

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 March 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	1-8 Bateman's Buildings, London, W1D 3EN,		
Proposal	<p>Application 1 (19/09363/FULL) - Installation of a fixed glass canopy measuring 40.35m x 2.68m.</p> <p>Application 2 (19/09364/ADV) - Display of an internally illuminated projecting sign measuring 4.8m x 0.6m, neon lettering entrance sign measuring 2.5m x 0.5m, two perimeter illuminated signs displayed on the canopy ends, and 11 fixed fabric awnings above the first floor windows.</p> <p>Application 3 (19/09365/FULL) - Installation of an area of raised terrace decking on Bateman's Buildings measuring 2.55m x 40.0m for the placing of 28 tables and 68 chairs, four waiter stations, nine wall mounted heaters, 23 terrace barriers and three terrace screens in connection with the restaurant use.</p>		
Agent	Gerald Eve LLP		
On behalf of	Corbin & King Restaurant Group Limited		
Registered Number	19/09363/FULL 19/09364/ADV 19/09365/FULL	Date amended/ completed	2 December 2019
Date Application Received	2 December 2019		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Application 1 – Refuse planning permission – design and highways.

Application 2 – Refuse advertisement consent – design.

Application 3 – Refuse planning permission – design and highways.

2. SUMMARY

1-8 Bateman's Buildings comprise basement, ground and first to third floor levels on the eastern side of Bateman's Buildings. The property is not listed but is located within the Soho Conservation Area, the West End Stress Area and the Core Central Activities Zone. Works are currently taking place on site to implement a planning permission granted 30th April 2019 for the; *'use of the lower ground, ground and first floor levels as a single restaurant (Class A3); installation of plant with associated screening at main roof level and in the rear lightwell; installation of high level extract ductwork; new shopfront at ground floor level and associated external alterations.'*

Permission is sought for the installation of a decorative glass canopy along the ground floor frontage of the property, the display of advertising and the installation of a decked area on Bateman's Buildings for the placing of tables, chairs, heaters and barriers.

The key issues are:

- The impact of the proposals on the appearance of the building and the character and appearance of the Soho Conservation Area.
- The permanence and size of the decking and its impact on pedestrian movement in the area and the council's street cleaning equipment.
- The height of the proposed canopy over the public highway.

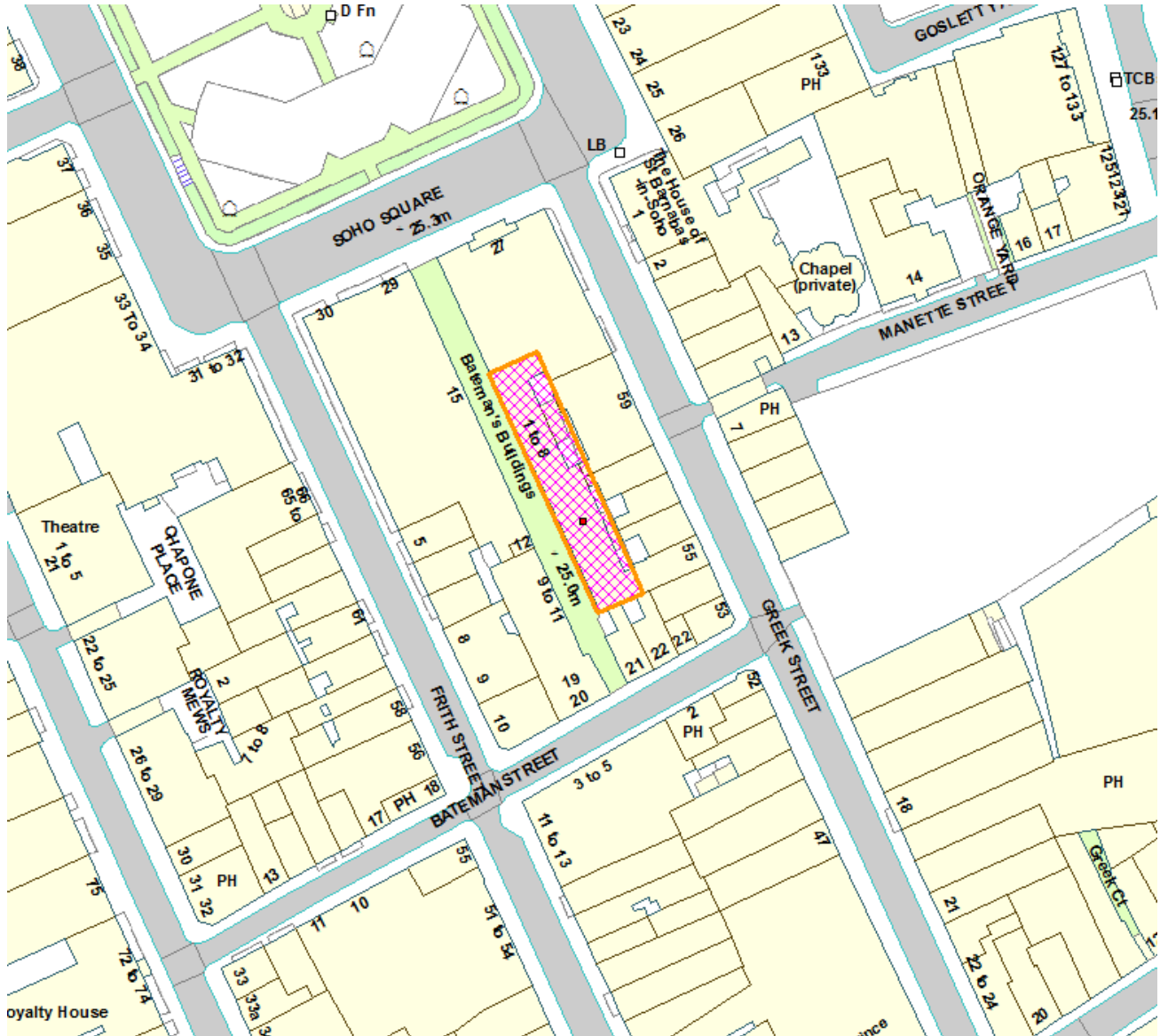
Application 1 (Glass canopy) is considered unacceptable due to the size, design and location of the proposed glazed canopy which is considered harmful to the appearance of the building and the character and appearance of the Soho Conservation Area and also does not provide the minimum clearance over the public highway.

Application 2 (Signage) is considered unacceptable in design terms due to the size, location and cumulative impact of the awnings at first floor level and the illuminated advertising.

Application 3 (decking and tables and chairs) is also unacceptable due to the detrimental impact upon pedestrian movements, the permanence of the proposed decking and its impact on the ability of the council to clean the street. Due to the detailed design and materials the decking, barriers and screening would also be harmful to the appearance of the building and the character and appearance of the Soho Conservation Area.

The applications are contrary to the relevant policies in Westminster's City Plan and the Unitary Development Plan (UDP) and are therefore recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View looking south along Bateman's Buildings:



View of the property (2018) without the hoarding in place:



5. CONSULTATIONS

Application 1: (Glass Canopy)

SOHO SOCIETY

Any response to be reported verbally.

HIGHWAYS PLANNING TEAM

Objection – lowest point of the glass canopy does not comply with the minimum height.

CROSSRAIL 1

Do not wish to comment.

CROSSRAIL 2

Do not wish to comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

Application 2: (Signage)

None required.

Application 3: (Decking and tables and chairs)

SOHO SOCIETY

Any response to be reported verbally.

WASTE PROJECT OFFICER

Objection – permanent decking will obstruct the cleaning and maintenance of the public highway.

HIGHWAYS PLANNING TEAM

Objection – obstruction to pedestrian movement.

CROSSRAIL 1

Do not wish to comment.

CROSSRAIL 2

Do not wish to comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11
Total No. of replies: 1
No. of objections: 0
No. in support: 1

Letter of support received from Soho Estates on the following grounds:

Proposal will enliven the street and help reduce anti-social behaviour with improvements to the appearance of the building.

PRESS ADVERTISEMENT / SITE NOTICE:
Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Bateman's Buildings is a short pedestrianised street running on a north – south axis leading from Soho Square at the north to Bateman Street to the south. The street mainly comprises back entrances to properties fronting Greek Street to the east and Frith Street to the west. The property is located within the Soho Conservation Area, Core Central Activities Zone and the West End Stress Area.

1-8 Bateman's Buildings is an unlisted building comprising lower ground, ground and three upper floors. Works are progressing to change the use of the lower ground, ground and first floors to a restaurant premises with the upper floors to remain in use as office accommodation.

6.2 Recent Relevant History

19/06745/FULL - Alterations to shopfront, comprising of new decorative timber windows and doors, including double swing main entrance doors, and wall mounted lights at ground floor level. Permission granted on the 12th December 2019.

19/00237/FULL - Use of the lower ground, ground and first floor levels as a single restaurant (Class A3); installation of plant with associated screening at main roof level and in the rear lightwell; installation of high level extract ductwork; new shopfront at ground floor level and associated external alterations. (Site includes 55 Greek Street). Permission granted on the 30th April 2019.

17/00085/TCH - Use of two areas of the public highway measuring 19.41m X 1.8m and 22.4m X 1.8m for the placement of 12 tables, 24 benches and 9 planters on the highway adjacent to 1-8 Bateman's Buildings for use in connection with the basement and ground floor restaurants. Permission granted on the 14th February 2017.

7. THE PROPOSAL

Application 1 is for the installation of a fixed glass canopy at ground floor level running the entire length of the restaurant frontage at 40.0m projecting 2.8m from the building

line which is approximately half the width of Bateman's Buildings. Its height above the road surface is 2.5m.

Application 2 is for the display of a large vertical internally illuminated projecting sign over the first and second floor levels, 11 fixed fabric awnings over the windows at first floor level, neon lettering signage over the main entrance and two externally illuminated signs attached to the underside of the awning at either end.

Application 3 is for the installation of a raised area of decking on the public highway in Bateman's Buildings measuring 2.55m x 40.0m to be used by the restaurant to place 28 tables, 68 chairs, four waiter stations, 23 barriers and three glazed screens.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The lawful use of the lower floors is a restaurant (Class A3). The proposed tables and chairs would be used in connection with the restaurant and raise no land use issues.

8.2 Townscape and Design

Bateman's Buildings links the south side of Soho Square with Bateman Street. It is an alleyway built on the site of Monmouth House in the late eighteenth century, but all the buildings are now of later date. The west side of the alley is the most historic and attractive, featuring the side return wall of The Hospital for Women (grade II listed) and the 'arts and crafts' inspired Nos. 9-11 dating from circa 2003 (RN: 03/02246/FULL) occupying most of the alley's length. The east side of the alley is comparatively plain and is a product of various twentieth century redevelopments. The south end of the alley narrows, roughly following the footprint of the former stables of Monmouth House, to pass between the historic buildings fronting Bateman Street, from where there is a clear view to the north of the grade II listed mock-Tudor arbour / tool shed in Soho Square.

Bateman's Buildings is characteristic of the more robust and ungentrified parts of Soho, vividly described in a late nineteenth century novel, 'The Temptress', by William Le Queux, as

"Bateman's Buildings, Soho ... is a thoroughfare but little known, even to dwellers in the immediate vicinity. The wandering Londoner, whose peregrinations take him into the foreign quarter, might pass a dozen times between Frith and Greek Streets without discovering its existence. Indeed, his search will not be rewarded until he pauses halfway down Bateman Street and turns up a narrow and exceedingly uninviting passage between a marine-store dealer's and the shop of a small vendor of vegetables and coals. He will then find himself at Bateman's Buildings, a short, paved court, lined on each side by grimy, squalid-looking houses..."

'a thoroughfare but little known, even to dwellers in the immediate vicinity' and 'a short, paved court, lined on each side by grimy, squalid-looking houses'.

While much has changed in the alley over the years, it remains a concealed element of a largely bygone Soho sandwiched between Frith and Greek Street. The existing building is a simply detailed structure faced with brown brick. Its austere appearance is typical of standard commercial buildings constructed from the 1920s to the 1960s, and its unfussy facade contributes substantially to the particular character of the alley.

The modest appearance and atmosphere of Bateman's Buildings is an intrinsic part of Soho's historic character. These attributes should not, and need not, be entirely swept away, in favour of conventional and visually obtrusive proposals. Permission has already been granted for a change of use and installation of shopfronts which will deter anti-social behavior, whilst preserving the character of Bateman's Buildings.

Canopy (19/09363/FULL)

Fixed glass canopies are not a feature of buildings in the Soho Conservation Area other than theatres which are typically ornate designs incorporating canopies. However, 1-8 Bateman's Buildings possesses none of the characteristics of a theatre either in terms of its use or appearance. UDP policy DES 5(B)(5) states that permission may be refused "where it involves the installation of entrance canopies which either obscure or are at variance with the architectural features of the building". In this case, the canopy's highly ornamented design is at odds with the appearance of the building and its substantial length is inappropriate and contrary to UDP policy DES 5 and City Plan policy S28.

The proposed canopy would project over roughly half the width of Bateman's Buildings to the detriment of views along the alley to the north and south. In these views it would be an alien structure out of character with the alley and Soho Conservation Area. In the view towards Soho Square it would partly obscure and detract from the view of the grade II listed mock-Tudor arbour / tool shed in the centre of Soho Square. Furthermore, the effect of the canopy both on its own or combined with the proposed decking and advertising (see separate applications) would be to change the distinctive character of Bateman's Buildings in favour of an incongruous design that does not respond positively to the character and appearance of the alley or to the Soho Conservation Area. This is contrary to UDP policy DES 9 and City Plan policy S25, and the harm to the conservation area is not outweighed by public benefits.

Advertisements (19/09364/ADV)

The advertisements are to be fixed to the proposed glass canopy, in the top of first floor windows, and a projecting sign is proposed at first and second floor levels.

Currently, and historically, commercial advertising displays are not characteristic of Bateman's Buildings. Premises in Bateman Street have projecting and fascia signs along with retractable awnings. Frith Street and Greek Street are similar and in Soho Square there are few signs at all. In the context of Bateman's Buildings and the surrounding area, the proposed advertisements are incongruous and unacceptable in visual amenity terms.

On the canopy there are externally illuminated signs at either end, and illuminated letters mounted on the canopy above the entrance. The signs at each end of the canopy are illuminated around their perimeter by a concealed LED strip. Both signs would be highly conspicuous because of their size, location, and projection from the façade. This would be out of character with the alley and surrounding conservation area.

Also, on the canopy, illuminated letters are proposed above the entrance. Because of the canopy's projection, this display would be nearly 3m in front of the façade. In this location it would be highly incongruous and prominent in views along the alley. This would be out of character with the alley and surrounding conservation area.

At first floor level each window is to be adorned with an advertising awning. Advertisements of this type are not characteristic of the alley or conservation area, and first floor advertisements are discouraged by UDP policy DES 8 and the council's 'Advertisement Design Guidelines' in the interests of maintaining visual amenity. In this case the awnings create high-level visual clutter and are unacceptable.

At first and second floor level, an illuminated projecting sign is proposed. The display comprises a solid aluminium tray upon which internally illuminated letters are fixed. The sign is 4.8m high and projects 0.8m from the façade of the building. This excessively large display would be severely harmful to visual amenity because of its size and location. Its detrimental impact would be worsened by its illumination.

In visual amenity terms, considered individually, the proposed advertisements are considered to be unacceptable. Furthermore, the cumulative impact of them seen together would have a negative impact on visual amenity in Bateman's Buildings and detract from the character and appearance of the Soho Conservation Area. This is contrary to City Plan policies S25 and S28, UDP policies DES 1, DES 8, DES 9 and DES 10, and the council's supplementary planning guidance 'Shopfronts, Blinds and Signs', and 'Advertisement Design Guidelines'.

Decking (19/09365/FULL)

The alley is currently surfaced with black asphalt and has 'Grey Wornum' lampposts. UDP policy DES 7 'Townscape management' requires at subsection (E) that "The City Council will use suitable paving materials in all areas and will require the sensitive treatment of paving in private schemes to accord with the character of adjacent buildings and surrounding areas." In this case, the proposed deck is unacceptable because it creates an incongruous raised area and the timber decking is also out of character with the paved surfaces of Soho which are typically tarmac or concrete slabs. Furthermore, the enclosure surrounding the deck creates visual clutter which is a visual as well and physical barrier that detracts from the character of Bateman's Buildings and the Soho conservation area.

The policy application of DES 7 states at paragraph 10.90 that "Re-paving work, designed with sensitivity and using suitable materials, can make an important contribution to the character of a conservation area, and the repair and restoration of existing paved areas of quality is continuing. The street surface assumes particular prominence in mews because of their enclosed character. Similarly, it is necessary to design carefully the paving of small private courtyards and forecourts, especially where these are visible to the general public". The policy application also makes it clear that

“The City Council will resist the proliferation of clutter both on buildings and in the street by using all its available powers.” In this case the incongruous materials and design of the decking are considered to be contrary to the policy.

The decking and barriers would also be an incongruous addition to the building which unacceptable extends its footprint into the alley. Bateman’s Buildings is clearly defined its building facades. There are no forecourts to any of the buildings in the alley. The creation of a decked area in front of the building would detract from the contribution that it makes to the character and appearance of Bateman’s Buildings as well as harming the appearance of the building by creating, in effect, a private forecourt where none should exist.

In this case, the decking is not a public benefit and it causes harm to the character and appearance of the alley and conservation area. The proposal is entirely contrary to UDP policies DES1, DES 5, DES 7 and City Plan policy S28, and it would fail to maintain (or improve) the character and appearance of the conservation area, contrary to UDP policy DES 9 and City Plan policy S25.

8.3 Residential Amenity

A condition would have been imposed on any permission to restrict the hours for which the tables, chairs and other removable furniture could have been on the decking to between the hours of 09:00 and 23:00. The majority of the buildings in the vicinity are in commercial use but there is an annexe to Hazlitt’s Hotel which has a frontage to Bateman’s Buildings on the opposite side to the application site and would be sensitive to noise disturbance outside of these times.

8.4 Transportation/Parking

The Highways Planning Officer has objected to both the application for the fixed glass canopy and the application for the permanent decking on the public highway.

With regard the glazed canopy the requirement is for this to provide a minimum of 2.6m clearance between the lowest point of the canopy (being the light fitting in this instance) and the street level. The proposal only allows for 2.5m clearance and is therefore unacceptable in this regard.

Bateman’s Buildings at the section for the proposed decking measures approximately 5.56m in width, the area proposed for the permanent decking is 2.55m which leaves 3m for pedestrian movement. Policies S41 of the City Plan and TRANS3 of the UDP seek to ‘secure an improved environment for pedestrians’, with TRANS3 having an aim to ‘improve conditions for pedestrians and make walking safer, quicker, more direct and more attractive form of travel.’ The proposed decking would reduce the width of the public space for pedestrians by approximately half for 40m along Bateman’s Buildings. The applicant contends that there is anti-social behaviour in Bateman’s Buildings but the new restaurant has a large frontage to the street which will provide passive overlooking, consent has also been granted for a new shopfront to the restaurant which will improve the streetscape. If the applicant wanted tables and chairs outside the premises to provide passive surveillance or to provide street presence for the restaurant this could

be easily achieved without the permanent decking and consent has been previously granted for this in 2017.

The installation of the permanent decking and barriers will also not allow for the cleaning of the public highway and an objection to the application has been received from the Waste Projects Officer. Considering the decking and barriers would be a permanent fixture on the highway it is acknowledged it would not be possible for City Council street cleaning operatives to clean the highway under the decking and therefore the objection on these grounds is considered sustainable and the application also recommended for refusal on this basis.

A license would be required under the Highways Act from the Highways Authority for any permanent structures on the highway. An informative is included to advise the applicant that if recommended for approval a license would have been required for their proposal.

It is also important to note that the City Council granted consent on the 14th February 2017 for the, 'use of two areas of the public highway measuring 19.41m X 1.8m and 22.4m X 1.8m for the placement of 12 tables, 24 benches and 9 planters on the highway adjacent to 1-8 Bateman's Buildings for use in connection with the basement and ground floor restaurants.' This consent allowed for the placing of the external furniture in broadly the same area (slightly narrower) to that now proposed for the decking.

8.5 Economic Considerations

Any economic benefits are welcomed.

8.6 Access

Level access was provided with the original planning consent for the restaurant, with a DDA compliant toilet at ground floor level. Level access will be retained with the installation of the decking with a ramp provided at the northern end of the decking.

8.7 Other UDP/Westminster Policy Considerations

A letter of support has been received in relation to the application from Soho Estates being a major landowner in the area. They consider the proposed decking and signage will serve to attract people to the street helping to reduce anti-social behaviour and improve the appearance of the building. These comments are noted, the City Council is also keen to see improvements in the street and permission has already been granted for the large restaurant use, the installation of the new ground floor frontage and a scheme to enliven the streetscape with tables, benches and planters associated with the restaurant. Although the support of the Soho Estates is noted unfortunately the current alterations are unacceptable for the reasons detailed in this report.

Whilst both the applicant and Soho Estates have commented on current anti-social behaviour taking place within Bateman's Buildings and the need to address this the introduction of a permanent raised decking area with a glass canopy above it could conversely encourage rough sleeping within the alley, especially when the restaurant is closed.

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

Policy 6.10 of the London Plan states that in planning decisions 'development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space by referring to Transport for London's Pedestrian Design Guidance.' The supporting text in para 6.37 states; 'the Mayor is also committed to a substantial increase in walking in London. To this end, the quality and safety of London's pedestrian environment should be improved to make the experience of walking more pleasant and an increasingly viable alternative to the private car.'

8.10 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.

8.11 Planning Obligations

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

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

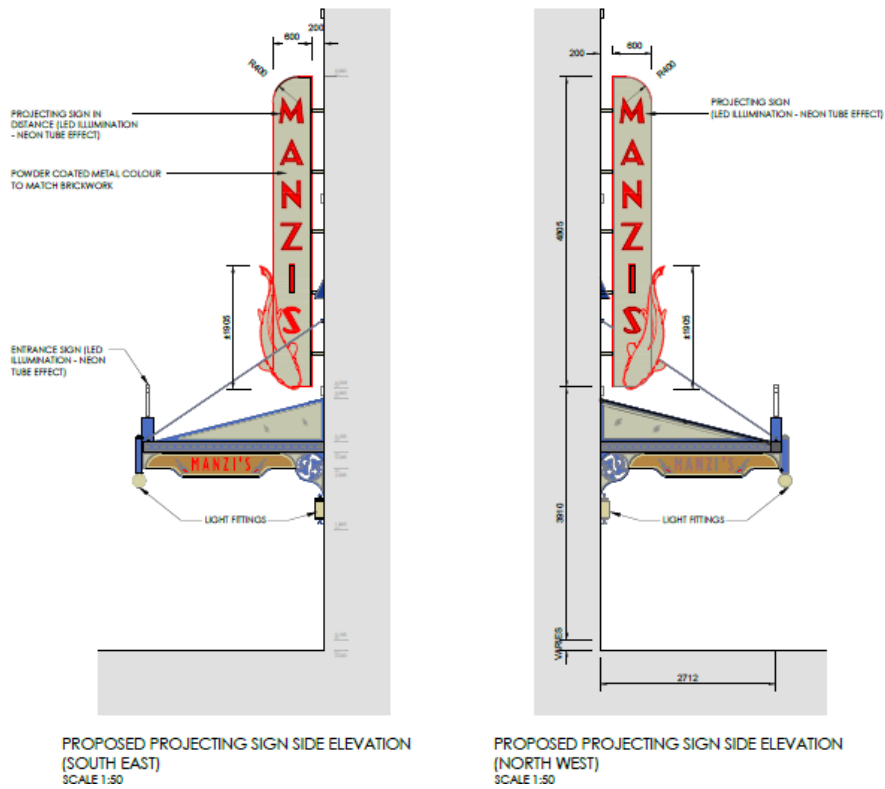
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

9. KEY DRAWINGS

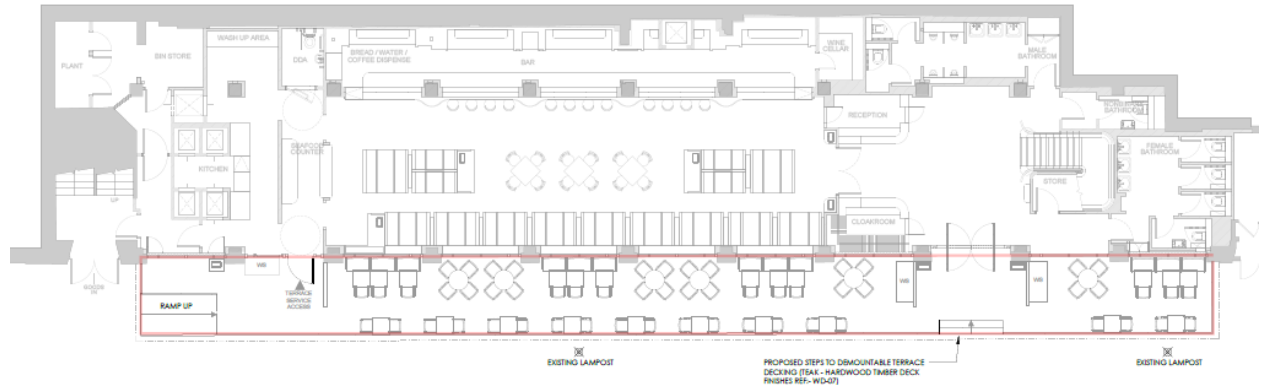
Proposed front elevation showing advertising and canopy:



Proposed side elevation showing canopy and projecting signage:



Proposed layout of decking and external furniture:



Visual of proposed scheme:



DRAFT DECISION LETTER

Address: 1-8 Bateman's Buildings, London, W1D 3EN,
Proposal: Installation of a fixed glass canopy measuring 40.35m x 2.68m.
Reference: 19/09363/FULL
Plan Nos: Drawings: 6743-PD-02 Rev A; 6743-PD-03 Rev A; 6743-PD-04 Rev A; 6743-PD-05 Rev A; Design & Access Statement; Two un-numbered photomontages.

Case Officer: Matthew Giles

Direct Tel. No. 07866040155

Recommended Condition(s) and Reason(s)

Reason:

- 1 Because of its size, design and location the glazed canopy would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 9, DES 5, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AD)

Reason:

- 2 The proposed glass canopy would not give enough clearance over the pavement and so would be a threat to public safety. (X09AA)

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 so far as practicable. 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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.

DRAFT DECISION LETTER

Address: 1-8 Bateman's Buildings, London, W1D 3EN,

Proposal: Display of an internally illuminated projecting sign measuring 4.8m x 0.6m, entrance sign measuring 2.5m x 0.5m, two perimeter illuminated signs displayed on the canopy ends, and 11 fixed fabric awnings above the first floor windows.

Reference: 19/09364/ADV

Plan Nos: Drawings: 6743-PD-02 Rev A; 6743-PD-03 Rev A; 6743-PD-04 Rev A; 6743-PD-05 Rev A; STM007-01001 Rev A ; STM007_01002 Rev B; Two un-numbered photomontages.

Case Officer: Matthew Giles

Direct Tel. No. 07866040155

Recommended Condition(s) and Reason(s)

Reason:

- 1 Because of their size, location, and cumulative impact the first floor awnings, and the illuminated signs would harm the appearance of the building and the appearance (amenity) of the area. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 8 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X15AD)

DRAFT DECISION LETTER

- Address:** 1-8 Bateman's Buildings, London, W1D 3EN,
- Proposal:** Installation of an area of raised terrace decking on Bateman's Buildings measuring 2.55m x 40.0m for the placing of 28 tables and 68 chairs, four waiter stations, nine wall mounted heaters, 23 terrace barriers and three terrace screens.
- Reference:** 19/09365/FULL
- Plan Nos:** Drawings: 6743-PD-011, 6743-PD-06, 6743-PD-07, 6743-PD-08, 6743-PD-09, 6743-PD-010, Two un-numbered photomontages.

Case Officer: Matthew Giles

Direct Tel. No. 07866040155

Recommended Condition(s) and Reason(s)

Reason:

- 1 The permanent decking structure would block the flow of pedestrians and does not secure an improved environment for pedestrians, with regard to their safety, ease, convenience and directness of movement along the footpath. Furthermore, the guidelines for placing of furniture on the highway state that no permanent items should be permitted, as the area must be capable of reverting to use as public highway each night so that it can be washed down by the Council's Cleansing Department. The permanent decking structure would therefore disrupt the cleansing of the street and form an obstruction. This would not meet S41 of Westminster's City Plan (November 2016) and TRANS 3 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 2 Reason:
Because of its detailed design and materials of construction the raised decking, and the barriers and screens would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 7, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

- 2 You are advised that a license would be required under the Highways Act from the Highways Authority for any permanent structures on the highway. You would need to contact Jeff Perkins (020 7641 2642) in Highways Licensing in order to progress the necessary license.

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.