



Your ref: Apple Store Lighting Applicat...  
My ref: 16/06124/FULL

**Please reply to:** Ken Powell  
Tel No: 020 7641 2927  
Email: [centralplanningteam@westminster.gov.uk](mailto:centralplanningteam@westminster.gov.uk)

Mr Barnaby Collins  
DP9  
100 Pall Mall  
London  
SW1Y 5NQ

**Development Planning**  
Westminster City Hall  
PO Box 732  
Redhill, RH1 9FL

31 August 2016

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990  
REFUSAL OF PERMISSION TO DEVELOP

The City Council has considered your application and REFUSES to permit the development referred to below as shown on the plans submitted.

Your attention is drawn to the Applicant's Rights.

**SCHEDULE**

<b>Application No:</b> 16/06124/FULL	<b>Application Date:</b> 16/06125/LBC
<b>Date Received:</b> 29.06.2016	<b>Date Amended:</b> 04.07.2016
<b>Plan Nos:</b> A-C-410; A-M-410	
<b>Address:</b> 235 Regent Street, London, W1B 2EL,	
<b>Proposal:</b> Installation of two external light fittings to illuminate store flag.	

See next page for reasons for refusal.

Yours faithfully

**John Walker**  
**Director of Planning**

**Reason(s) for Refusal:**

- 1 The illuminated flag and flagpole would be incongruous and obtrusive features of the street and they would fail to maintain or improve (preserve or enhance) the character and appearance of the Regent Street Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 8, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 The illuminated flag requires advertisement consent.

**Note:**

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# City of Westminster

## TOWN AND COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

### Applicant's Rights and General Information

#### 1. Applicant's Rights (refusals and conditional approvals)

##### a) *Appeals to the Planning Inspectorate*

If your application has been **refused** by the City Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government.

The time limits for submitting an appeal may vary. The period after the date of the City Council's decision within which an appeal must be received by the Secretary of State is:

- o **28 days** in the case of an appeal against refusal of a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice.
- o **8 weeks** in the case of an appeal against refusal of advertisement consent.
- o **12 weeks** in the case of appeals made under s78(1) against refusal of any 'householder application' – that is,
  - refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house.
  - Refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.
  - Refusal of prior approvals relating to dwelling houses, including the neighbours' consultation scheme for larger home extensions under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order.
- o **12 weeks** in the case of 'minor commercial applications that is,
  - refusal of an application for development of an existing building or part of a building currently in use for any purposes in Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.
  - Interested parties have no right to comment on an appeal with regards to a minor commercial development (specifically a shopfront).
- o **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building consent application. The 6 month time limit also applies to any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

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If you want to appeal, you must use the correct appeal form from the following list: Planning, Householder, Minor Commercial, Listed Building Consent or Certificate of Lawful Use or Development.

The Planning Inspectorate has an online appeals service: <https://www.gov.uk/planning-inspectorate>  
The Inspectorate will publish details of your appeal on the internet. This may include a copy of the application form and associated documents and the completed appeal documents. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure that you have their permission to do so. Alternatively, you can obtain a form from the **Customer Support Team, Planning Inspectorate, 3/08a, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0303 444 5000**. An extension of time for lodging an appeal is unlikely to be granted except in special circumstances. There is a guide and other useful advice about appeals on line at <https://www.gov.uk/appeal-planning-decision>

**APPROVAL OF DETAILS:**

If your application has been granted and is subject to the approval of details reserved by condition please use the form 'Application For Approval Of Details Reserved By Condition' in order to discharge the relevant details. This form can be downloaded from the City Council's web site at [www.westminster.gov.uk/planning](http://www.westminster.gov.uk/planning)

## **b) Purchase Notices**

In certain circumstances the owner of a property has the right to serve a Purchase Notice on the City Council or the Department for Communities and Local Government. A Notice may be served if, following a refusal or a conditional approval, the owner considers the land cannot be put to a reasonably beneficial use in either its existing state or through development which has or would be permitted. A Purchase Notice would require the City Council to purchase the owner's interest in the land in accordance with the relevant provisions of the Acts (Part VI of the Town and Country Planning Act 1990 and Sections 32-37 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

## **2. General information relating to all approvals**

### **a) Other legislative requirements**

This decision has been made by the City Council as the local planning authority. You are reminded of the need to comply with other relevant regulations and statutory provisions and respect the rights of other owners/occupiers provided by relevant property legislation.

**Transportation:** If your proposal involves works which affect the public highway you should consult the City Council as Highways Authority. This includes works to, over or below any carriageway, footway or public forecourt. You should contact the Highways Planning Team by email [highwaysplanning@westminster.gov.uk](mailto:highwaysplanning@westminster.gov.uk) or telephone 020 7641 3326. If your proposal is related to paving works and/or is associated with an agreement under Section 106 of the Town and Country Planning Act 1990 please telephone: 020 7641 2920.

**Highways Licensing:** For general enquiries about temporary structures on the highway, such as hoardings, skips, the excavation and storage of materials on the highways, please telephone 020 761 2000.

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**Building Control:** You are advised to contact Westminster District Surveyors immediately to find out whether your proposal will require consent under the Building Regulations: Tel: 020 7641 6500 Email :districtsurveyors@westminster.gov.uk.

Building Regulation forms and further information is available on the Council's web site: <http://www.westminster.gov.uk/services/environment/landandpremises/buildings/forms/>

**Land Drainage:** Where major works are involved, Land Drainage Consent may be required under the Water Resources Act 1991 and Thames Region Land Drainage By Laws 1981. You are advised to contact the Environment Agency, Apollo Court ,2 Bishop's Square Business Park, St Albans Road West Hatfield AL10 9EX Tel: 03708 506 506 or email:enquiries@environment-agency.gov.uk.

### ***b) Provision of access and facilities for disabled people***

Designing new buildings and adapting existing buildings to meet the needs of people with disabilities results in a safer and more convenient environment for all. General advice is available from planning and building control officers who can also direct you to appropriate sources of technical/specialist advice.

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