

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 August 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Victoria Embankment Gardens, Villiers Street, London, WC2N 6NE</b>		
<b>Proposal</b>	Use of part of Victoria Embankment Gardens and erection of temporary structures for a temporary cinema event for the BFI London Film Festival and a series of World Cinema premieres from 10th - 21st October 2018 (including construction and de-rigging between 27 September to 29 October 2018). Display of 3 externally illuminated fascia signs measuring 5.4m x 4m, 2m x 6m, 2m x 1.5m, and a non-illuminated hoarding sign measuring 0.5m x 1m.		
<b>Agent</b>	British Film Institute		
<b>On behalf of</b>	British Film Institute		
<b>Registered Number</b>	18/03732/FULL & 18/03733/ADV	<b>Date amended/ completed</b>	9 May 2018
<b>Date Application Received</b>	5 May 2018		
<b>Historic Building Grade</b>	Grade II Star Registered Historic Park		
<b>Conservation Area</b>	Savoy		

## 1. RECOMMENDATION

1. Does the Sub-Committee agree that the public and cultural benefits of the event are sufficient to outweigh the short-term harm it causes to the Grade II Registered Historic Park and to the setting of the adjacent York Water Gate, listed memorials, listed buildings and conservation area?

2. Subject to 1 above grant conditional planning permission and advertisement consent.

## 2. SUMMARY

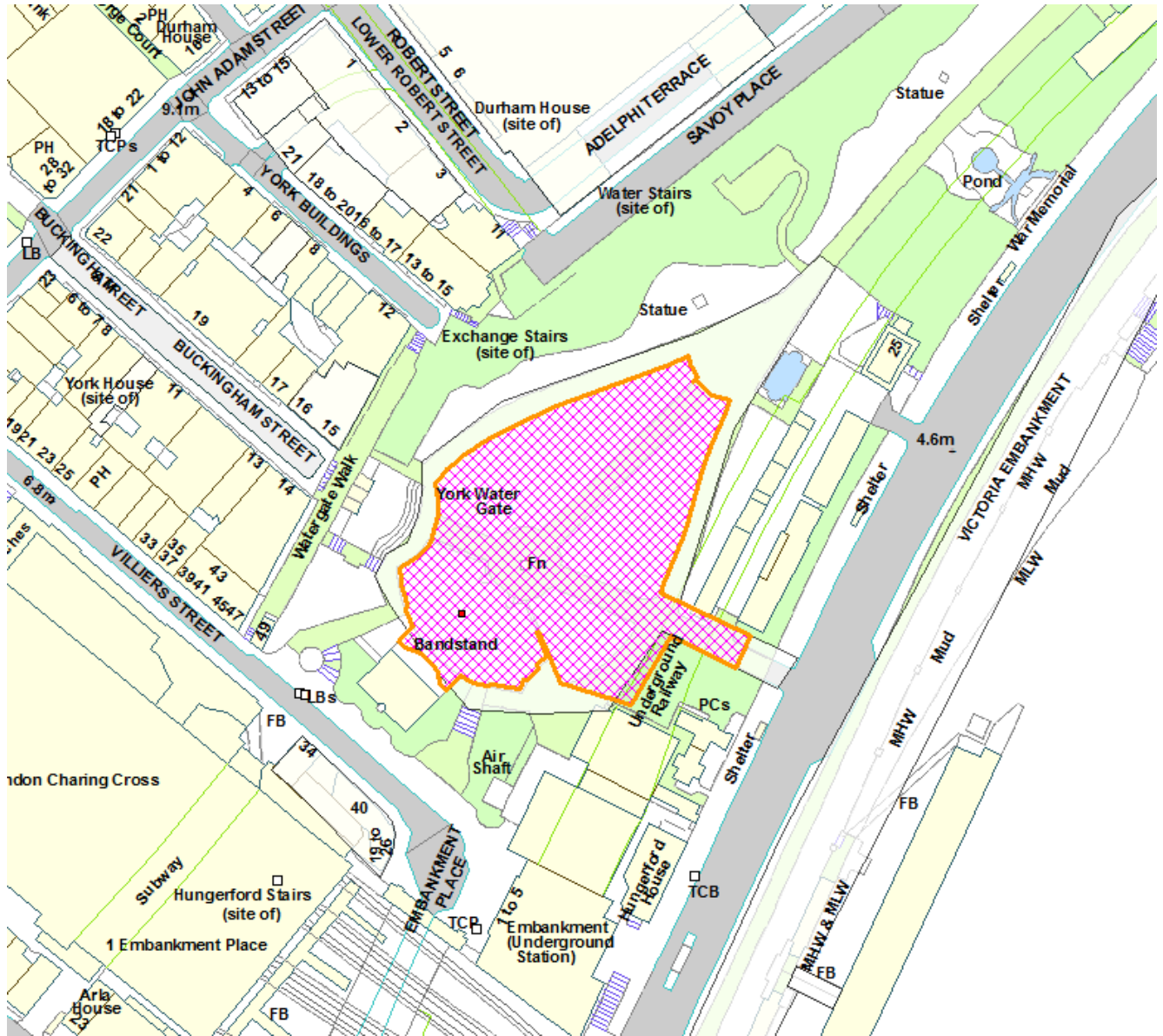
The Victoria Embankment Gardens are a Grade II Star Registered Historic Park. The Villiers Garden is located to the north of Embankment Station and is one of three gardens which comprise the Victoria Embankment Gardens. Planning permission and advertisement consent are sought for the use of part of the gardens for the erection of structures between 27 September to 29 October 2018 (inclusive of setup and derig) in connection with the BFI London Film Festival (LFF). Planning permission and advertisement consent were granted for similar proposals in 2016 and 2017.

The key issues for consideration are:

- The impact of the proposals on the Registered Historic Park;
- The impact of the proposals on the setting of adjacent heritage assets and the character and appearance of the Savoy Conservation Area;
- The impact of the proposals on neighbouring residential amenity.

The garden would remain open to the public during the event, but it would lose some of its important open character and it would affect the setting of adjacent and nearby heritage assets. The event will provide cultural and public benefits, but it will also cause temporary harm to heritage assets and as such Member's views are sought on this issue.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Aerial photograph of Victoria Embankment Gardens facing west



Photograph of the temporary cinema in 2017

## 5. CONSULTATIONS

### HISTORIC ENGLAND

Raise concerns with the Grade II star registered garden landscape being used for regular/reoccurring events.

### MAYOR OF LONDON

Endorses the application for the temporary structure which in line with both the draft Culture Strategy and Economic Development Strategy. The structure will enable the BFI London Film Festival to maintain its world-class status.

### TRANSPORT FOR LONDON

No objection.

### THE GARDENS TRUST

No comment.

### WESTMINSTER SOCIETY

No objection.

### DESIGNING OUT CRIME OFFICER

No objection.

### HEAD OF CITY PROMOTIONS, EVENTS AND FILMING

Since 2016 there has been a significant reduction in the overall number of days by which the gardens have been used for events from 107 days in 2016 to 63 days in 2017 (excluding bandstand performances). A further reduction is anticipated in 2018.

### ENVIRONMENTAL HEALTH

No objections.

- A history check of the Environmental Health's nuisance database of similar events held by BFI in October of the last two years show no records of complaints being made against the events.
- Prior to the start of any activities Environmental Health will require as part of the Premises License 24 hour contact phone numbers for immediate response made available to the Noise Team (and also advertised to residents) for the build, event and de-rig.
- The event is run and managed along similar lines to previous years therefore raises no concerns to Environmental Health with regard to noise nuisance principally because the levels required for audience enjoyment is intrinsically considered to be not at nuisance levels.

### HIGHWAYS PLANNING

The increase in trip generation is unlikely to have a significant adverse impact on the public highway.

### CLEANSING OFFICER

No objection to the proposed storage arrangements for waste and recyclable materials.



## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 519  
Total No. of replies: 10  
No. of objections: 6  
No. in support: 4

Letters have been received from VisitBritain, Film London, The Film Distributors' Association and London & Partners writing in support for the event.

Six neighbouring residents have raised objection to the proposals on the following grounds:

### LANDUSE

- The gardens are intended to be a place of peace and relaxation.
- Paths will be blocked.
- The gardens should be retained for residents, visitors and workers.
- In past years the immediate park environment has been left as a muddy space absent of grass, flowers etc. for several weeks.

### DESIGN

- The proposal is not in keeping with the size of the gardens.
- The cinema is an eyesore.

### AMENITY

- The set-up of the temporary structure is noisy and intrusive.
- The proposal does not seem to respect the intentions of the Council to protect and enhance tranquil open spaces.

### OTHER

- Request the Council publish the charges made to BFI for using this space.
- Construction should not start before 8am or finish after 6pm.
- A person should be on hand at the premises to receive calls from residents regarding noise and other nuisances.
- The council should ensure there are enough toilet facilities.
- Security should be provided.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The Victoria Embankment Gardens are a Grade II Star Registered Historic Park. The Villiers Garden is located to the north of Embankment Station and is one of three gardens which comprise the Victoria Embankment Gardens. It is located within the Savoy Conservation Area and there are a number of listed memorials and other

structures within it, including most notably for this proposal the Statue of Sir Wilfred Lawson (Grade II), the Camel Corps Memorial (Grade II) and the York Water Gate (Grade I).

Outside of the gardens to the north are a number of listed buildings of all grades, including the notable enclave of 17th / 18th century terraced houses in Buckingham Street, built on the site of the former York House. The view through the gardens, of the Water Gate with the terrace of houses beyond is noted by the Savoy Conservation Area Audit as a Local View, with a number of other Local Views noted variously around the Gardens in recognition of its landscape and spatial characteristics and interaction with the surrounding townscape.

## 6.2 Recent Relevant History

29 August 2017 – Planning permission and advertisement consent granted for the use part of Victoria Embankment Gardens and erection of temporary structures for a temporary cinema event for the BFI London Film Festival and a series of World Cinema premieres from 4th - 20th October 2017 (including construction and de-rigging between 21st September - 4th October and 21st - 27th October and display of 3 externally illuminated fascia signs measuring 5.40m x 4.00m, 2.00m x 6.00m, 2.00m x 1.50m, and a non-illuminated hoarding sign measuring 0.50m x 1.00m. (17/05149/FULL and 17/05150/ADV)

7 September 2016 – Planning permission and advertisement consent granted for the use of part of Victoria Embankment Gardens as a temporary cinema event space for the 60th BFI London Film Festival from 6th to 16th October 2016 which includes installation of enclosed temporary cinema structure (with approximately 780 raked audience seats) accompanying box office/concessions structure and a red carpet cinema entrance and display of externally illuminated signs measuring 5m x 4m and 2m x 6m and non-illuminated sign measuring 2m x 1.5m. (16/07369/FULL and 16/08130/ADV)

## 7. THE PROPOSAL

The application relates to the open space of lawns, flowerbeds and footpaths at the western end of this section of the gardens facing the Victoria Embankment bandstand. Permission is sought to use part of the gardens as a temporary cinema event space between 10<sup>th</sup> and 21<sup>st</sup> October 2018. This will consist of world cinema screenings for the 62<sup>nd</sup> LFF. During these dates the operation of the event will not be outside of 1100 - 2300 hours each day.

The 20 days setup and derig would take place between 27 September – 9 October and 22 – 29 October respectively. The site boundary would increase during these dates to include the hard standing opposite the bandstand and road access from Victoria Embankment. The total duration on site would be 33 days, a reduction of 4 days compared to the 2017 event.

The largest structure is the auditorium which would provide seating for 806 and would be approximately 35m long, 25m wide and 12m high. Other structures include a toilet block, box office, VIP and red carpet areas. The proposals include night-time temporary lighting and ancillary paraphernalia such as generators, fencing and temporary surfacing. The

front of the auditorium, box office and all heras fencing will be treated with green vinyl wraps. The size of the adverts are the same as permitted in 2017.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The 12 day screening event would be part of the LFF, which is Britain's leading film event. The annual event presents approximately 250 feature films and 150 short films from more than 70 countries and attracts approximately 195,000 attendances across London and in cinemas throughout the UK.

The applicant states that the LFF provides a unique showcase of British and International talent, which supports a diverse and growing industry providing strong economic and social benefits. In addition, by locating the LFF in Victoria Embankment Gardens, this serves to boost the economy and standing of Westminster and London as a cultural hub and world city. Support has received from the Mayor of London, VisitBritain/VisitEngland, Film London, the UK Film Distributors Association and London & Partners.

In terms of the broader use of the gardens for holding events, the Head of City Promotions, Events and Filming has set out that since 2016 there has been a significant reduction in the overall number of days by which the gardens have been used for events. Reducing from 107 days in 2016 to 63 days in 2017 (excluding bandstand performances) and a further reduction is anticipated in 2018.

The principle of events operating in the gardens has been established over the years, most notably by the Luna Cinema and Planit events, although there is no planning history for those events. The garden has also been used for other events such as the interactive sport stations during the 2012 Olympics. Most recently permission has been granted for a similar proposal for the LFF in 2016 and 2017.

Policies S35 of the City Plan and DES12 of the Unitary Development Plan (UDP) both seek to protect open spaces including squares and gardens. The event will be temporary in nature but will conflict with these policies whilst the associated structures of the event are in place. The gardens would remain open to the public during the event but it would lose some of its important open character and it would affect the setting of adjacent and nearby heritage assets. Consideration of the harm is set out in more detail below.

### **8.2 Townscape and Design**

Victoria Embankment Gardens is a Grade II Star Registered Park of notable landscape, townscape and historic interest. The gardens contain a number of listed memorials, most notably for this proposal the Camel Corps Memorial and the York Water Gate (Grade I listed). The site lies on the cross-axis from the southern entrance to the Gardens from the road, to the Water Gate with the group of Grade I and II\* listed buildings that line Buckingham Street in the background. This is a significant element of the Gardens' landscape design.



The application is similar to the temporary siting of a cinema on this site for the LFF that was approved in 2016 and 2017. The period previously approved in 2017 was for 17 days (4 - 20 October). The current proposal seek an event period of 12 days. The construction and de-rigging period before and after these quoted dates increase the effects of the proposals to 33 days.

The design of the proposal is essentially the same as the 2017 scheme. The external treatment of the structure focuses on the greenery of the park, rather than the sky blue wrap approved in 2016. All heras fencing and the front of the auditorium will include a green wrap which are designed to reduce the visual impacts of the structures.

The event will inevitably have a detrimental effect on the character of the gardens, and the setting of adjacent and nearby heritage assets for the duration of its build, operation and removal. At full effect, this will be 'substantially' harmful to the character of the gardens as it will fundamentally change that character from a public park to a developed and branded entertainment site, albeit for a temporary period.

The impacts will include encroachment into views of the York Gate and Buckingham Street listed buildings along the axis from the southern gate, and in views from those back towards the gardens and the river beyond. The setting of the listed memorials will also be compromised. The impacts on built heritage assets would represent 'less than substantial' harm. Whilst the mitigating colour wraps are an improvement upon 2016, this can only provide partial mitigation to the visual impacts due to the large scale and built nature of the development which contrasts with the character of the site.

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard be given to the preservation of the setting of listed buildings, and to the preservation or enhancement of the character or appearance of conservation areas when determining applications affecting them.

This statutory requirement is further advised by Paragraphs 195 and 196 of the NPPF (2018), (which also requires a similar level of care be given to Registered Parks) and by WCC's own policies and guidance (in particular DES 1, DES 9, DES 10 and DES 12 of the UDP).

Together this effectively imposes a statutory presumption against the approval of harmful proposals unless the harm caused is significantly and demonstrably outweighed by public benefits which the proposals would directly secure. In this regard, and as highlighted by Historic England, it is important to give due regard to whether that public benefit could be alternatively provided by other, less sensitive sites.

The applicant proposes some measures to protect the Camel Corps monument and York Watergate during the construction phase. During the event branding on the heras fencing is proposed to highlight and celebrate the historic stories of these assets.

Given the degree of harm, albeit temporary, the application should only be approved if the Committee is satisfied that the cultural and public benefits which the event would bring will offset this harm.

With regard to the advertisements sought, subject to the principle of the wider development being considered acceptable, the temporary nature of the signage is considered acceptable subject to a condition to ensure they are only displayed between 6<sup>th</sup> - 23<sup>rd</sup> October this year.

### **8.3 Residential Amenity**

In terms of increased noise and disturbance, it should be acknowledged that Victoria Embankment Gardens and its surrounds is a busy location and hosts many outdoor events. The nearest residential is located on York Buildings, Buckingham Street and Villiers Street, approximately 50m from the proposed event structures.

Environmental Health raise no objections and have confirmed that no complaints were made during the staging of the event last year. The event will be subject to its own Premises License which will be assessed by Environmental Health and the noise and vibration levels will be set in conjunction with Environmental Health on completion of the build. The event will be subject to the relevant controls exerted on it by the Licensing regime and Health & Safety legislation. On this basis it is not considered necessary to attach noise and vibration conditions in this instance.

Prior to the start of any activities Environmental Health have confirmed they will required a 24 hour contact phone number for immediate response made available to the Noise Team (and also advertised to residents) for the build, event and de-rig.

The activity that the event would produce between the hours of 10.30 and 23.30 is not considered to be unreasonable given the character and location of the surrounding area. The application is considered to comply with Policies ENV13 of the UDP and S29 and S32 of the City Plan.

### **8.4 Transportation/Parking**

The event and associated structures will occur wholly within the gardens itself and not on the public highway. Given the size of the gardens, it is considered that there will be sufficient room for the use and servicing will to be carried out without adverse impact on the public highway. All servicing will need to be from Embankment which is part of the TfL Road Network. An informative is added to remind the application to contact TfL.

### **8.5 Economic Considerations**

The Head of City Promotions, Events and Filming has commented as follows: "The Council would receive a significant rental fee from the BFI for the use of the gardens, which will be reinvested into the Council's parks budget. Given the significant cuts to this budget area since 2010, the income generated from events represents a way by which the Council can continue to maintain its parks and open spaces within the current budgetary constraints at the same time as facilitating a high quality cultural event."

In broader terms, the LFF is recognised as a significant event for London at both national and international level, promoting the City and attracting people into Westminster. This inevitably has a positive impact on the local economy. The Mayor of London in his comments on the application highlights that the LFF is hugely important to

London, a key annual feature for the film industry and that the structure at Victoria Embankment Gardens will enable the festival to maintain its world-class status.

One representation requests that the Council publish the charges made to BFI for using the space. As set out above the rental fee is reinvested into the Council's parks budget. The case officer is not aware of the detailed account information. If an interested party seeks the exact amount, a request can be made under the Freedom of Information Act.

## **8.6 Access**

The auditorium is designed to meet the DDA best practice guidance.

## **8.7 Other UDP/Westminster Policy Considerations**

### **Waste**

A Waste Management Plan has been submitted which sets out how the contracted cleansing team will collect waste during the day and place it into wheelie bins around the site. This will then be transferred to euro bins for collection at the end of each day. The Cleansing Manager raises no objections.

### **Trees and Biodiversity**

An Ecology Appraisal of the site has been undertaken which explores the impact of event. The appraisal considers the event to be low impact and makes minor mitigation recommendations which include the use of a low impact lighting scheme. The applicant has confirmed that they will be undertaking the mitigation measures set out in the report. As previously imposed, tree protection measures will be secured by condition.

## **8.8 London Plan**

This application raises no strategic issues.

## **8.9 National Policy/Guidance Considerations**

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

## **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application. There will not be a requirement to make a Community Infrastructure Levy payment due to the proposals being temporary.

## **8.11 Environmental Impact Assessment**

The application is not of a sufficient scale to require its own Environment Impact Assessment.

## 8.12 Other Issues

### **Construction impact**

The main build is scheduled between 27th September - 9th October and dismantling is scheduled for 22nd - 29th October. The standard hours of construction condition is recommended limiting noisy works to between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. All vehicles will enter from the east side of Embankment. This is part of the TfL Road Network and as such the applicant will need to liaise with TfL to obtain the necessary permissions.

### **Crime and security**

24-hour site security coverage will be provided by the BFI's appointed special events security provider. A Crime Prevention and Counter Terrorism Statement has been prepared in consultation with the Met Police and National Counter Terrorism Security Advisors. The Crime Design Officer raised no objections.

(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: JULIA ASGHAR BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)

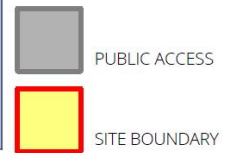
## 9. KEY DRAWINGS

SITE BOUNDARY – BUILD & DERIG

people



SITE BOUNDARY DATES:  
27<sup>th</sup> SEPT – 9<sup>th</sup> OCT 2018  
22<sup>nd</sup> OCT – 29<sup>th</sup> OCT 2018

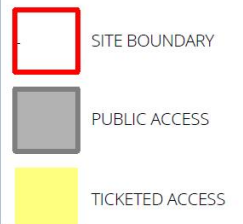


SITE BOUNDARY – LIVE EVENT

people



LIVE EVENT SITE BOUNDARY DATES:  
9<sup>th</sup> OCT – 21<sup>st</sup> OCT 2018







Computer generated image



**DRAFT DECISION LETTER – 18/03732/FULL**

- Address:** Victoria Embankment Gardens , Villiers Street, London, WC2N 6NE
- Proposal:** Use part of Victoria Embankment Gardens and erection of temporary structures for a temporary cinema event for the BFI London Film Festival and a series of World Cinema premieres from 10th - 21st October 2018 (including construction and de-rigging between 27 September to 29 October 2018). Linked to 18/03733/ADV
- Plan Nos:** Community Engagement Statement (BFI); Construction and Service Management Plan (BFI and People Live Limited); Crime Prevention and Counter Terrorism Statement (Pace Prestige Services); Design and Access Statement (BFI and People Live Limited); Ecology Appraisal and Report (Arbtech Consulting Ltd); Event Safety Management Plan (TESS); Heritage Statement (BFI); Noise Management Plan (Vanguardia); Photo Visualisations; 3D Visualisations; Façade and Fence Artwork (BFI and People Live Limited); Planning Statement (GL Hearn); Site plans, multiple versions: - Block plan, basic plan, build perimeter, live perimeter, public audience flow. (People Live Limited and Arena Group); Temporary structure elevations (Arena Group); Waste Management Plan (People).

**Case Officer:** Vincent Nally

**Direct Tel. No.** 020 7641 5947

**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 The use of Victoria Embankment Gardens for the BFI London Film Festival event hereby approved can only take place between 10 October 2018 and 21 October 2018. You must not begin works to set up the site before 27 September 2018. You must remove all structures from the site by 29 October 2018. Once all structures are removed the land must be made good and returned to its previous condition and use.

Reason:

Use for more than a limited period would be harmful to the character and appearance of the gardens and the Savoy Conservation Area.

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 and 2.5 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 The film event can only operate between the hours of 10.30 to 23.30 hours each day.

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. (R22CC)

- 5 During the construction and de-construction of the event structures, you must fully protect any of the listed monuments/structures which are within 10m of the event structures or within 5m of the route for construction vehicles. The protection measures must include appropriate exclusion fencing or hoardings which are capable of withstanding impact from building elements or construction vehicles. All vehicle movements must be attended by a banks-person and all site personnel must be trained regarding the protection of the listed monuments/structures within the Gardens. All protection measures must be fully reversible and removed immediately upon completion of the construction and de-construction phases. If any physical damage is caused to listed monuments/structures within or bounding the Gardens, you should make arrangements, with agreement from the Council, to carry out repairs within six months of the date of the event structures being removed from the site.

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 Savoy 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 Before the works commence you must protect the trees in Victoria Embankment Gardens by:
- the erection of protective fencing;
  - placement of ground protection,
  - remediating the soil in the root protection areas of the trees; and
  - implementing an auditable system of arboricultural site supervision during construction and dismantling of the event structures

The specifications and details of for the tree protection must conform to the recommendations in BS5837:2012 Trees in relation to design, demolition and construction - recommendations. You must maintain the tree protection for the duration of the development and you must not start any work, and you must not take any equipment, machinery or materials for the development onto the site until these tree protection tree protection measures are in place.

**Reason:**

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Savoy 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)

- 7 The event must not commence until the wrap/branding of the structures has been applied as set out in the Design and Access Statement.

**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 Savoy 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)

**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 The area is going to be providing licensable activities, this will require a Premises Licence under the Licensing Act 2003. The applicant should have regard to the City of Westminster Statement of Licensing Policy and the hours of operation with regard to applying for licensable activities such as the Supply of Alcohol, Regulated Entertainment and Late Night Refreshment. Further advice can be given by the Council's Licensing Service on 020 7641 1884.

- 3 You are advised that before the site is open to the public, it must be inspected by the Environmental Health Consultation Team to ensure that it complies with all the relevant statutory requirements.
- 4 Any speakers must be located to the satisfaction of the Environmental Health Consultation Team.
- 5 Any generators, refrigerators or other machinery must be silenced, screened or sited so as not to be audible outside the gardens.
- 6 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 7 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 8 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk).

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk)

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 9 You are reminded that this permission does not discharge the requirements under the Traffic Management Act 2004. Formal notifications and approval may be needed for both the permanent (or temporary) highway scheme and any temporary highway works required during the construction phase of the development. Details can be found at <https://tfl.gov.uk/modes/driving/red-routes>. Please contact Transport for London (GavinMcLaughlin@TfL.gov.uk) at the earliest opportunity in relation to any required abnormal loads or cranes accessing the site from or on the TLRN.

**DRAFT DECISION LETTER – 18/03733/ADV**

- Address:** Victoria Embankment Gardens , Villiers Street, London, WC2N 6NE
- Proposal:** Display of 3 externally illuminated fascia signs measuring 5.4m x 4m, 2m x 6m, 2m x 1.5m, and a non-illuminated hoarding sign measuring 0.5m x 1m. Linked to 18/03732/FULL
- Plan Nos:** Design and Access Statement (BFI and People Live Limited); Heritage Statement (BFI); Photo Visualisations; 3D Visualisations; Façade and Fence Artwork (BFI and People Live Limited); Planning Statement (GL Hearn); Site plans, multiple versions: - Block plan, basic plan, build perimeter, live perimeter, public audience flow. (People Live Limited and Arena Group); Temporary structure elevations (Arena Group).
- Case Officer:** Vincent Nally **Direct Tel. No.** 020 7641 5947

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

- 1 You can display the advert from 6 October 2018 to 23 October 2018. You must then remove it without delay. (C04BA)

**Reason:**

The advert is temporary, so under DES 8 of our Unitary Development Plan that we adopted in January 2007, we can only approve it for a limited period. (R04AB)