

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 st January 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Cervantes Court, Inverness Terrace, London, W2 6JE		
Proposal	Use of part of lower ground floor (garages 9,10 and 11) and associated land as 2 self-contained flats (Class C3) and associated external alterations including erection of lower ground floor rear extension and creation lightwell to front elevation with staircase access, cycle and refuse stores.		
Agent	Mrs Anna Thomson		
On behalf of	Mr B Andersen		
Registered Number	19/01050/FULL	Date amended	26.12.2019
Date Application Received	12 February 2019		
Historic Building Grade	Unlisted		
Conservation Area	Queensway		

1. RECOMMENDATION

Grant conditional permission subject to a condition to secure car club membership for the 2 flats for a period of 25 years prior to occupation.

2. SUMMARY

This application relates to three garages and associated land at the rear of Cervantes Court, which has been the subject of unauthorised works. An enforcement notice was served in May 2019 in respect of the removal of a single storey rear extension, which is now the subject of an enforcement notice appeal. These garages are the subject of a condition attached to a 1959 planning permission for the block which requires that the garage accommodation shall be retained as shown on the drawings approved and shall not be used for the accommodation of commercial vehicles, and no trade or business shall be carried out therefrom.

This application seeks to convert these garages and part of the yard into 2x1 bedroom self-contained flats. The proposal also involves works to the front of the building to create lightwell to provide access to the new flats and at the rear to add a small full width rear extension leading onto rear garden for each flat. An objection has been received from Highways Planning to the loss of the existing garages. One local resident on structural grounds and another local resident to the loss of parking,

the quality of the proposed flats, overlooking, design and conservation, additional excavation associated with the lightwell. A representation has also been received on behalf of an active developer and landowner in the local Queensway area on a number of grounds including that the proposal may prejudice a future redevelopment in Queensway.

The key considerations are:

- Impact on car parking
- Impact on the amenities of existing and adjoining residents
- Impact in design and conservation terms.

The creation of two new residential units of accommodation and associated car club membership for the proposed occupiers is considered to outweigh the loss of the garages and potential for increased demand for on-street car parking. The proposed extension, lightwell and associated alterations are considered to preserve the character and appearance of this part of the Queensway Conservation Area and will not significantly harm the amenities of neighbouring residents. Subject to a suitable replacement tree, the loss of the Cherry tree to the front of the site is also acceptable.

Notwithstanding the objections raised, the proposal is considered acceptable and accords with the relevant development plan policies and is therefore recommended favourably subject to a Grampian condition to secure car club membership.

4. PHOTOGRAPHS



Front elevation of Cervantees Court- cherry tree to be removed
Rear Elevation taken from service yard





Rear elevation taken from service yard looking north

5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

WASTE PROJECT OFFICER

No objection, subject to condition. Ground floor drawings indicate waste storage; however, the applicant will need to submit revised drawings of the refuse storage.

HIGHWAYS PLANNING MANAGER

Objection. Garage parking is being lost and no replacement parking is being provided, contrary to policy TRANS 23 (A). Will add to existing on-street parking pressure.

ARBORICULTURAL MANAGER

No objection, subject to conditions including replacement tree to mitigate against loss of cherry tree.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

BUILDING CONTROL

Any response to be reported verbally.

THAMES WATER: No objection if the developer follows the sequential approach for the disposal of surface water and request informatives.

ENVIRONMENT AGENCY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 87

Total No. of replies: 5

No. of objections: 3 objections

No. in support: 0

Land Use

- Loss of the garages subject to 1959 planning condition contrary to policies STRA 25 and TRANS 23 in the UDP.
- Cases cited as precedent elsewhere in the City should be given little weight, and the garages in Ordnance Mews were not restricted by condition
- The NPPF requires that planning should ensure that a development is suitable for its site.
- Whilst not a full basement, there are subterranean excavations proposed, and need to consider the impacts on flooding at this is a Surface Water Risk Hotspot.
- Poor residential quality of the proposed flats in terms of their levels of daylight.

- Quality of the rear amenity spaces which are overlooked by other flats in Cervantes Court and the impact on the privacy of future occupiers. Also adjacent to a servicing road.
- The scheme will not deliver residential units of sufficient quality.

Design

- The basement access well in front of No's 1 and 2 Cervantes Court will break up the continuity of the front courtyard. It is not in keeping with the original design and adds asymmetry to the design. Also, not in keeping with neighbouring blocks Aird and Inver Courts.
- The use of black security fencing around the well is inappropriate design and not in keeping.
- The applicant's claim that black cast iron railings are in keeping with the Queensway Conservation Area and is not backed up in their application documents.

Amenity

- Loss of communal amenity space in front of the building
- No provision of sound insulation between the existing and proposed flats
- Awkward arrangement for the cycle store.
- Impact on an existing community facility the Bayswater Dental Clinic.
- Increased noise and disturbance

Other Matters

- Creating amenity space for these flats at the rear may impact on the development potential of neighbouring sites and the delivery of significant public benefits.
- Need to consider ground conditions and land stability and question whether there has been adequate site investigation.
- The existing building has settled into the ground since the owners added a pitched roof in 2000.
- There must be rigorous engineering work to demonstrate that the building can structurally cope with such a design.
- Applicant has tried to subvert the lawful use of these garages for many years as both building storage and then unauthorised residential accommodation.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to three garages known as Units 9,10 and 11 and the associated yard area of Cervantes Court which is a post war block of residential flats located on the west side of Inverness Terrace. Cervantes Court is in use as residential flats although a dental surgery occupies part of the ground floor at No 1. The application site is within the Queensway Conservation Area.

The building reads as a three-storey block from Inverness Terrace . There is a service road which runs along the side of Cervantes Court which leads to a yard which also serves the retail units on Queensway. This is a one-way private road and not a public highway. Given the change in levels, the rear of Cervantes Court reads as four storeys.

On the east side of Inverness Terrace is the Grade II* listed Hallfield School.
The application site lies outside the Central Activities Zone (CAZ)

6.2 Recent Relevant History

There have been a large number of planning decisions relating to the application site in recent years which are material to the consideration of this application, and these are set out below:

21 May 2019 Enforcement Notice served requiring the removal of the area boundary wall and the erection of a single storey rear extension in respect of the garages at 9, 10 and 11 and associated land .Notice was served on the grounds that these structures are having a detrimental impact on amenity and fails to preserve or enhance the character and appearance of the Queensway Conservation Area .Notice took effect on 25 June 2019 and three month period for compliance .An appeal has been lodged with the Planning Inspectorate in respect of this Enforcement Notice .A copy of this Notice is included in the Background Papers .

18/02025/CLEUD

Use of Units 9, 10 and 11(garages to rear of site) as Class B8 storage on the basis that between the dates of 19 December 1994 and 1 April 2015 the units and associated yard area were used for the storage of building materials in connection with a property development business and as the use was carried out for more than the required 10 years to become the lawfully established use.

Application Refused 24 October 2018

17/08692/FULL

Erection of single storey rear extension at lower ground floor level and use of lower ground floor garages (Nos. 9, 10 and 11) and extension as one residential unit (Class C3) with integral garage.

Application Refused 15 December 2017

17/00463/CLEUD

Use of three garages known as Units 9, 10 and 11 in breach of Condition 2 of the planning permission dated 25 September 1959; namely, as storage accommodation for building materials (Class B8) until 1 April 2015 and since 1 April 2015 the garages have been in the process of being converted to residential use.

Application Refused 15 December 2017

16/09634/CLEUD

Use of units 9, 10 and 11 Cervantes Court for the storage of building materials (Class B8)

Application Refused 7 December 2016

16/01067/CLEUD

Use of former garages (Units 9, 10 and 11) and rear yard area as a builder's yard comprising of storage area for general materials and goods (Use Class B8).

Application Withdrawn 14 July 2016

15/05642/FULL

Change of use of three storage units (Units 9, 10 and 11) to two residential units with associated external alterations.

Application Withdrawn 15 January 2016

13/09105/FULL

Installation of replacement UPVC windows and timber door on ground floor front elevation (Flat 5).

Application Permitted 10 February 2014

01/00619/FULL

Erection of pitched roof on existing flat roof of whole building.

Application Permitted 10 April 2001

25 September 1959 planning permission for the construction of Cervantes Court, Condition 2 stated:-

'The garage accommodation shall be retained as shown on the drawings approved And shall not be used for the accommodation of commercial vehicles, and no trade or business shall be carried out therefrom.'

7. THE PROPOSAL

Permission is sought to extend and convert three garages and the land at the rear to create 2 x1 bedroom flats with associated private rear gardens. A single storey rear extension is proposed together with a boundary wall to enclosure the rear gardens to the flats. A front lightwell is also proposed in order to provide natural light and staircase, bike and bin stores for the two new flats. The proposed 1-bedroom flats are approximately 60 sq. m in floor area with their own private amenity space of 19 sq. m each.

The application has been amended during the course of the application to include the existing cherry tree within the application site boundary as it is to be removed as part of this proposal and an replacement tree planted in mitigation. Car club membership for the proposed flats is also now proposed and details of sustainable urban drainage has also been submitted.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of existing garages

As set out in the planning history, the applicant has sought over the years to establish that the lawful use of these garages as storage and has been unsuccessful and also been the subject of an unauthorised residential conversion. However, these certificate of lawfulness applications have failed as the applicant unable to prove that the breach of

the 1959 planning condition has been for continuous period for more than 10 years. In planning terms, the lawful use remains as residential garages.

The use of these garages is restricted by Condition 2 attached to the 1959 planning permission, which states that: *The garage accommodation shall be retained as shown on the drawings approved. And shall not be used for the accommodation of commercial vehicles, and no trade or business shall be carried out therefrom.*'

The loss of garages is dealt with in more detail in Section 8.4 of this report.

Residential use

The proposal creates two self-contained 1-bedroom residential units which accords with the Council's adopted housing policies. The units are of a good size and at 60 sq. m exceed the minimum room size for a 1-bedroom unit. An objection has been raised to the poor quality of accommodation being provided. However, the two flats will receive reasonable levels of natural daylight and ventilation and will have their own separate amenity space at the rear.

It is accepted that this amenity space will be overlooked by the flats on the upper floors of Cervantes Court which is next to a service yard, and the neighbouring flats, however this is not a ground to refuse planning permission.

It is recognised that the proposal will result in two additional residential units to the Council's housing stock; however, this benefit has to be weighed against the loss of the existing garages, which is dealt in Section 8.4 below.

One of the objections relates to the loss of communal area in front of No's 1 and 2 Cervantes Court. It is recognised that the creation of a lightwell to serve the proposed flats will result in a loss of small part of the paved area in front of the block, but this is not considered to harm the amenities of residents in the building.

8.2 Townscape and Design

Objections have been raised to the overall design and in particular being out of keeping with the existing block and failing to preserve or enhance this part of the Queensway Conservation Area.

The physical alterations to the front and the small rear extension will affect the appearance of the existing block. The creation of a front lightwell given it is set back from the street frontage is not considered to harmful to the appearance of the block and will preserve the character and appearance of this part of the Queensway Conservation Area.

The small extension at the rear will be visible from the rear service yard. The appearance and character of the service yard to the rear is much more utilitarian. The proposed extension will be brick in keeping with the main block and the windows will be aluminium framed which are acceptable in design terms. The proposed extension is considered relatively modest in terms of its projection rearwards.

In carrying out the assessment of the proposed development, as described earlier in this section of the report, special attention has been had to the desirability of preserving or enhancing the character or appearance of the Queensway Area in accordance with Section 72 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990 (as amended) (hereafter 'the LBCA Act'). The assessment undertaken demonstrates that the proposed development would not harm the heritage asset and would preserve the character and appearance of the Queensway Conservation Area in accordance with the LBCA Act, Paragraphs 190-194 and 196 of the NPPF, Policies S25 and S28 in the City Plan (November 2016) and Policies DES1, DES5 and DES 9 in the Unitary Development Plan (2007).

It is not considered that the proposed physical alterations at the front of the building will affect the setting of the listed Hallfield School on the opposite side of Inverness Terrace.

Despite , the objections raised the proposal accords with policies DES1, DES5 and DES9 in the adopted UDP and policies S25 and S28 in the City Plan.

8.3 Residential Amenity

Sunlight and Daylight

It is not considered that the proposal will harm the amenities of existing residents in Cervantes Court or those adjoining. The rear extension is modest and will not affect light of the outlook to the flats above. The proposal will not affect the sense of enclosure of neighbouring residents.

An objection has been received that the two flats will receive inadequate levels of natural light. The creation of a lightwell to the front of the block will allow light into the front windows of the proposed flats and at the rear the flats are served by large glazed openings. The applicant has submitted a Daylight and Sunlight Assessment on the lighting levels for these two flats which will exceed the minimum accepted levels for Average Daylight Factor (ADF) Therefore, the flats will be adequately lit and benefit from natural ventilation, and this objection cannot be supported.

Privacy

An objection has been raised that the flats and their outdoor amenity area will be overlooked by the existing residents in Cervantes Court. It is recognised that the rear amenity areas will be overlooked by the existing flats and those at the rear in Queensway, but this is fairly common situation within Westminster. It is not considered that the amenities of future residents will be so adversely affected to warrant refusal of permission. It is also accepted that future residents of the flats will be able to see the upper floor windows from their rear gardens, but again this is not considered to be so harmful to warrant a reason for refusal.

The proposal therefore complies with policies ENV13 in the UDP and S29 in the City Plan.

8.4 Transportation/Parking

The loss of the existing garages is a key material consideration. The Highways Planning Manager and two objectors oppose the loss of the existing garages which are protected

by a 1959 condition and the impact of the proposal from the loss of this parking and additional parking demands the proposed flats will generate.

TRANS 23(A) in the adopted UDP states that 'the permanent loss of any existing off-street parking spaces will not be permitted other than in exceptional circumstances' The Highways Engineer objects on the grounds that the loss of these spaces will add to existing on-street parking pressure contrary to policy TRANS 23 (A).

A number of the objectors also cite cases highlighted by the applicant where the Council has granted planning permission for the conversion of garages owned by the Council which have been redeveloped for housing. The objectors do not consider these decisions to be relevant, as the garages were not protected by a condition. Although the applicant has cited a number of cases, this planning application must be considered on its planning merits, and therefore these permissions are afforded no weight.

It is recognised that the proposal is contrary to policy TRANS 23(A) however will the proposed loss of these garages cause such material harm to on-street parking in the area to justify the refusal of permission. The aim of the 1959 planning permission was to ensure that the garages are retained and shall not be used to accommodate commercial vehicles and to prevent any trade or business being carried out.

The application site is located within an area with a high PTAL level 6b and is well served by public transport. The loss of these garages and the two additional flats without parking will result in increased parking pressures, however given that the current parking stress levels is lower than 80% it is not considered to result in such material harm to warrant refusal of permission. It is not considered that this proposal will affect access arrangements to the remaining garages.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Given the flats are located at lower ground level it is not possible to provide level access.

8.7 Other UDP/Westminster Policy Considerations

Noise

Objections have been raised regarding noise transmission of the two new flats to the existing flats in Cervantes Court and this will be addressed by condition.

An objection has been raised in respect of the impact on the existing dental surgery. It is accepted that the construction works will have some impact on the surgery, but this is not considered to be so harmful to warrant refusal of permission, and hours of building work will be controlled by condition.

An existing dental air compressor located within the existing dentists will require relocation, but no details have been submitted as part of this application. The applicant

will be advised in an informative that separate planning permission will be required for this.

Refuse /Recycling

In respect of the comments raised by the Waste Project Officer, the applicant has confirmed the capacity of these bins which will be secured by condition.

Trees

The proposal, in particular the excavation works to create the lightwell at the front of the building, will result in the loss of the existing cherry tree, which is protected by virtue of its location within a conservation area. The City Council's Arboricultural Manager does not raise objection to its loss, subject to securing a suitable replacement tree and other tree protection measures.

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. In the case of a draft local plan that has been published and subject to consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in paragraph 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

This area is not subject to an adopted Neighbourhood Plan.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

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 in respect of the tree protection measures.

8.12 Planning Obligations

It is recommended that car club membership for the two flats be secured by a Grampian condition. This will require a unilateral undertaking or legal agreement at a later date and will be triggered prior to occupation. The proposed two flats will be CIL liable and the applicant is being advised of this by way of an informative.

8.13 Environmental Impact Assessment

Not applicable for a development of this scale.

8.14 Other Issues

Basement/Excavation of Front Lightwell

This proposal involves the creation of a front lightwell, but this is not considered to represent basement excavation which needs a CoCP.

One of the objectors cites the risk of flooding given this property is located within a Surface Water Flood Risk Hot Spot and the applicant has failed to assess this. The applicant has been requested to submit a site-specific flood risk assessment. The submitted SUD's report has identified a rainwater harvesting system in the lightwells . Thames Water raises no objections and the views of the Environment Agency will be reported to Committee . The mitigation measures will be secured by condition.

Construction impact

Objections have been raised on structural grounds that the works may undermine the integrity of the block and requests that rigorous engineering work is undertaken to demonstrate that the building can accommodate the proposed design. This is a matter for Building Control. A condition is recommended to control hours of building work.

Impact of Future Developments

One of the objections cites that by creating amenity space at rear ground floor level, it is 'potentially and unacceptably impacting on the development of neighbouring sites by shortening the separation distances and thereby stifling development and the delivery of significant public benefits.

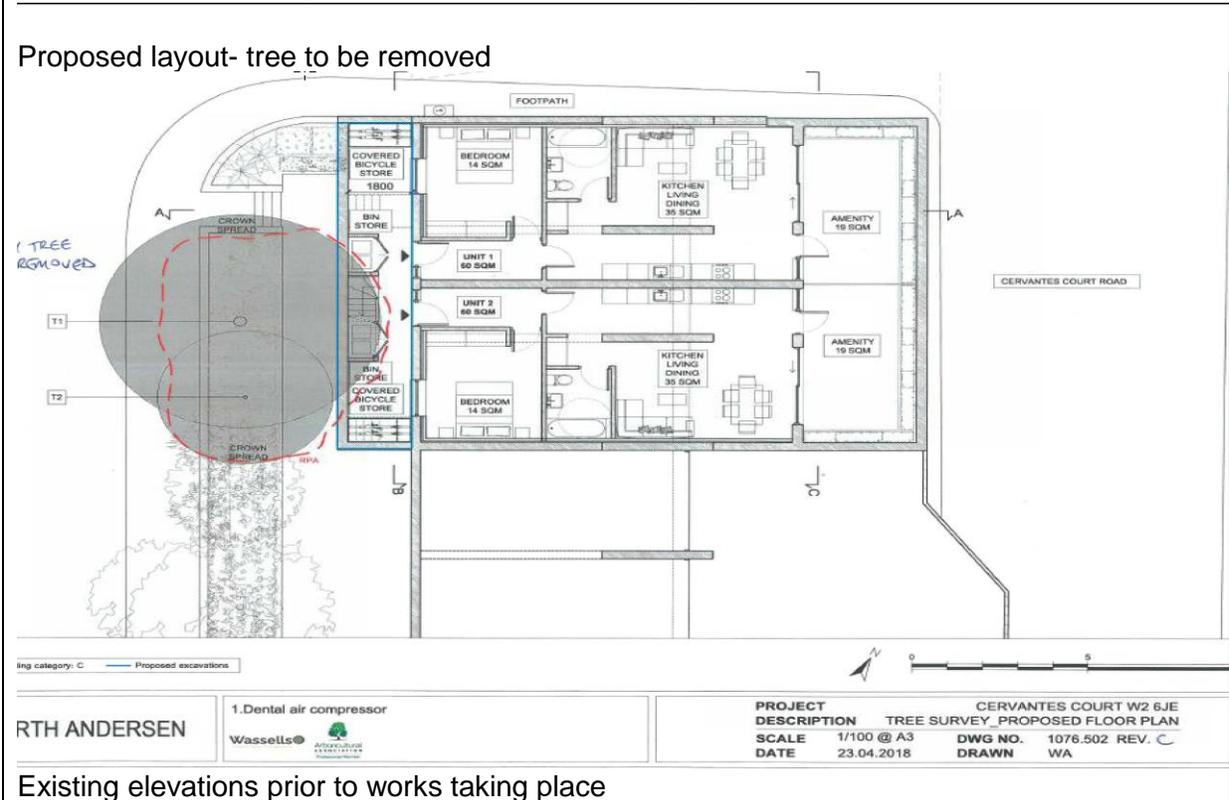
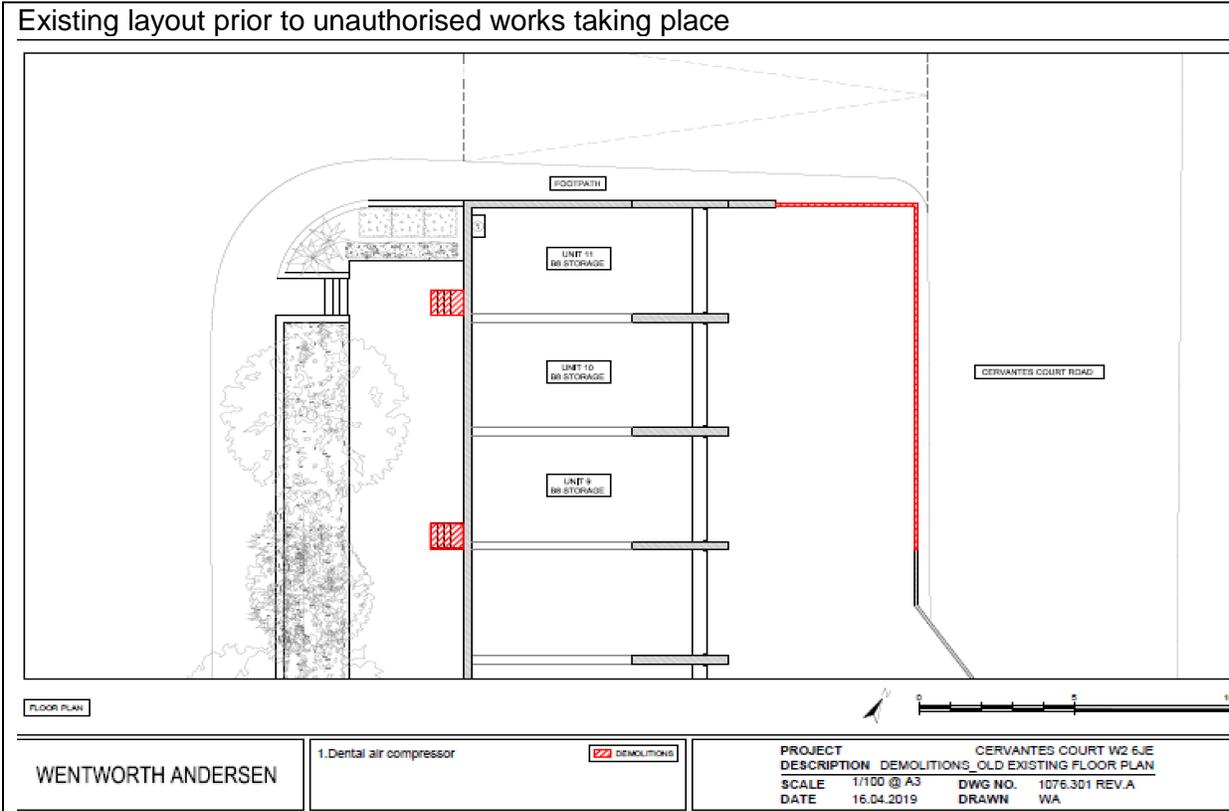
There is a current planning application for the redevelopment of No's 114-144 Queensway and 97-113 Inverness Terrace W2 Ref 18/00294/FULL for the redevelopment of these shops and flats to create up to 79 residential units. It is recognised that this proposed development is approximately 13 m away from the rear of Cervantes Court. In granting the two additional flats at Cervantes Court, it is recognised that the future levels of light and outlook will be affected by any future redevelopment, but it is not considered that the granting of this proposal will prejudice the future redevelopment of the main Queensway site.

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

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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

8. KEY DRAWINGS



FRONT ELEVATION

REAR ELEVATION

SIDE ELEVATION

REAR ELEVATION

1 Existing bath area
2 Existing timber fence
3 Existing corrugated PVC roof

DEMOLITIONS

PROJECT DESCRIPTION CERVANTES COURT W2 6JE
DESCRIPTION DEMOLITIONS_OLD EXISTING ELEVATIONS
SCALE 1/100 @ A3 **DWG NO.** 1078.303 REV.A
DATE 16.04.2018 **DRAWN** WA

Proposed elevations

FRONT ELEVATION

REAR ELEVATION

SIDE ELEVATION

REAR ELEVATION

1 Railing to match existing on main stairs access
2 New cast in situ concrete steps and Yorkshire stone enhanced for ambient tactile use
3 New timber box and low maintenance evergreen planting
4 London stock in Flemish bond to match existing
5 Render band to match existing
6 Dental air compressor

PROJECT DESCRIPTION CERVANTES COURT W2 6JE
DESCRIPTION PROPOSED ELEVATIONS
SCALE 1/100 @ A3 **DWG NO.** 1076.103 REV.D
DATE 17.04.2019 **DRAWN** WA

Proposed Sections



WENTWORTH ANDERSEN

- | | | |
|--|--|---|
| 1. New white painted render band to match existing | 8. Covered bicycle store with green roof | plating |
| 2. New VELFAC aluminium window | 7. Railing to match existing on main stairs access | 10. New VELFAC aluminium sliding door |
| 3. Timber frame side light | 9. New cast in situ concrete steps and | 11. New VELFAC patio door |
| 4. New Yorkshire stone | Yorkshire stone enhanced for ambient | 12. London stock bricks to match existing |
| 5. Oak entrance doors with vertical panelling. Level access over the threshold | 6. Timber box and low maintenance | 13. New timber fence |

PROJECT DESCRIPTION	CERVANTES COURT W2 6JE PROPOSED SECTIONS
SCALE	1/100 @ A3
DATE	17.04.2019
DWG NO.	1075.104 REV.D
DRAWN	WA

DRAFT DECISION LETTER

Address: Cervantes Court, Inverness Terrace, London, W2 6JE,

Proposal: Use of part of lower ground floor (garages 9, 10 and 11) as 2 self contained flats (Class C3) and associated external alterations including erection of lower ground floor rear extension and creation lightwell to front elevation with staircase access and cycle and refuse stores.

Reference: 19/01050/FULL

Plan Nos: 1076.000, 1076.001 1 REVB , 1076.002 REV A, 1076.003, 1076.401 REVA, 1076.402.REV A, 1076.102 REVB, 1076.103 REVC, 1076.104 REVC, Daylight and Sunlight Analysis , Transport and Highways Report, Design and Access Statement , covering letter 12.2.2019, Planning Statement , SUDS Report.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641 7802

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 , onot 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 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 **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. (C31CC)

Reason:

To protect the trees and the character and appearance of this part of the Queensway Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 4 You must plant a new tree to replace the Cherry tree (T1) which is shown to be removed as part of the development. The replacement tree must be planted within the first planting season after you complete the development. You must apply for our approval of the position, size and species of the replacement tree within six months of the commencement of the development. You must also replace the new tree if it dies, is removed or becomes seriously damaged or diseased within five years of the we give our approval with a replacement tree in the next planting season with another of the same size and species to the one originally planted .

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Queensway Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 5 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)

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

Reason:

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

- 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 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. (R49BA)

- 8 You must not use any part of the development until we have approved appropriate arrangements to secure the following., , car club membership (25 years) for the two flats, , 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 make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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 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, , 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, , **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.

- 3 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 6 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 7 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry 1991. Thames Water expect the developer to demonstrate what measures will take to minimise ground water discharges into the public sewer. Permits enquiries should be directed to Thames Water Risk Management Team by telephoning 020 3577 9438 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line www.thameswater.co.uk. Please refer to the Wholesale, Business customers; Groundwater discharges section., , ,
- 8 The relocation of the dental air compressor unit requires separate planning permission. The planning application should be accompanied by an acoustic report.

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.