

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	31A Ennismore Mews, London, SW7 1AP,		
Proposal	Excavation of a single storey basement extension under existing property footprint, front courtyard, rear courtyard and vaults. Provision of lightwell in front courtyard. Alterations to existing vaults (Site Includes 65 Ennismore Gardens).		
Agent	Cranbrook Basements Ltd		
On behalf of	Riverway (Centenary) Ltd		
Registered Number	18/03225/FULL & 18/03226/LBC	Date amended/ completed	20 April 2018
Date Application Received	20 April 2018		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Knightsbridge		

1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional listed building consent.
3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

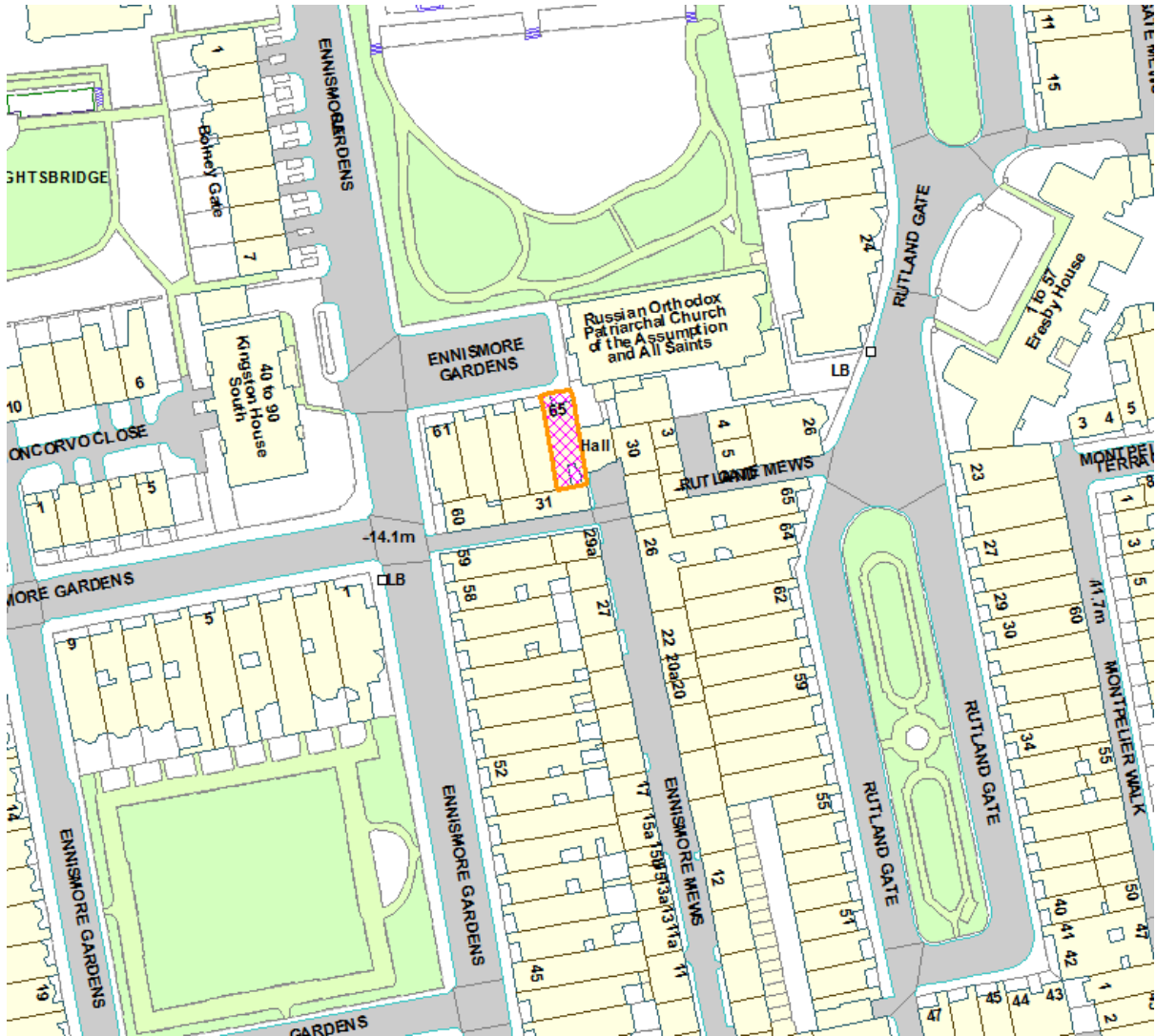
The application site occupies the lower ground floor within 65 Ennismore Gardens and comprises a two bedroom flat. The entrance to the flat is from 31A Ennismore Mews. The building is Grade II listed and located within the Knightsbridge Conservation Area.

In January 2015, permission and listed building consent were granted for the excavation of a new basement level under the footprint of the existing building and front courtyard (facing Ennismore Mews) and the removal of an internal wall within the vaults that extend under Ennismore Gardens (RN:14/09703/FULL and 14/10733/LBC). Work is currently taking place on site in connection with this permission.

This latest application is for a larger basement extension, which extends under the footprint of the existing building, front courtyard, rear courtyard and vaults. The provision of a lightwell in the front courtyard and alterations to the vaults.

The council has received two letters of objection that raise construction impact concerns. The proposed development is considered to be acceptable in construction impact terms subject to the imposition of a condition that requires details of evidence that any implementation of the scheme by the applicant or any other party, will be bound by the council's Code of Construction Practice. The proposals are considered acceptable in all other respects for the reasons set out in the report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



65 Ennismore Gardens



Entrance 31A Ennismore Mews

5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION:
Any response to be reported verbally.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:
Any response to be reported verbally.

BUILDING CONTROL:
The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using RC underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

HISTORIC ENGLAND ARCHAEOLOGICAL ADVISORY SERVICE:
The proposed extension is not within an Archaeological Priority Area and is unlikely to impact upon significant archaeological remains. No further assessment or conditions are therefore necessary.

ENVIRONMENTAL HEALTH:
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:
No. Consulted: 76
Total No. of replies: 2
No. of objections: 2

Objections from residents within Ennismore Gardens on some or all of the following grounds:

- Current excavation works are causing noise and disruption, dust, rodent problems and health problems for surrounding residents;
- Adjacent properties have suffered from subsidence damage (cracks in walls/ceilings, windows not closing as smoothly as before);
- Metal framed high safety doors on site are not operating as they should, creating a security risk;
- Slow response from the contractors associated with the current excavation when dealing with problems.

(N.B the objections were made under a different application reference. Three other sets of applications for similar works, intended to amend the 2015 permission and listed building consent, were submitted around the same time but have since been withdrawn (RN:18/01557/FULL and 18/01558/LBC, 18/0155 18/04005/FULL and 18/04089/LBC, 18/03223/FULL and 18/03224/LBC)).

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site occupies the lower ground floor within 65 Ennismore Gardens and comprises a two bedroom flat. The building is Grade II listed and located within the Knightsbridge Conservation Area. The entrance to the flat is from 31A Ennismore Mews.

6.2 Recent Relevant History

In January 2015, planning permission and listed building consent were granted for construction of single storey basement extension under existing property footprint and front courtyard. Provision of lightwell in front courtyard. Alterations to existing vaults (RN: 14/09703/FULL and 14/10733/LBC). The excavation of this basement is at an advanced stage.

Three sets of applications for similar works to those proposed under the current applications, intended to amend the 2015 permission and listed building consent, were submitted around the same time but have since been withdrawn (RN:18/01557/FULL and 18/01558/LBC, 18/0155 18/04005/FULL and 18/04089/LBC, 18/03223/FULL and 18/03224/LBC).

7. THE PROPOSAL

Planning permission and listed building consent are sought for excavation of a single storey basement extension under the existing property footprint, front courtyard, rear courtyard and vaults. The basement will be used as a family/media room, gymnasium and storage space. The only external manifestation of the basement will be a lightwell in the front courtyard. Works are also proposed to convert the front vaults into a utility room.

	Existing GIA (sqm)	Proposed GIA (sqm)	+
Residential (C3)	120	247	127

8. DETAILED CONSIDERATIONS

8.1 Land Use

The new basement would create ancillary accommodation for an existing two bedroom lower ground floor flat. The plans show the new basement would provide a family/ media room, storage room, and gymnasium. The amount of light to the basement rooms will be limited. The proposal is considered acceptable on the basis that the new basement is used as ancillary accommodation in connection with an existing flat. On this basis the proposal is considered acceptable and in accordance with Policy H3 of the UDP and Policy S14 of the City Plan.

8.2 Townscape and Design

The basement is not considered to harm the special interest of this listed building and is considered acceptable. The only external manifestation of the basement is a small front lightwell (with grille) within the front courtyard (facing Ennismore Mews). As the courtyard is completely enclosed with high walls surrounding, the lightwell alteration will only be visible from the upper floors of 65 Ennismore Gardens and is considered to be acceptable. It is also proposed to convert the front vaults into a utility room. The proposals are considered to be compliant with Policies S25, S28 and CM 28.1 of the City Plan, and with DES 1, DES 5, DES 9 and DES 10 of the UDP.

8.3 Residential Amenity

The proposals would not result in a material loss of light, increased overshadowing, increased sense of enclosure or loss of privacy over the existing arrangement. The proposals would accord with policy S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

The enlargement of the dwelling would not have a material impact on traffic generation or on-street parking pressure in the area.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access arrangements will remain unchanged

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The proposal does not increase the number of residential units. It is not considered necessary to require details of waste storage to be submitted.

8.8 Neighbourhood Plans

The draft Knightsbridge Neighbourhood Plan and all submission documents, representations received, and subsequent modifications proposed to it have been considered by an independent examiner who has issued their final report with recommendations. The council will now consider the examiner's recommendations before publishing its 'Decision Statement'. Depending on the outcome of this, the plan will then need to proceed to a referendum before it can formally become part of the statutory development plan and be attributed full weight. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the draft neighbourhood plan, these are discussed elsewhere in this report.

8.9 London Plan

This application raises no strategic issues.

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.

8.11 Planning Obligations

The estimated Mayor's CIL payment is £6,350

The estimated WCC CIL payment is £69,850

8.12 Environmental Impact Assessment

An Environmental Impact Assessment is not required for a scheme of this size.

8.13 Other Issues

Basement

The proposals are considered to be in accordance with the Council's basement policy, CM28.1 of the City Plan, as set out below.

Part A. 1-4

These parts of the policy relate to ground conditions, structural methodology, the Code of Construction Practice, structural stability and flood risk. Objections have been received from neighbouring residents on the grounds that the current construction works associated with RN: 14/09703/FULL have led to subsidence damage (cracks in walls/ceilings and windows not closing as smoothly as before) and that further excavation could increase the damage.

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control who advise that the structural methodology proposed is appropriate for the ground conditions that are likely to be on this site. Accordingly, it is considered that as far as is reasonable and practicable at this stage, the applicant has satisfactorily investigated the site and surmised the likely existing ground conditions and provided a suitable structural methodology report in light of it.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report.

Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

Part A. 5

Objections have also been received from neighbouring residents on the grounds that the proposals will cause disturbance in terms of noise, dust, rodents and associated health problems for nearby residents.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process.

The concerns of the neighbouring residents are at the heart of why the City Council has adopted its new Policy in relation to basements (CM28.1) and created the new CoCP. While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours.

Additionally, a condition is recommended to ensure that any building work which can be heard at the boundary of the site is only carried out 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. Piling, excavation and demolition work will only be carried out between 08.00 and 18.00 Monday to Friday and not at all on Saturdays, Sundays, bank holidays and public holidays.

Part A. 6

The site is not in an archaeological priority area and therefore part 6 does of the policy does not apply.

Part B. 1 and 2

The proposals do not involve the loss of any trees within the site boundary, nor are there nearby trees of concern.

Part B. 3

No details about how the basement will be ventilated have been provided at this stage. Any plant machinery will need to be applied for separately under a further application.

Part B. 4 and 7

The flood risk assessment states that as a precautionary mitigation measure the owner of the property has agreed to subscribe to the Environment Agency's Flood Warning service and ensure that this service is made available to all occupants of the building. An informative has been attached, advising that a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer.

Part B. 5 and 6

The proposed works would not harm the special interest of the listed building nor would they negatively impact on the conservation area. (see Section 8.2 of this report).

Part C. 1 and 2

The proposed basement would extend under the existing property footprint, front courtyard, rear courtyard and vaults. The proposed basement would extend under the whole of the front courtyard with no soil depth or margin of undeveloped land retained. However, given that this part of the basement has already been implemented under the previous permission and the size/ enclosed nature of the courtyard, this is considered acceptable in this instance. The area of additional excavation, over what has been approved previously, is fully compliant with Part C. 1 and 2.

Part C. 3

A single basement is proposed which is considered acceptable and in accordance with this part of the policy.

Part D

The basement does not extend under the highway, therefore this part of the policy does not apply.

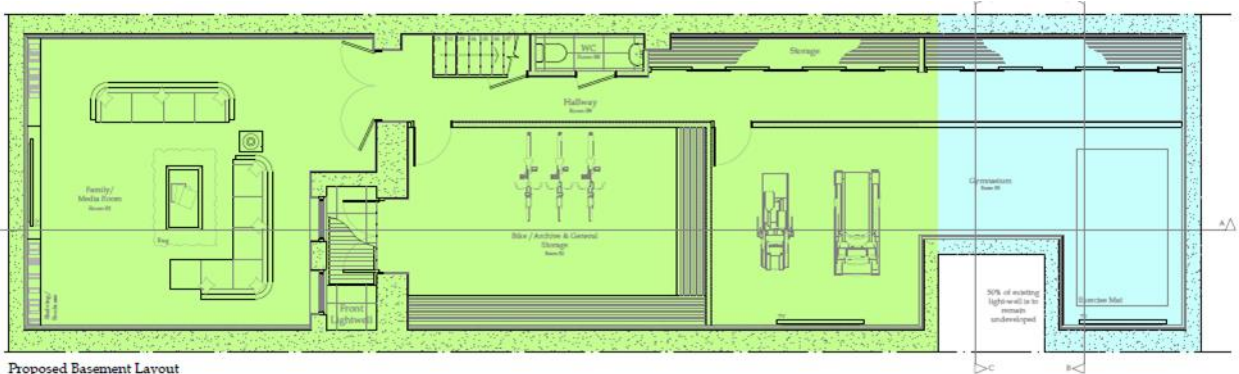
Overall, the proposed basement is considered to comply with City Plan Policy CM28.1.

(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: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

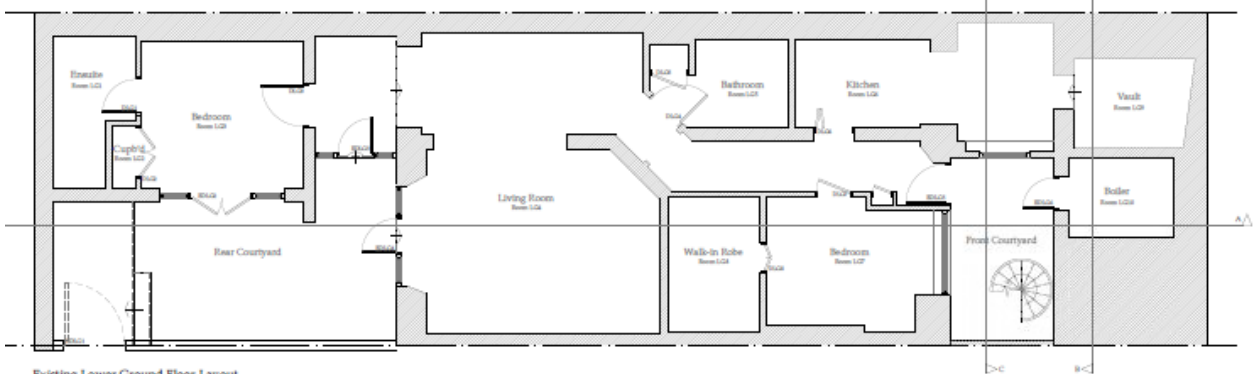
9. KEY DRAWINGS

Proposed Basement Layout



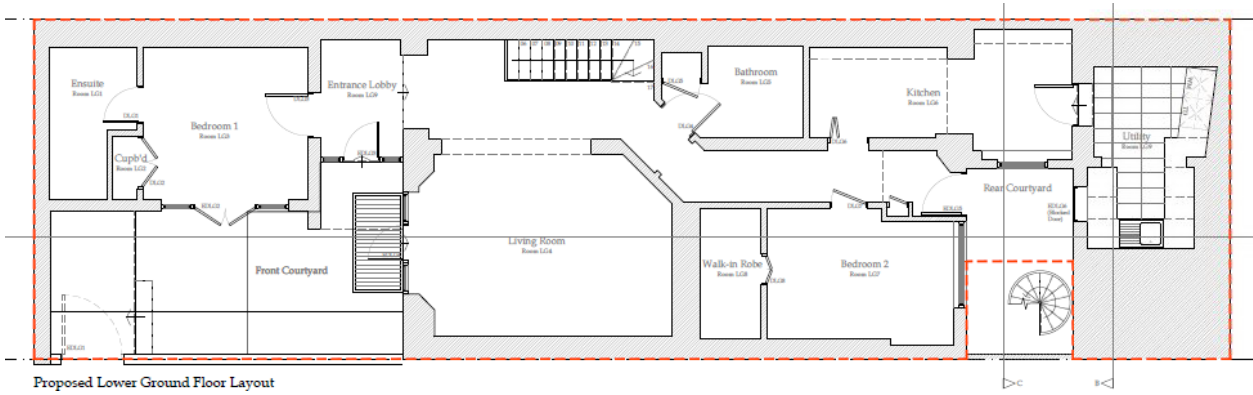
Proposed Basement Layout

Existing Lower Ground Floor Layout



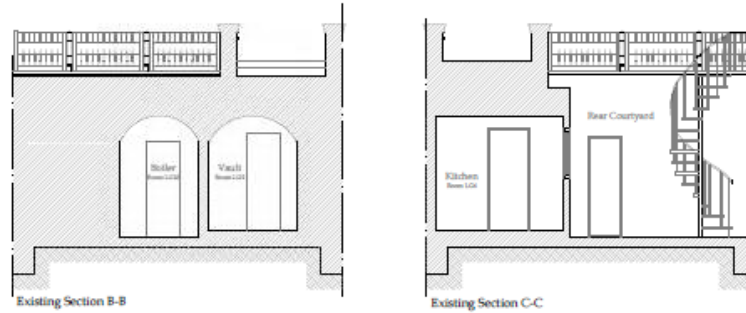
Existing Lower Ground Floor Layout

Proposed Lower Ground Floor Layout

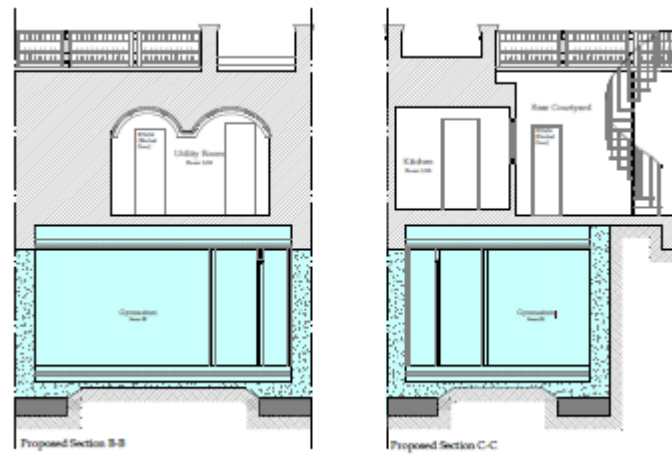


Proposed Lower Ground Floor Layout

Proposed Section B-B and C-C



Existing Section B-B and C-C



DRAFT DECISION LETTER

- Address:** 31A Ennismore Mews, London, SW7 1AP,
- Proposal:** Excavation of a single storey basement extension under existing property footprint, front courtyard, rear courtyard and vaults. Provision of lightwell in front courtyard. Alterations to existing vaults. (Site Includes 65 Ennismore Gardens)
- Reference:** 18/03225/FULL
- Plan Nos:** 2198-500.1; 2198-501; 2198-200.3 Rev. A; 2198-201.3 Rev. A.

For Information:

Design Philosophy dated September 2014; Hydrological Report dated 10 September 2014; Supervising Chartered Structural Engineers details; Appendix A; Basement Engineering Method Statement Rev. B dated 20 April 2018; Cover Letter dated April 2018; Design and Access Statement dated 20 April 2018; Construction Method Statement Executive Summary dated 20 April 2018; Flood Risk Assessment Report dated April 2018.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

- 4 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

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)

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 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 3 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)
- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work. Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP
Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

- 6 With reference to condition 4 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. You are urged to give this your early attention

- 7 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect you to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquires should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing riskmanagement@thameswater.go.uk.

Application forms should be completed online via www.thameswater.co.uk/wastewaterquality.

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.

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- Reference:** 18/03226/LBC
- Plan Nos:** 2198-500.1; 2198-501; 2198-200.3 Rev. A; 2198-201.3 Rev. A.

For Information:

Design Philosophy dated September 2014; Hydrological Report dated 10 September 2014; Supervising Chartered Structural Engineers details; Appendix A; Basement Engineering Method Statement Rev. B dated 20 April 2018; Cover Letter dated April 2018; Design and Access Statement dated 20 April 2018; Construction Method Statement Executive Summary dated 20 April 2018; Flood Risk Assessment Report dated April 2018.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

- 1 The works 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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 - 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.