

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 October 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Westbourne	
Subject of Report	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.		
Agent	Mr Christian Hutter		
On behalf of	Mr Charles Rifkind		
Registered Number	19/07848/FULL	Date amended/ completed	10 October 2019
Date Application Received	10 October 2019		
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

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.

Objections from nearby residents 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, impact on wildlife, breach of lease hold agreements, harm to trees and loss of parking for existing residents. Concerns have also been raised in respect of the reasons behind the submission of the application.

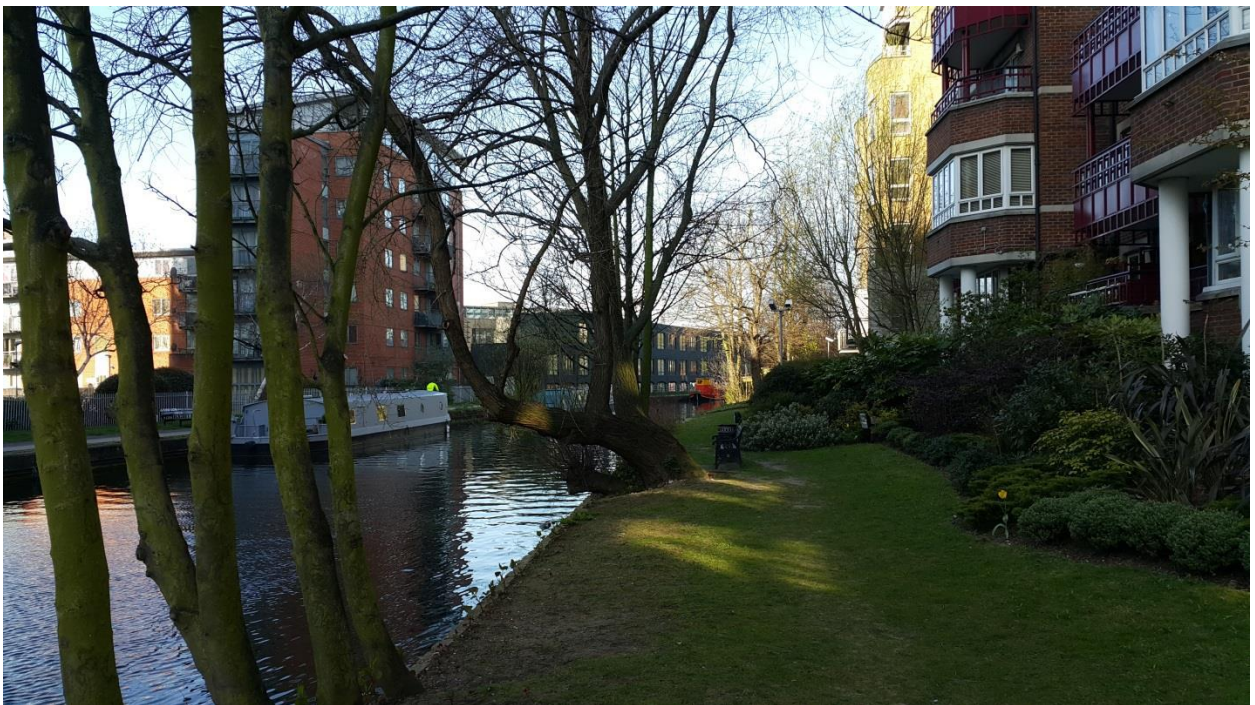
The key issues are:

- Impact on the canal in terms of the proposed use, its setting and navigable width
- Impact on residential amenity; and
- Availability of parking.

Notwithstanding the objections received, the proposals are acceptable and would 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 (the UDP).

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4. PHOTOGRAPHS



5. CONSULTATIONS

WARD COUNCILLORS FOR WESTBOURNE:

Cllr Boothroyd requests for the application to go before planning committee

NORTH PADDINGTON SOCIETY:

The committee of the North Paddington Society discussed this proposal and noted that the canal side in question is not accessible to the public. Therefore, there would be no loss of amenity. It was decided that this was a matter for the residents of Admiral Walk and Finch Lodge to comment upon.

WESTBOURNE NEIGHBOURHOOD FORUM:

No response to date

WASTE PROJECT OFFICER:

No objection subject to a condition to secure details of waste storage

HIGHWAYS PLANNING:

No objection subject to standard conditions and conditions to secure car parking and cycle storage

ENVIRONMENTAL HEALTH:

No objection

NATURAL ENGLAND:

No comment

ARBORICULTURAL TEAM:

No objection subject to conditions

DESIGNING OUT CRIME:

No objection is raised to the principle of the works. Suggestions have been made in relation to details of security doors, CCTV, postal boxes, lighting, upgraded pedestrian gate access, cycle storage

THAMES WATER:

No objection

CANAL & RIVER TRUST

No objection subject to conditions to secure Canalside facilities, services and landscaping

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 975

Total No. of replies: 48

No. of objections: 47

No. in support: 0

Objections received on one or more of the following grounds:

Land use

- Over development

Design

- The house boats are ugly and not consistent with the area
- The boats will destroy the appearance of the canal

Amenity

- Loss of Privacy for residents of Finch Lodge facing the Canal
- Loss of communal gardens
- Increased noise for residents facing the gardens/canal
- Increased security risk
- Loss of views of the Canal
- Loss of open space contrary to S35
- Loss of direct light and light reflected of the canal for ground floor flats

Transport

- Loss of guest parking spaces in Carlton Gate/ Willow Court

Trees

- Loss of communal gardens
- Harm caused by excavation already carried out at the site

Other

- The gardens have been maintained by resident's service charge
- Loss of wildlife contrary to S36
- Loss of children's play area
- Reduction in house prices
- Disputes with owner/free holder relating to access to the gardens
- Boats will make the canal narrow and hard to navigate
- Disruption from new sewage, plumbing and waste facilities
- Increased pollution for the canal
- Houseboats use a lot of energy and are not sustainable
- Will security cameras be installed to protect security?
- Will the occupiers of the boats be subject to the same service charge as residents
- Alterations should be agreed with all residents
- Planning application is a violation of lease agreements
- Lack of air quality assessment

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

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 Recent 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 canal boats with new gravel access paths and service posts to towpath with access between Finch Lodge and Harrow Road.
Application Withdrawn 6 May 2015

15/06084/FULL

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.
Application permitted at Sub-Committee dated 26th July 2016

16/10587/FULL

Removal of condition 3, 5, 6, 7, 10, 11, 12 and 13 of planning permission dated 26 July 2016 (RN 15/06084/FULL) for the 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. Namely, to not require the following: detailed drawings of vessels to be moored, details of how waste is going to be stored on site, a detailed survey of depth of canal, details of secure cycle storage for the residential use, provision of one car parking space, a limit to the use of the roofs of the boats for sitting out or for any other purpose and detailed information regarding the operation of the stoves on the boats. Amendment so that the moorings are permanent rather than the boats themselves.
Application refused 18th January 2017

19/04395/ADFULL

Details of tree protection plan pursuant to condition 8 of planning permission dated 26th July 2016 (RN: 15/06084/FULL).

Application refused 16th September 2019

19/04989/ADFULL

Details of waste storage, survey relating to the depth of the canal, cycle storage and provision of car parking in Willow Court pursuant to conditions 5, 6, 7 and 10 of planning permission dated 26th July 2016 (RN 15/06084/FULL).

Application refused 16th September 2019

20/00177/TPO

1 x lime (T4): Reduce crown by a maximum of 2m to suitable growing points.

Application permitted 10th October 2020

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. The boats 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.

An identical scheme was approved with conditions in July 2016 (RN: 15/06084/FULL) However, that scheme was not implemented within 3 years of permission being granted and has expired. Applications to discharge pre-commencement conditions 5, 6, 7, 8 and 10 of that permission were refused as they were made after application RN: 15/06084/FULL had expired.

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 proposed moorings would also 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 plans submitted with the application show that the moorings will leave about 12 metres free for navigation. The applicant has provided details relating to the depth of the

canal which had been secured by condition as part of the previous application. The Canal and River Trust raise no objections on this basis to the application and details provided and have not requested any further details relating to navigation of the canal. Whilst an objection has been received on the grounds that the six new boats would obstruct the canal and make it hard to navigate, given the lack of objection from the Canal and Rives Trust and the details provided in relation to depth and clearance, this objection cannot be sustained.

Objections have been received on the grounds that the boats could be used for temporary accommodation and would represent over development. The previous permission was subject to a condition ensuring the boats were used as permanent accommodation and not short term lets. It is recommended that a similar condition is added to this permission. Given this condition, these objections cannot be sustained.

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.

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 boats moored in this location would be out of keeping with the character of the area as stated in some of the objections received. The proposed service posts and benches, at one metre high, would be modest additions to the canal bank. The proposals are considered to comply with policy DES13 and the objections on design grounds cannot be sustained.

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 most 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, Environment Health or the Canal and River Trust, 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 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, no 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. Given 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 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

Policy 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 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 an 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 appropriate for the site.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 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 appropriate in principle. However, it is recommended that further details of the refuse storage area are sought by condition.

8.7.2 Trees

Objections have been raised on the rounds that the works would result in harm to the existing trees at the site, some of which are the subject of a group TPO. It should be noted that unlawful works were carried out at site to dig trenches for the service benches. The works were unlawful on the grounds that they were carried out prior to pre commencement tree conditions being discharged for the previous permission and subsequently after the permission had expired. Following an enforcement investigation, the trenches were backfilled in accordance with guidance from the City councils Trees Officers.

An Arboricultural Impact Assessment and Method Statement was submitted that provides details of measures to be taken in order to protect trees and shrubs during works at the site. The Arboricultural Manager has raised no objection to the works subject to conditions. Accordingly, the objections raised on trees grounds cannot be sustained.

8.7.3 Biodiversity

Objection have been received on the rounds that the works would harm the wildlife and biodiversity of the communal garden and the canal. Neither Natural England or the Canals and Rivers Trust have raised any concerns. The site is not located in an area of Wildlife Deficiency or a site of Importance for Nature Conservation. Additionally, the boats are permanently moored and only moved for servicing, once every seven years

and therefore will not harm wildlife on the canal from movement. As such it is not considered the objections on harm to wildlife can be sustained.

8.7.4 Sustainability

Objections have been raised on the ground the boats do not provide any solar panels and that there is no air quality report submitted with the application. The application is for six new residential units and therefore does not trigger the requirement for an air quality assessment. These objections cannot therefore be sustained.

8.7.5 Pollution

Objections have been 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.

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 be pumped into the main underground foul sewer for the Carlton Gate development. The waste is automatically pumped through a 32mm 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.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 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.

8.10 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are consistent with the NPPF unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations

2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During this application a notice was served relating to the proposed imposition of a pre-commencement condition to require that the applicant provide further tree protection details. The applicant has agreed to the imposition of the condition.

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment

The proposed development is too small to require an EIA.

8.13 Other Issues

The issues raised by the objectors have been largely addressed above. However, the following is also noted:

8.13.1 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.

8.13.2 Other Neighbour Objections

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

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

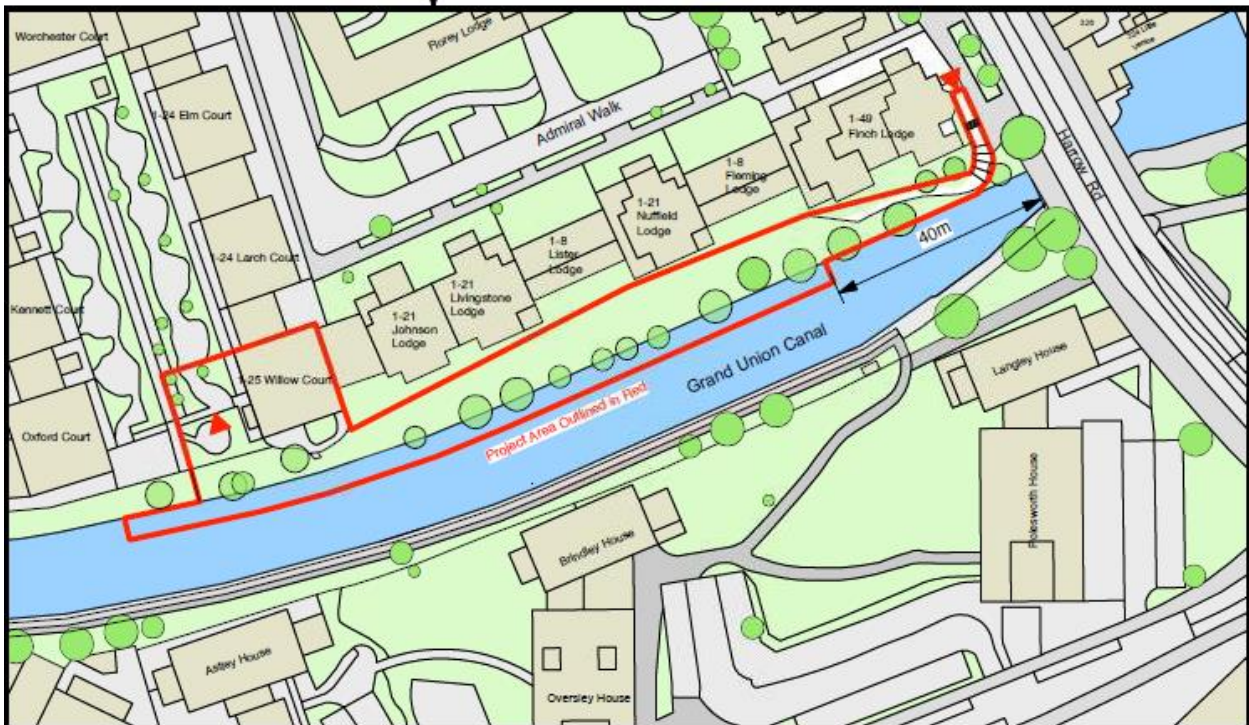
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

9. KEY DRAWINGS

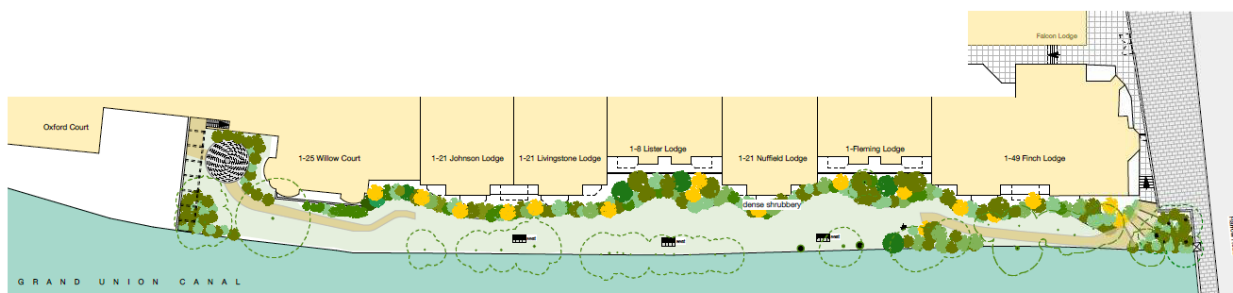
Site location



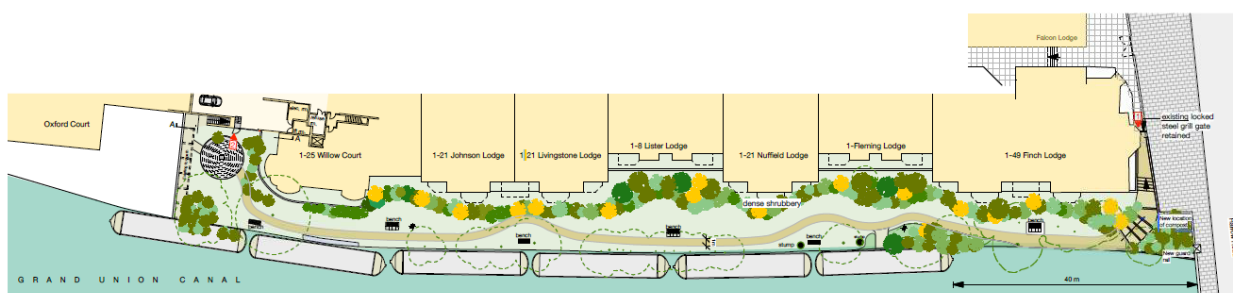
Location Plan



Existing and Proposed site plan

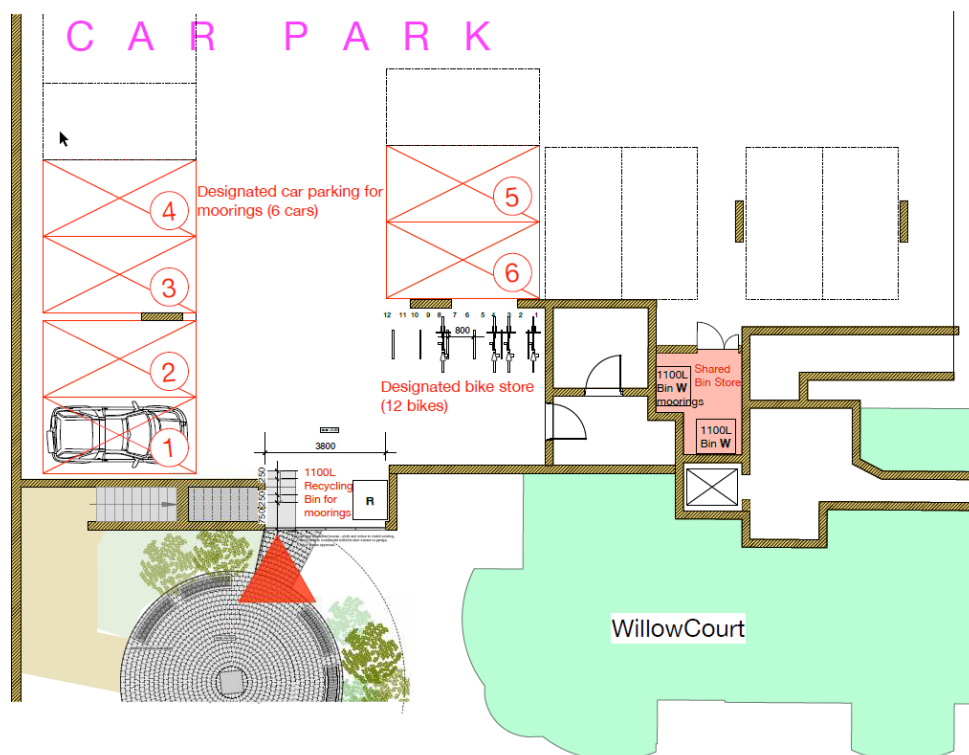


Site Plan - Existing

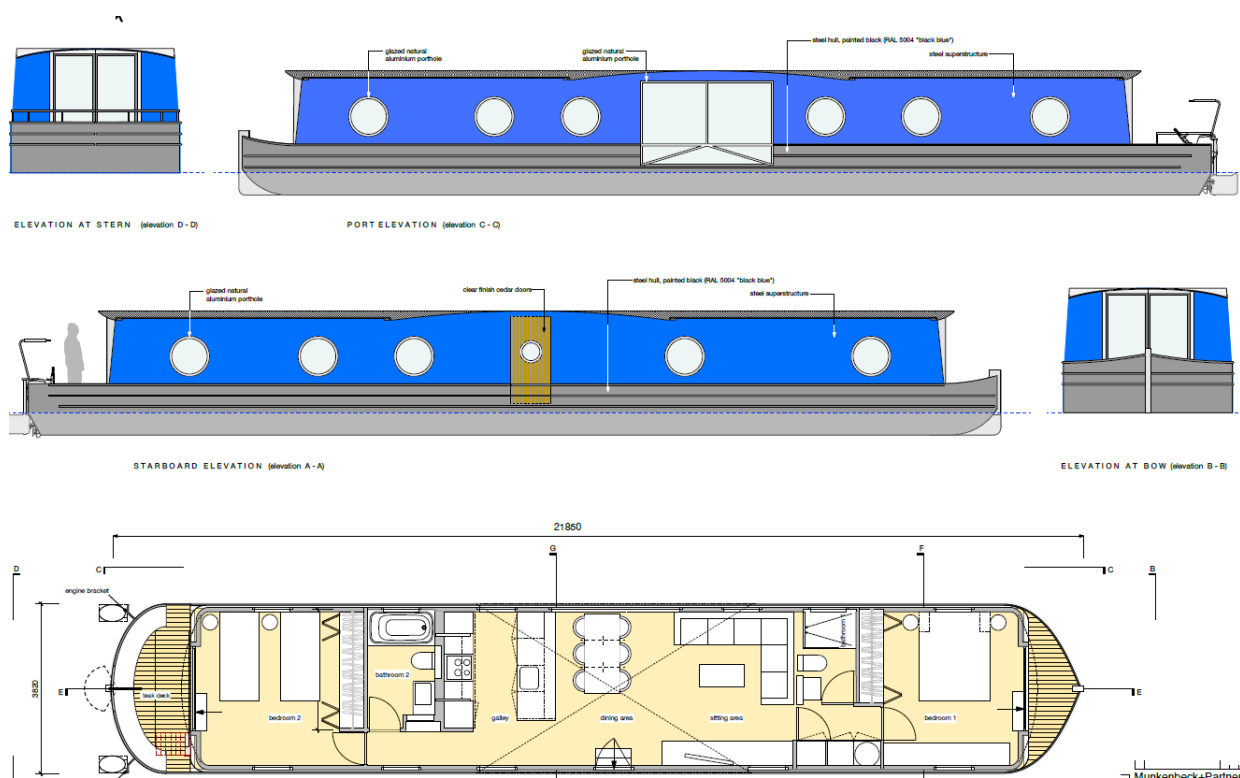


Site Plan - Proposed

Proposed Access to Car Park



Typical Boat Floor Plan and Elevations



Visualisation of Proposal as Seen from South Side of Canal



Item No.
3

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.

Reference: 19/07848/FULL

Plan Nos: P01, P02, P03 Rev A, P04 Rev B, P05 Rev A, P08 Rev A, P09 Rev A, P10, P11, P13, P14, P15 Rev B, Supplementary Information Carlton Moorings September 2019,

For Information Only:
Arboricultural Impact Assessment and Method Statement Report dated 30 November 2019 REF: SHA 1104

Case Officer: Max Jones

Direct Tel. No. 07866036849

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 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).

Reason:

To protect the environment of residents and the area generally as set out in S29 of

Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 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. P04 Rev B and P09 Rev A. 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 (November 2016) 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 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 Canal Boats. (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)

- 6 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 2016 (R22FA)

- 7 **Pre-Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the

site. 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 in writing what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC). (R31AC)

- 8 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.

- 9 The canal boats shall not be occupied until we have approved appropriate arrangements to secure the following;

-The provision of one car parking space in Willow Court for the occupiers of each canal boat as shown on drawing no. P03 Rev A and P15 Rev B.

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)

- 10 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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 11 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 of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 12 The houseboats hereby approved shall be used for permanent accommodation only and not for short term lets and shall remain in that condition thereafter.

Reason:

To protect the environment of the people in the neighbouring residential development. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

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, neighbourhood plan (where relevant), 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 9 you are advised that a variation to the original planning permission for the Carlton Gate development and an agreement will need to be made with the City Council under Section 106 of the Town and Country Planning Act. The agreement will need to provide certainty that the occupiers of each canal boat would have access to one of the six car parking spaces shown on drawing no. P06A. You are also advised that such arrangements will require a separate application under Section.73 of the Planning Acts to vary condition 5 on the original planning permission dated 11 January 1988 which 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 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: www.westminster.gov.uk/short-term-lets.

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).

5. In respect of condition 11, you are advised that it would be expected that the occupiers of the boats use 'smokeless fuels' (authorised fuels) and approved appliances.

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.