

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 31 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	103 Eastbourne Mews, London, W2 6LQ		
Proposal	Demolition of existing mews building behind retained front facade and party walls and reconstruction of mews building over ground, first and second floor.		
Agent	Mr Matt Hedges		
On behalf of	Caroline Beecham and John lydon		
Registered Number	17/03716/FULL	Date amended/ completed	5 June 2017
Date Application Received	30 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to the demolition of the single mews building behind the retained front facade, and reconstruction of a single mews property incorporating a mansard roof level to be used as a single dwellinghouse. The building is not listed but is located in the Bayswater Conservation Area.

The key considerations are:

- Impact upon the character and appearance of the conservation area.
- Impact upon the amenity of neighbours.
- Impact upon the highway network.

Objections have been received from neighbours on grounds of construction management, loss of amenity to the rear and loss of garage. However, notwithstanding the comments received, for the reasons set out in detail in this report and subject to the recommended conditions, the proposed development is acceptable and would comply with the relevant policies in Westminster's City Plan (the City Plan) and the Unitary Development Plan (UDP). It is therefore recommended that planning permission is granted.

3. LOCATION PLAN



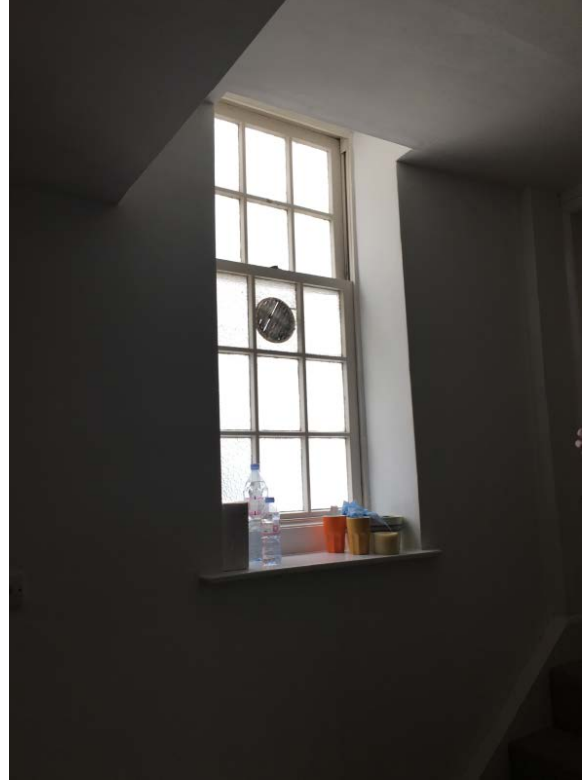
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4. PHOTOGRAPHS

Application site, 103 Eastbourne Mews, front elevation



View of existing garage and ground floor rear openable sash window



Existing first floor glazing to rear bedroom



5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

- Mansard roof would fill sole existing break in roof line.
- Loss of garage justified in this instance given certificate of lawfulness for conversion.
- Provision of openable windows justified in this instance given existing openable windows.
- Request condition withdrawing permitted development rights.

HIGHWAYS PLANNING MANAGER

Loss of existing garage parking contrary to policy TRANS23 of UDP. However given that the conversion of the existing garage to habitable accommodation appears to have been deemed lawful under application 16/12248/CLOPUD it is not clear if the "loss" of the garage can now be resist.

CLEANSING MANAGER

No objections subject to details of refuse and recycling provisions.

ADJOINING OWNER/OCCUPIERS

No consulted: 61 No of replies to date: 4 (3 objections, 1 comment)

Amenity

- Light disturbance from artificial light from rooflights.
- Replacement first floor sash window to rear un-neighbourly.
- Loss of light and enclosure as a result of redeveloped building.

Highways

- Loss of garage will result in increased pressure to on-street parking.

Other

- Rear wall poorly maintained.
- Demolition details relating to rear wall unclear with regards to required access from private land to rear.
- Disturbance upon neighbours arising during construction period.

SITE/PRESS NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a two storey mews single family dwellinghouse on Eastbourne Mews. It is located within the Bayswater Conservation Area. The buildings to the rear on Westbourne Terrace are Grade II listed.

6.2 Recent Relevant History

15/02750/FULL

Extension and remodelling of mews property, including demolition of existing property, retention of front facade and Party Walls, and reconstruction with new storey at second floor level.

Application Refused 8 October 2015

This application was refused on grounds of; loss of existing garage, and loss of amenity upon residents at the rear as a result replacement high level windows. The decision was appealed against and dismissed on grounds of loss garage only. The Inspectors decision did not consider there to be a material loss of amenity upon occupiers to the rear given the presence of existing windows in predominantly the same location and of a similar size to those proposed. A partial award of costs was awarded to the Appellant against the Council's second reason for refusal on amenity grounds.

16/12248/CLOPUD

Conversion of integral garage into habitable space in connection with existing dwellinghouse and associated internal alterations.

Application Permitted 13 February 2017

The above certificate of lawfulness was sought to confirm that there were no historic conditions relating to the protection of the existing garage. The Councils records did not indicate any such conditions and the certificate was issued.

7. The PROPOSAL

Demolition of existing mews building behind retained front facade and party walls, and reconstruction of mews building providing a single dwellinghouse over ground, first and second floor, incorporating mansard roof.

	Existing GIA (m2)	Proposed GIA (m2)	+/-
Dwelling house (Class C3)	111	147	+36m2

8. DETAILED CONSIDERATIONS

8.1 Land Use

The development would provide a replacement dwellinghouse of increased residential floor area, which is acceptable in land use terms pursuant to S14 of the adopted City Plan and H3 of the adopted Unitary Development Plan.

8.2 Townscape and Design

Principle of demolition

Policy DES 9 of the Councils adopted Unitary Development Plan states;

1) Buildings identified as of local architectural, historical or topographical interest in adopted conservation area audits will enjoy a general presumption against demolition.

- 2) Development proposals within conservation areas, involving the demolition of unlisted buildings, may be permitted
- a) If the building makes either a negative or insignificant contribution to the character or appearance of the area, and/or
 - b) If the design quality of the proposed development is considered to result in an enhancement of the conservation area's overall character or appearance, having regard to issues of economic viability, including the viability of retaining and repairing the existing building

Eastbourne Mews is described as being essential to the character of the area within the Bayswater Conservation Area Audit and the building is considered to have a positive impact on the character and appearance of the area. The main contribution is made by the form and appearance of the building, principally the front elevation and change in scale between the listed terrace behind and the mews. The front facade is to be retained with some alterations to the windows and ground floor fenestration taking place. Given the facade retention, and reconstruction of the building of similar scale, the special interest of this building is considered to be retained. Furthermore, the proposed dormer window ties in with others constructed either side. As such the part demolition is not objected to in townscape terms.

Massing, elevation design treatment

Alterations to the front facade consist of the installation of replacement windows and alterations to the ground floor fenestration, including the installation of a false garage door. These alterations are considered acceptable.

A mansard roof form is proposed to tie in with others built either side. The front facade is of a sympathetic design and in keeping with the proportions of the building in terms of the roof pitch and positioning of dormers, and is less substantial than the dormer constructed next door at No. 101. Its scale is therefore not objectionable. In terms of detailed design, the mansard will be constructed with a lead clad finish and timber sash sliding windows for the front dormers.

At the rear, a series of rooflights are proposed at first floor. It is a departure from the standard mansard design but brings benefits of allowing light into the internal accommodation, which is an existing feature of the site. Given its siting behind the proposed rear parapet it is considered to be an acceptable design choice that is not considered to cause harm to the character of the locality and conservation area or setting of the listed buildings on Westbourne Terrace.

As such given that the resulting development will closely resemble the existing building, and as the proposed mansard extension is of a sympathetic design and size, the development is not considered to result in harm upon the character of the conservation area and setting of adjoining listed buildings at the rear, and is considered acceptable.

8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight or sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause

unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan aims to protect the amenity of residents from the effects of development.

No 103 Westbourne Terrace is located directly behind No. 103 Eastbourne Mews, with No. 105 Westbourne Terrace the next building along. Officers visited the split level maisonette at No. 103 Westbourne Terrace. Objections from occupiers of these properties to the rear have been received on grounds of; loss of light as a result of the mansard roof, overlooking from openable first floor rear window, light disturbances from the row of new windows behind the proposed rear parapet. These will be addressed in turn.

With regards to an increased sense of enclosure and losses of light upon neighbours at 103 Westbourne Terrace, the roof of the mansard would be approximately 1m higher than the ridge of the existing roof and set back from the rear parapet wall, with the height the parapet wall increasing in height by only 600mm. Given this relationship, the massing is not considered to be such that it would unduly affect neighbours with respect to enclosure.

In terms of losses of sunlight, given the rear windows at 103 Westbourne Terrace to the rear are not orientated within 90 degrees of due south, and the site is located to the north east of Westbourne Terrace, it would not obstruct the trajectory of the sun from the south. Therefore in accordance with the BRE Guidance (Site Layout Planning for Daylight and Sunlight), a sunlight assessment would not be required.

In terms of daylight, the existing lower ground floor level at 103 Westbourne Terrace, which is comprised of a rear garden and rear facing windows, adjoins the three storey back wall of 103 Eastbourne Mews. As a result, daylight deficiencies are likely to be experienced at lower ground level presently. Given the overall height of the rear wall, the additional 600mm is relatively marginal and is unlikely to result in significant further daylight reductions as to justify refusal.

In terms of the impact of the proposed strip of rear rooflights causing light emissions, this issue has already been considered by the Planning Inspectorate and this current scheme is unchanged. Paragraph 13 of the decision set out the following;

"It appears to me that the proposed arrangement of high level windows would not result in a substantially greater overall area of glazing, or significantly increase the number of windows that could be opened. That being the case, I find that the potential levels of light spill, noise or disturbance experienced by neighbouring occupants at 103 and 105 Westbourne Terrace would not be so materially increased as to warrant the withholding of planning permission."

As such the proposed new rooflights would not be considered to unduly impact the amenity of neighbours to the rear with respect to the dispersion of artificial light, and privacy.

With regards to the proposed ground floor window facing No. 103 Westbourne Terrace, it would replace the existing window in the same location which is an openable sliding sash with obscure glazing. The agent has confirmed in writing that the window will be obscure glazed. Given the existing situation this is considered to be sufficient and would have materially no greater impact than the current situation.

The proposals would not therefore be contrary to the objectives of policies S29 of the City Plan and Policy ENV13 of the UDP.

8.4 Transportation/Parking

The existing building has an integrated garage as is commonly found on Eastbourne Mews properties. The proposed dwellinghouse does not re provide the existing off street parking space. The loss of off street parking is contrary to TRANS23 which states that:

"The permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances."

The previous Inspectors decision agreed with the City Council's reasoning for retaining the off-street residential car parking space, namely that it helped alleviate pressure upon on-street parking in an area of identified parking deficiency and high levels of car ownership. On the issue of whether the garage was of sufficient size to accommodate a parked vehicle, the Inspector identified that a smaller car would be able to use the space, despite its limited dimensions. In this current application, the applicants have prepared additional supporting documentation showing a 'Smart Four two' car drawn to scale parked inside the garaging space, maintaining the space is not practical even for a small smart car, which would require the wing mirrors to be folded in to fit. Whilst these constraints are acknowledged, it should be noted that that the Inspector did not accept the arguments in terms of limited car door opening space, given that this could be resolved internally as part of a redevelopment of the site which the City Council do not object to.

On the matter of the conversion of the existing garage into habitable space under permitted development, the Inspector stated that she was unable to reach a conclusion of this point in the absence of a Certificate of Lawfulness. Since the appeal decision a certificate of lawfulness has been obtained from the Council to confirm that the conversion of the garage to habitable space could be undertaken without the need to obtain planning permission, given Councils records did not uncover any historic conditions that restricted such a conversion. In the Councils decision, it is remarked that such works would not therefore constitute development as defined by Section 55a of the Town and Country Planning Act 1990. Officers site visit August 2017 as part of this current application confirmed the garage was in use for habitable purposes, although the works shown on the permitted development plans, namely the removal of the internal garage partition had not been implemented.

In light of this decision which is a material consideration, as the garage has not been used for parking of vehicles for a long period of time, its removal would not result in the immediate decant of a parked vehicle onto surrounding on street parking spaces. Consideration should also be had for the existing situation whereby the applicants tenants are lawfully using the garage for habitable room purposes, and also the real prospect of the applicant implementing the certificate of lawfulness floor plans to fully integrate it with the ground floor living accommodation.

In light of the above, it is not considered sustainable to withhold planning permission on grounds of loss of off-street parking and is considered to justify a departure from the objectives policy TRANS23 of the UDP in this instance.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The loss of the garage also results in a loss of cycle parking and refuse storage facility. Details of refuse store are to be sought through planning condition.

Construction Management

Access to the site during construction works, including demolition of the rear facade, has been queried. The site however is accessed from its frontage on Eastbourne Mews. Any access requirement across land that falls outside the site is a private matter.

In terms of construction management and requested reduction to working hours by an adjoining occupier, the City Council imposes conditions that restrict hours of work that are consistent with usual practice in the borough and Environmental Health legislation. It would not be considered reasonable to impose greater restrictions which would also likely prolong construction times and subsequent disturbances to residents.

Sustainability

Policy S28 of the City Plan requires applicants to demonstrate how their scheme incorporates elements of sustainable design through the submission of an Environmental Performance Statement, with the intention on achieving KgCO₂ savings on 2013 Building Regulations Part L levels. The submitted sustainability statement itemises the features of the development, including building fabric improvements and energy efficient fittings and also states that greater efficiency savings can be achieved through the redevelopment rather than retention and refurbishment of the existing building. The statement does not provide a breakdown on KgCO₂ savings on 2013 Building Regulations Part L levels as a result of measures incorporated, however within the context of the scheme, this level of detail is considered acceptable and meets the objectives of policy S28 of the City Plan.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's floor space figures, the estimated CIL payment would be £14,400 for Westminster's CIL (£400 per square metre in the Residential Core area), and £1,800 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted

though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

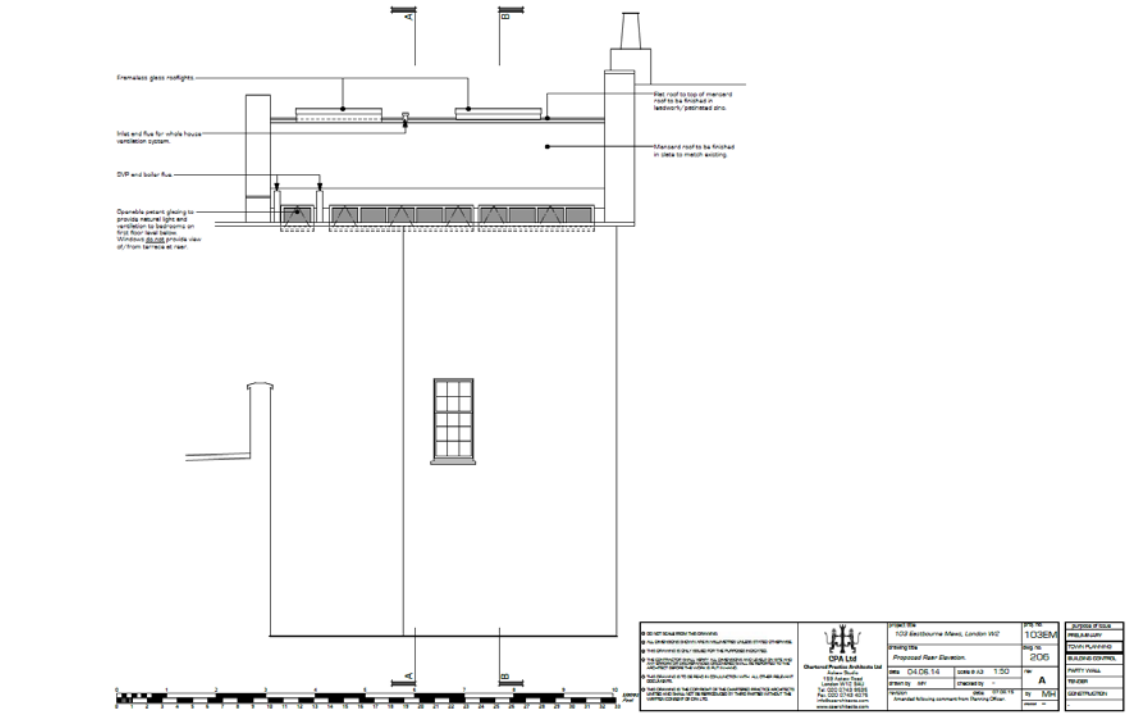
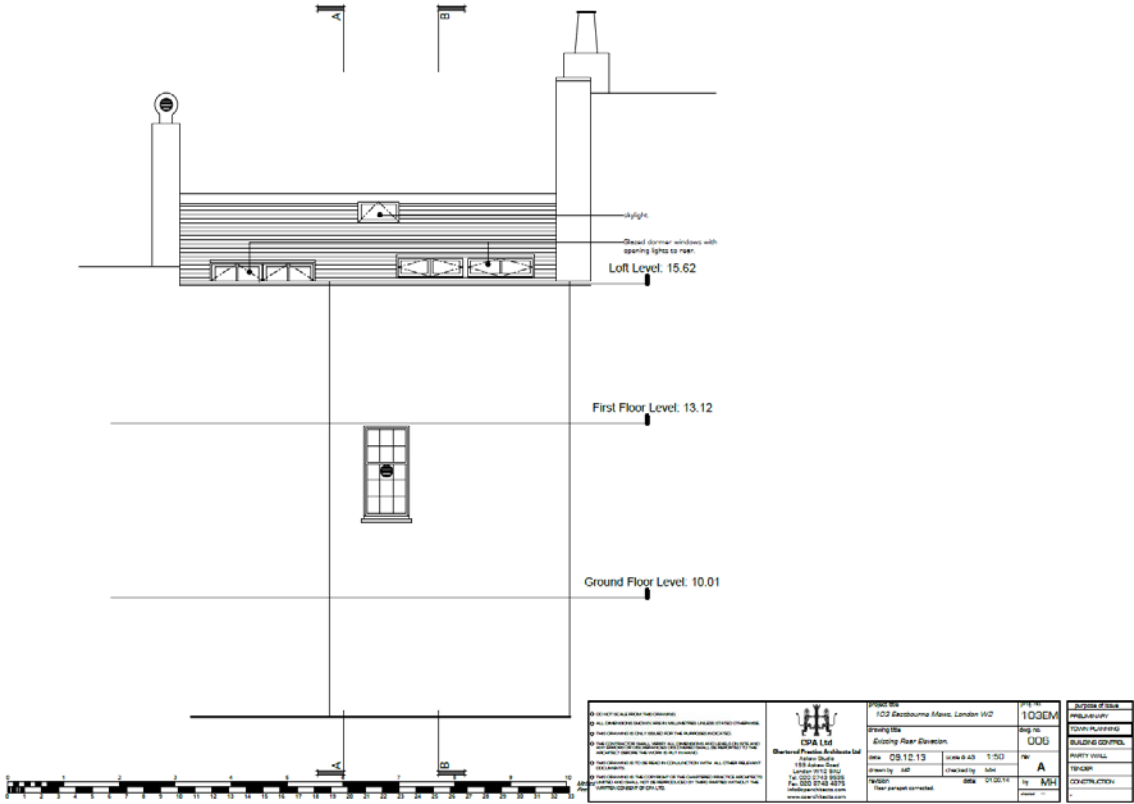
9. BACKGROUND PAPERS

1. Application form
2. Letter from occupier of South East Bayswater Residents Association, dated 28 June 2017.
3. Memo from Highways Planning Manager, dated 14 June 2017.
4. Memo from Highways (waste), dated 15 June 2017.
5. Letter from occupier of Flat 3, 105 Westbourne Terrace, dated 26 June 2017.
6. Letter from occupiers of Flat 1, 103 Westbourne Terrace, dated 28 June 2017.
7. Letter from occupier of 105 Eastbourne Mews, dated 28 June 2017.
8. Letter from occupier of 105 Eastbourne Mews, dated 21 July 2017.
9. Email from Planning Agent, dated 6 August 2017.
10. Email from Architect, dated 9 August 2017.
11. Email from applicant, dated 23 August 2017.

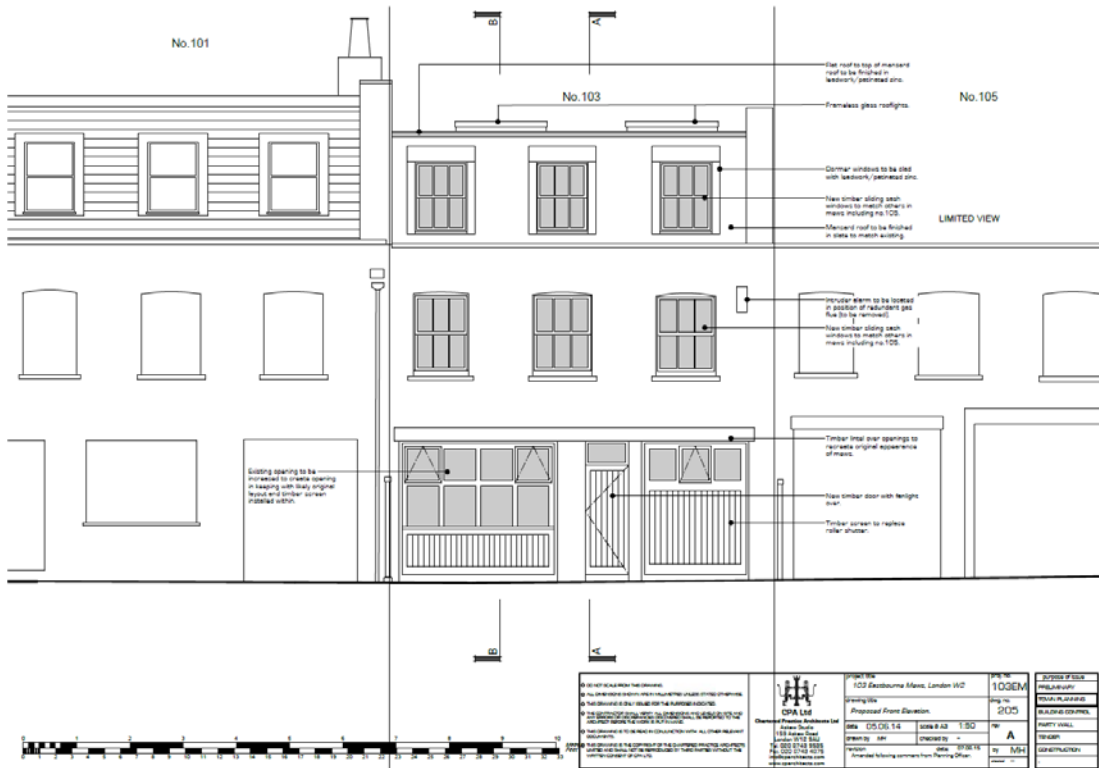
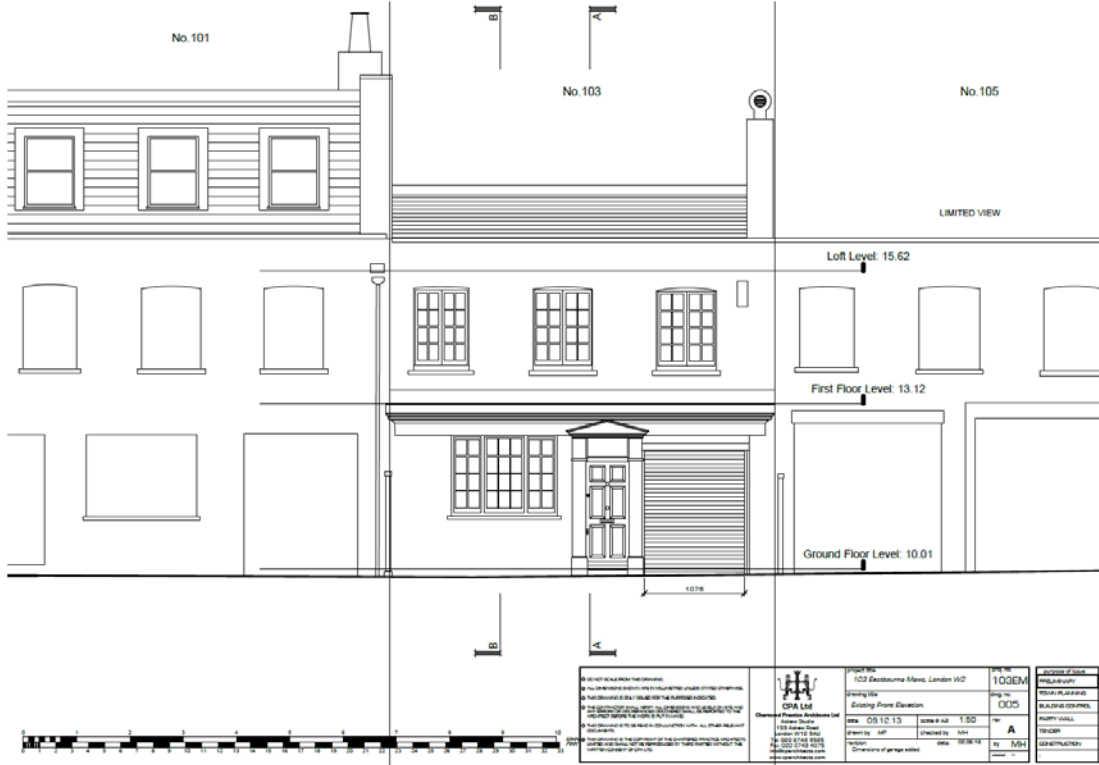
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk .

Existing and proposed rear elevation



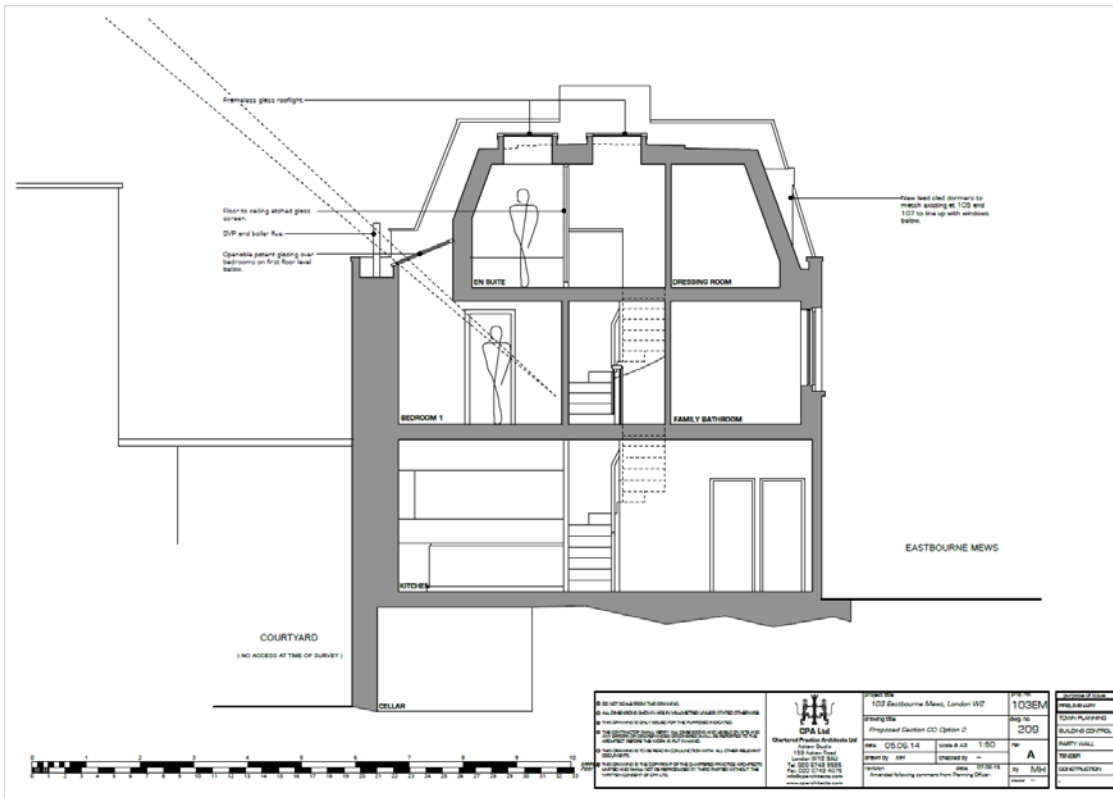
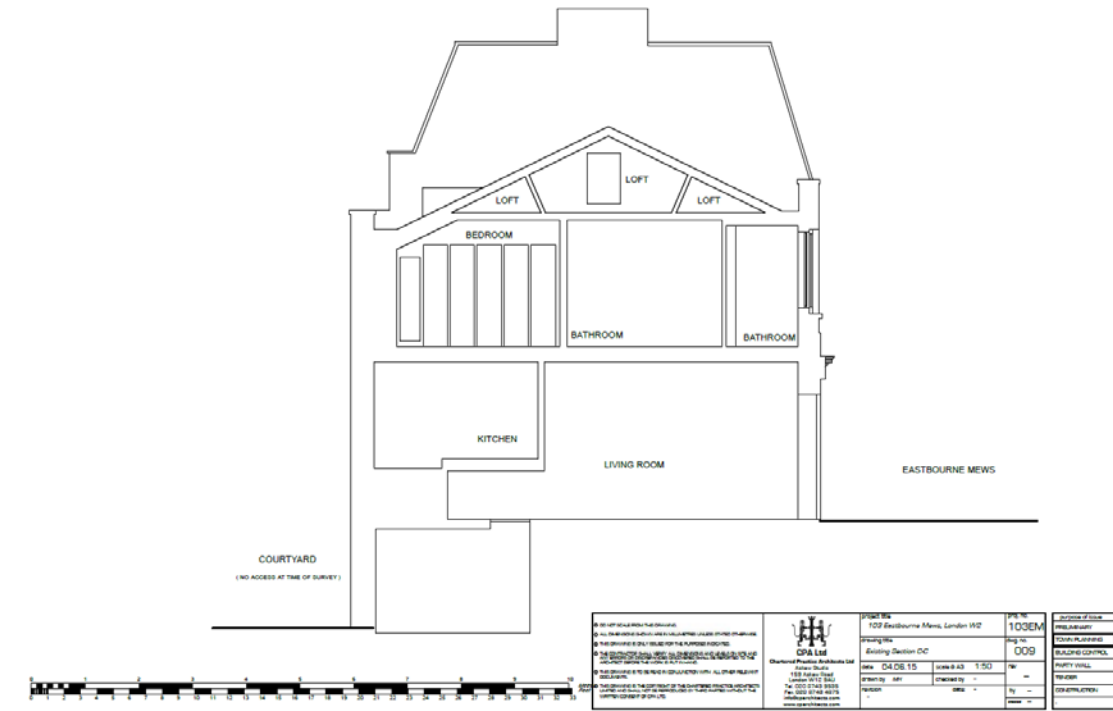
Existing and proposed front elevation



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		<p>Client Existing Front Elevation</p>	<p>Drawn by MH</p>	<p>Checked by MH</p>	<p>Scale 1:50</p>	<p>Project 10005</p>	<p>By MH</p>	<p>For CONSTRUCTION</p>

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		<p>Client Proposed Front Elevation</p>	<p>Drawn by MH</p>	<p>Checked by MH</p>	<p>Scale 1:50</p>	<p>Project 10005</p>	<p>By MH</p>	<p>For CONSTRUCTION</p>

Existing and proposed section CC



DRAFT DECISION LETTER

- Address:** 103 Eastbourne Mews, London, W2 6LQ,
- Proposal:** Demolition of existing mews building behind retained front facade and party walls and reconstruction of mews building over ground, first and second floor.
- Plan Nos:** 001 C, 002 A, 003, 004 B, 005 A, 006 A, 007 A, 008 A, 009, 021, 022, 024, 025, 026, 027, 028, 200, 201, 202, 203 A, 204 A, 205 A, 206 A, 209 A, 210, Design and Access Statement

For information only

Memo from M. Hedges dated 9 August 2017, Existing ground floor plan (001 rev D),
Memo from R Shrimplin dated 6 August 2017, Note to third party representations dated 6 August 2017

Case Officer: Samuel Gerstein **Direct Tel. No.** 020 7641 4273

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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

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

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

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

Reason:

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

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)
- Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of 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)
- 4 The windows in the dormers hereby approved must be vertically sliding timber sash windows and formed of painted timber to match the colour of existing windows in the building and maintained that colour.
- Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)
- 5 The mansard roof must be clad in natural slates and dormers (roof and cheeks) clad in lead.
- Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)
- 6 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or erect any extensions without our permission. This is despite the provisions of Classes A, B and C of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EB)
- Reason:
To prevent an overdevelopment of the site and to protect the 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. (R21EC)
- 7 You must paint all new outside rainwater and soil pipes, including any guttering to roof level, black and keep them that colour. (C26EA)

Reason:

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

- 8 The ground floor rear window shall be a timber framed sliding sash window and shall be installed and maintained with obscure glazing. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

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)

- 9 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 10 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 dwellinghouse. (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)

- 11 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Bayswater Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.