permitted - 22 December 2015

This permission was identical to that approved in January 2015 with the exception that a shallow (1.2m) rear extension was approved across the majority of the rear elevation at first floor level.

16/04870/FULL

Erection of extension at rear first floor level, alterations to front and rear facades of building and alteration to rear roof form to create sheer rear elevation and use of extended and altered building as 3 x flats (Class C3).

Application permitted - 9 September 2016

In addition to the three flats in lieu of the approved single family dwellinghouse, this permission incorporates design amendments to the extensions and alterations approved in December 2015.

16/08957/FULL

Erection of extension at rear first floor level, alterations to front and rear facades of building and alteration to rear roof form to create sheer rear elevation, use of extended and altered building as 3 x flats (Class C3) and installation of timber screen measuring 1.7m to rear elevation and installation of balustrade to front elevation in order to facilitate use of flat roof at fourth floor level as terrace.

Application refused - 15 November 2016 on the ground that the height, location and materials of the rear timber screen would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Portman Estate Conservation Area.

Appeal dismissed – 7 June 2017. The Planning Inspector agreed that the proposed screen, due to its position, height and use of materials would appear as a dominant and incongruous structure that would not preserve the character or appearance of the Portman Estate Conservation Area.

16/11043/FULL

Erection of extension at rear first floor level, alterations to front and rear facades of building and alteration to rear roof form to create sheer rear elevation and use of extended and altered building as 4 x flats (Class C3).

Application permitted - 24 January 2017

This permission is almost identical to the September 2016 permission, albeit approving four flats instead of three, approving slight design alterations and including a slightly larger cycle / refuse store at lower ground floor level.

7. THE PROPOSAL

The application proposes to reconfigure the existing building including the erection of a shallow first floor rear extension, make alterations to the front and rear elevations, reconfigure the front mansard roof to create a double-pitched mansard and to erect a mansard 'screen' at rear roof level to enclose the roof top terrace. The reconfigured building is proposed to be converted into three flats (Class C3) with refuse and bicycle storage at front basement level. The proposed roof top terrace is to be used by the occupants of the 2nd and 3rd floor maisonette.

As show in Table 1 below, the proposal would see the loss of all of the office floorspace on site and the creation of 380 sq.m (GIA) of residential floorspace.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	406	0	-406
Residential	0	380	+380

Table 1: Existing and proposed land use.

The small loss of floorspace is as a result of the proposed creation of terraces at rear lower ground and rear ground floor levels.

The application has been amended during the course of its consideration through reducing the width of the rear mansard screen so that it better aligns with the fenestration pattern on the floors below and to add a secondary pitch to the existing mansard roof at the front so that this encloses the proposed terrace rather than the formerly proposed railings.

As set in more detail within Section 6.2 of this report, there are a number of permissions to extend and alter this building for use as a single family dwellinghouse, as three flats and as four flats. Indeed, with the exception of the works associated with the creation of the roof top terrace, all of the alterations sought in this application have previously been approved by the City Council. All of these permissions are extant and are material considerations when assessing the acceptability of the current application.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The site's location outside of the Core CAZ, Named Street and Opportunity Areas means that the office floorspace is not protected under City Plan Policy S20 and is therefore acceptable.

Residential use

	Size (sq.m GIA)	Required minimum size (sq.m GIA)	Bedrooms
Flat 1 (3b/6p)	170	102	3
Flat 2 (1b/2p)	63	50	1
Flat 3 (3b/6p)	121	102	3

Table 2: Summary of proposed residential units.

The proposed increase in residential floorspace is welcome outside of the Core CAZ, being in accordance with City Plan Policy S14 and UDP Policy H3. The provision of two-thirds 'family sized' units exceeds the normal expectation within UDP Policy H5 that a third of new residential units should be family sized. A good range of unit sizes is proposed and it is considered that the site's capacity has been optimised, in accordance with City Plan Policy S15. This is especially the case in the context of the extant permission to convert the building to a single family dwellinghouse.

All of the proposed flats meet the minimum space standards within the London Plan (March 2016). Each of the flats is dual aspect, which will assist in ensuring that the accommodation is not subject to overheating. Furthermore, the quiet environment of Enford Street means that compliance with the noise standards set out within UDP Policy ENV 6 is unlikely to be an issue (subject to standard conditions).

The family sized flats benefit from outdoor amenity space, in accordance with UDP Policy H10.

The increase in residential floorspace of 380 sq.m (GIA) falls short of the 1,000 sq.m threshold set out within City Plan Policy S16 and therefore the scheme does not generate an affordable housing requirement.

8.2 Townscape and Design

Through occupying a plot which was presumably once occupied by a pair of terrace properties, the building's proportions relate poorly to the character of the wider terrace which is characterised by c. 1800 terraced buildings, some of which have been extended at roof level in the form of double pitched mansard roofs. The application building, together with its neighbour at No's 23 and 24 Enford Street, has been extended at roof level in the form of a flat-topped mansard roof. Railings at roof level which are clearly visible from street level add clutter to the roof line.

The rear elevation of the building is of even less architectural merit, with unsuitably proportioned windows, the rear slope of the mansard overhanging the rear elevation which creates a top-heavy appearance, and a full-width and full-depth single storey rear extension covering the rear of the site.

The above assessment confirms the finding within the Portman Estate Conservation Area Audit (2003) that the building is not an unlisted building of merit and is a building that neither contributes nor detracts from the character and appearance of the Portman Estate Conservation Area. Through already having been extended at roof level, the building is identified as a building where a roof extension is unlikely to be acceptable within the Portman Estate Conservation Area Audit (2003).

The proposed alterations in the form of adding banded stucco at ground floor level, adding sash windows to the rear elevation and replacing the sash windows to the front elevation with six-over-six sash windows will add Georgian detailing. This is acceptable in principle.

The height of the rear first floor extension, and its limited projection, will ensure that it remains subordinate to the host building, in accordance with UDP Policy DES 5.

As set out above, a similar previous application to alter and extend this building to create three flats was refused by the City Council on 15 November 2016 on the ground that the height, location and materials of the 1.7m tall rear timber screen at roof level to enclose the roof top terrace would have been visually intrusive and harmful to the character and appearance of the Portman Estate Conservation Area. This decision was appealed. Whilst the Inspector accepted that the screen was required in order to prevent overlooking to the occupants of the properties to the rear on Wyndham Street, he found that it would appear as a dominant and incongruous structure that would not preserve the character or appearance of the Portman Estate Conservation Area. For this reason, the appeal was dismissed.

This current application attempts to overcome this reason for refusal through proposing the erection of a 'fake' mansard at rear roof level and the creation of a secondary pitch to the existing mansard roof to the front that would create the necessary enclosure to the proposed terrace but would not be a jarring introduction to the townscape. As set out above, the detailed design of the screen has undergone design iterations to enable it to better relate to the fenestration pattern below. Whilst the concerns of the Marylebone

Association in respect to the increase in the height of the building are noted, it is not considered that this increase in height would be harmful in the context of the varied heights and styles present along the rear of this terrace. Furthermore, the alterations to the rear elevation, including the removal of the overhanging mansard roof, are clearly beneficial to the character and appearance of the Portman Estate Conservation.

Finally, the concern from a local resident to the proposed black brickwork at rear ground floor level is not considered to represent a sustainable reason for refusing permission. Whilst yellow stock brickwork is the dominant material in this terrace, the addition of contrasting darker brickwork is not considered to be harmful given the eclectic mix of building styles to the rear of this terrace and the poor quality of the rear elevation of the existing building on site.

Further details are recommended to be secured by condition to ensure correct materials and appearance.

The application is now acceptable in design terms and in accordance with UDP Policies DES 1, DES 6 and DES 9 and City Plan Policies S25 and S28.

8.3 Residential Amenity

Objections have been received from three residents to the rear of the site who are concerned about potential overlooking and noise disturbance from the ground floor patio (and roof terrace) and from loss of sunlight as a result of the proposed mansard screen.

The objections to overlooking and noise from the proposed roof terrace are not considered to be sustainable as: (i) The height of the timber screen is 1.7m tall which would minimise the potential for overlooking (especially in a downwards direction); and (ii) The domestic nature of the terrace is unlikely to generate significant noise and disturbance.

This patio at rear ground floor level will be enclosed by the proposed raised rear parapet wall, the top of which will be 1.8m above patio level. As with the previous approvals, a condition is recommended to ensure that the extension of this parapet wall is undertaken prior to occupation of the basement and ground floor maisonette, preventing the flat roof at first floor level being used as a terrace. As previously, it is not considered that the use of this private amenity space would have a significant impact on neighbours' amenities in respect to noise disturbance.

Finally, in respect to potential loss of sunlight as a result of the proposed mansard screen, although the rear of the properties on Wyndham Street do face within ninety degrees of due south, the modest increase in the height of the proposed mansard roof screen will not result in a material loss of sunlight to the rear windows of these properties or to the rear gardens of these properties.

8.4 Transportation/Parking

The City Council's Highways Planning Team advises that the night time parking stress in the vicinity of the site is 54%, whilst the daytime parking stress is 96%. The daytime parking stress is therefore well above the 80% threshold set out within UDP Policy TRANS 23 and any increase in residential units in this area are likely to increase car parking stress

levels further beyond this threshold; thus making it more difficult for other residents to park during the day.

There are a number of car club spaces within a short walk of the application site, the nearest being on Great Central Street (just to the north of Marylebone Road). Given the the modest number of residential units proposed, it is considered that a 25 year car club membership for the occupiers of each new unit would adequately mitigate the harm to on-street car parking stress levels. A 'Grampian condition' is recommended to be imposed securing appropriate arrangements to secure this mitigation. Identical conditions were imposed on the permissions to convert the building into three and four flats.

The provision of storage for seven bicycles is acceptable, as is the introduction of a cycle 'gutter' in the staircase within the front lightwell which will assist cyclists in transferring their bicycles from the front lightwell.

8.5 Economic Considerations

As set out above, the loss of office floorspace is acceptable given the site's location outside of the Core CAZ.

8.6 Access

UDP Policy H8 requires all housing developments of 25 or more dwellings to have 10% of the units be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The lack of a lift means that none of the proposed units will be wheelchair accessible. This is justifiable given the small number of residential units proposed.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The City Council's Cleansing Manager has confirmed that the proposed storage for waste and recyclable material is acceptable.

8.8 London Plan

This application raises no strategic issues.

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

The proposal does not generate any requirement for planning obligations.

The development is not liable to make a payment under either the Westminster or Mayoral CIL.

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

None.

9. BACKGROUND PAPERS

1. Application form
2. E-mail from the Marylebone Association dated 14 August 2017.
3. Memorandum from the Highways Planning Manager dated 21 July 2017
4. Memorandum from the Cleansing Manager dated 24 July 2017
5. Letter from occupier of 30 Wyndham Street, London, dated 8 August 2017
6. Letter from occupier of 29 Wyndham Street, London, dated 8 August 2017
7. Letter from occupier of 29, Wyndham Street, London, dated 27 July 2017
8. Appeal decision dated 7 June 2017.

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

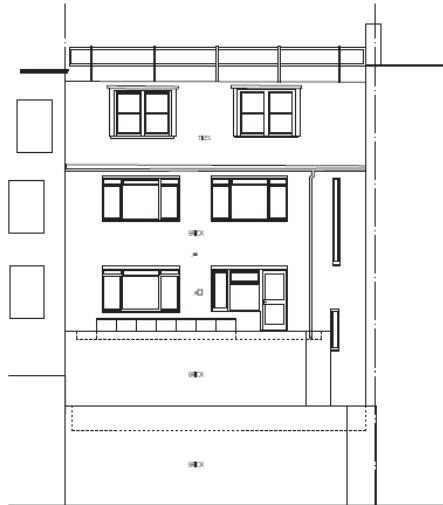
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MICHAEL WALTON BY EMAIL AT mwalton@westminster.gov.uk

10. KEY DRAWINGS

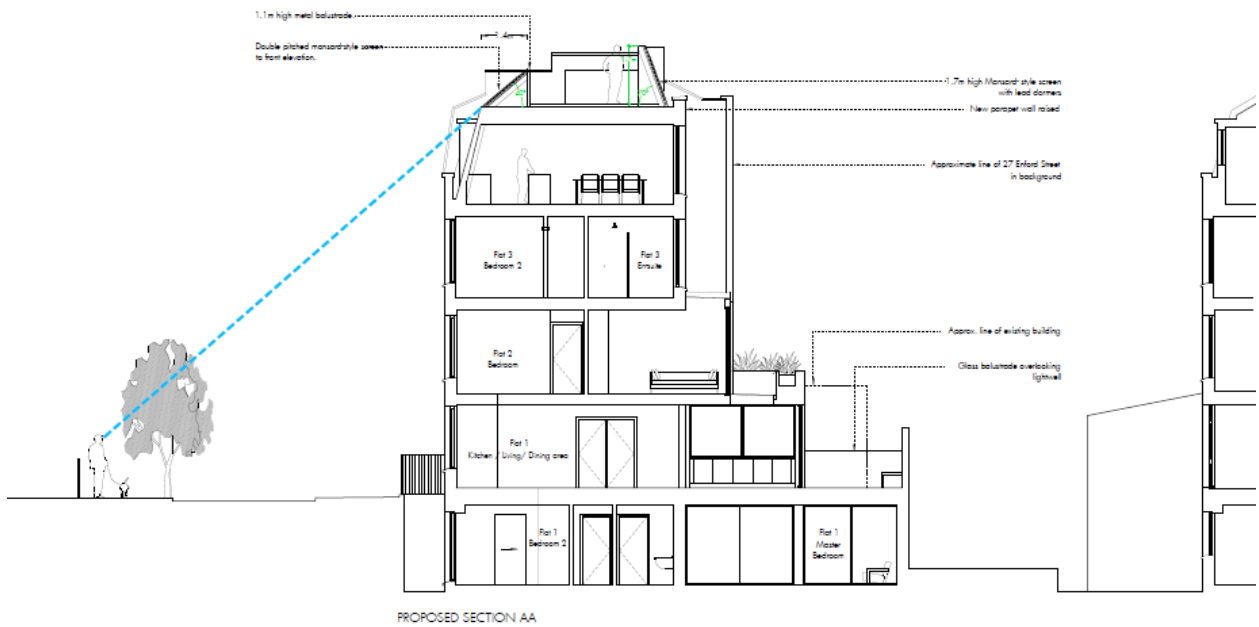
Existing and proposed front elevation:



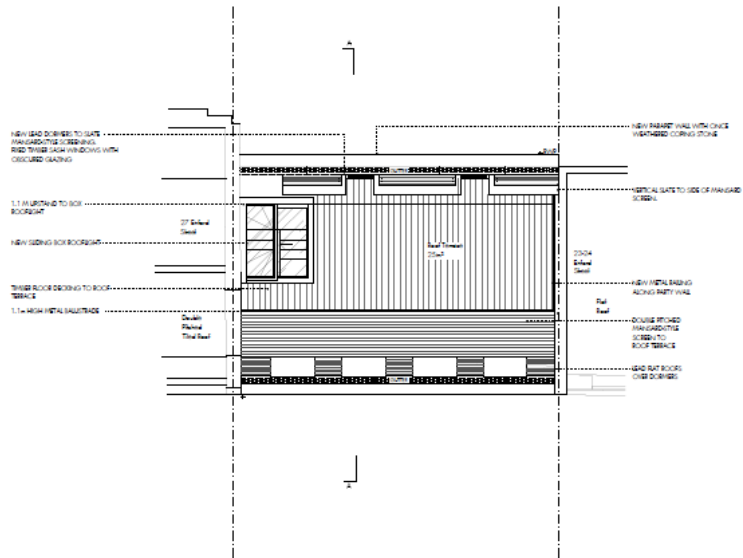
Existing and proposed rear elevation:



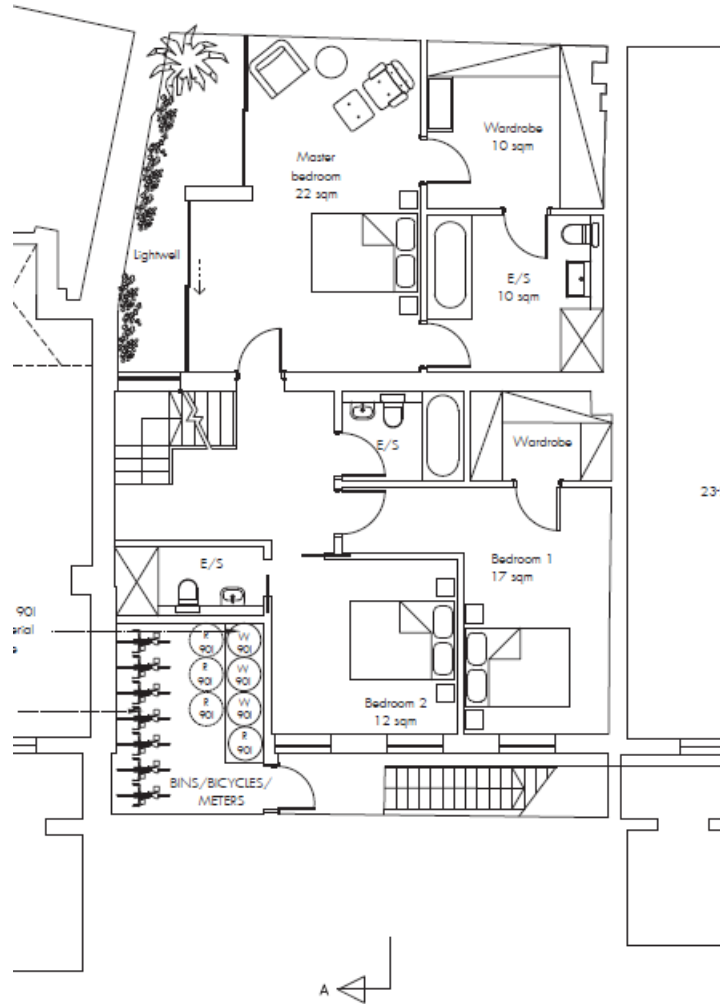
Existing and proposed Section A-A:



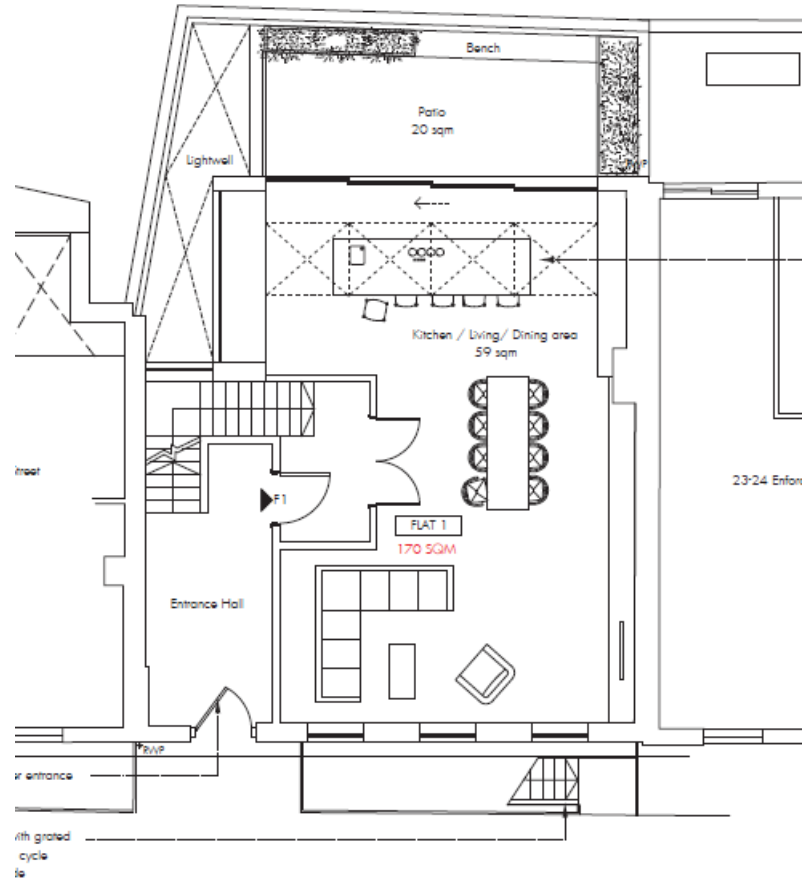
Proposed roof plan:



Proposed lower ground floor plan:



Proposed ground floor plan:



DRAFT DECISION LETTER

Address: 25-26 Enford Street, London, W1H 1DW,

Proposal: Erection of an extension at rear first floor level, alterations to front and rear facades, including the creation of new terraces at rear lower ground and ground floor levels, changing 3rd floor rear mansard to a sheer elevation, and extension at 4th floor roof level by creating a secondary pitch to the front mansard, and mansard-style screen at the rear, in association with the creation of a 4th floor roof terrace, all in connection with the use of the building as 3 x flats (Class C3).

Reference: 17/05941/FULL

Plan Nos: 4-PP/01, 02, 03, 04b, 05a, 06a and 07b.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

- 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 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 Portman Estate 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)

- 3 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:

- 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.

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

- between 08.00 and 18.00 Monday to Friday; and
- 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)

- 4 You must apply to us for approval of detailed drawings at 1:10 of the following parts of the development - all new external windows and doors. 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 approved drawings. (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 Portman Estate 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 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 4-PP/01. You must clearly mark them and make them available at all times to everyone using the dwellings hereby approved. (C14FB)

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)

- 6 You must not use the roof of the ground and first floor rear extensions for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 7 The boundary walls to the premises must be raised in full and in accordance with the approved drawings

prior to the occupation of the ground and basement floor maisonette. Thereafter the walls must be retained in accordance with the approved drawings.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 8 You must not occupy any of the residential flats hereby permitted until we have approved appropriate arrangements to secure the following:

- Measures to mitigate the impact of the development upon on-street parking demand.

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. (C19BA)

Reason:

To reduce the impact of the increase in residential units on on-street car parking stress, as required by Policy TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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 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.

- 11 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

12 You must apply to us for approval of detailed drawings of the following parts of the development:

1. Sections and elevations of the new mansard and dormers at 1:20 and 1:5.
2. Details of facing materials including natural slate, lead and any other major materials.

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.

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 Portman Estate 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)

13 The glass that you put in the rear dormer windows of the mansard screen hereby approved must not be clear glass, and you must fix these windows permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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 Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. , , 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).
- 3 Under Condition 8 we are likely to accept a Unilateral Undertaking under Section 106 of the Town and County Planning Act to secure car club membership for each of the three flats for a period of 25 years. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at 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. (I77AA)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.