

PP041289

**Geraldeve**

**R.B.K.C. TOWN PLANNING  
APPLICATION  
COMPLETE  
10 JUN 2004**

7 Vere Street London W1G 0JB  
Tel. 020 7493 3338 Fax. 020 7491 1825

Direct tel. 020 7333 6377  
Direct fax. 020 7333 6402  
nhenderson@geraldeve.com

The Executive Director  
Planning & Conservation  
The Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
LONDON  
W8 7NX

Your ref.

Our ref. HJWB/NTH/SM/J4884

£ 110 = 00  
C/N 057916  
R/N 009305.

1 June 2004

EX DIR	HDC	TP	CAC	AD	CLU	AC AK
R.B. K.C.		- 9 JUN 2004			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

Dear Sir

26 and 28 Pont Street

We write on behalf of our client, Cadogan Estates Limited, to make an application under Section 73 of the Town & Country Planning Act 1990 and a second application under Regulation 3(3) of the Town & Country Planning (Applications) Regulations 1988. We deal with each of these applications below separately.

**Application under Section 73 of the Town & Country Planning Act  
Variation of Condition No.4 of Planning Permission Reference TP/97/2320/L/43/4108**

In August 1999, planning permission was granted in respect of 28 Pont Street for:

" The change of use of the ground and first floors for use as a library and school archive, staff rest room, administration office and classroom."

Condition No.4 of this permission stated that:

" The premises shall be used only for the purposes hereby permitted and only in conjunction with Garden House School, 53 Sloane Gardens, Chelsea, SW1.

Reason: The permission has been granted on the grounds that the application premises will be used as an annexe only and not as a separate school."

We enclose a copy of this decision notice and the committee report for your information.

You may be aware that Garden House School will shortly take occupation of Cavalry House which forms part of the Duke of York's Headquarters development. As a result they will no longer require 28 Pont Street. However, Hill House School has expressed an interest in using the property. It is on this basis that it is proposed to vary Condition No.4 of planning permission reference TP/97/2320/L/43/4108 to read as follows:

" The premises shall be used only for the purposes hereby permitted and only in conjunction with Hill House School, Chelsea, SW1."

The reason for the original condition was clearly to prevent the property being used as a separate school. It is considered that the new tenant and the revised condition will maintain this objective. We do not consider the proposal will result in any material difference in terms of the function of the property or the effect of the use upon the surrounding environment and as a result we consider that this application should be granted.

We enclose the relevant Certificate A, site location plan and application fee of £110.

**Regulation 3(3) of the Town & Country Planning (Applications) Regulations 1988  
Renewal of Planning Permission Reference TP/98/0340/L/09/4053**

Notwithstanding the above application, Cadogan Estates Limited also wish to maintain the flexible management of this property for the long term future. As a result, this application seeks to renew planning permission reference TP/98/0340/L/09/4053 which expired on 23<sup>rd</sup> April 2004. The expired permission was for:

" The change of use of part of ground floor and basement of No.26 and basement of No.28 from Class D1 (non-residential institution) to Class B1 (business use) and use of ground and first floors of No.28 for Class B1 (business use)."

We enclose a copy of this decision and the committee report for your information.

We note that in the report by the Executive Director to the Planning Services Committee dated 21<sup>st</sup> April 1999, it was stated that the proposal fell within the then Policy E1, i.e. larger scale office development being 666 sq.m. The report concluded that:

" It is clearly contrary to this policy but there may be material considerations in this case which warrant the departure from this policy."

The material considerations cited were as follows:

- No significant adverse effect on the character and amenity of the surrounding area;
- The Director of Transportation and Highways indicated that such a use may generate less traffic generation and parking than the existing school use;
- The immediate area is not exclusively residential;
- The planning history of both properties clearly indicate that a residential use has not existed for a period in excess of 50 years;
- The site was described as "good" in the public transport accessibility index;
- Both sites had two previous permissions for office use and there were no restrictions preventing the two units amalgamating into one large unit;
- There was no evidence to suggest that separate office uses at Nos.26 and 28 Pont Street would generate less activity than one larger unit, although individually they would not breach Policy E1;
- In terms of residential amenity, internal noise generation was likely to be low-key and large scale traffic generation was not envisaged.

On this basis, and in view of the planning history of the properties, the Committee at that time concluded that an office use on the lower floors of Nos.26 and 28 Pont Street was acceptable and granted planning permission.

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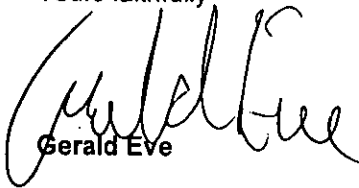
Since this application was granted, the Council has undertaken a review of their UDP and adopted changes as part of the First Review in May 2002. New Policy E1 retains the same criteria as were considered at the time of this planning permission being granted.

On this basis, we consider that there have been no significant changes to either the policy or the material factors that were considered relevant at the time of granting planning permission and we therefore seek the renewal of this planning permission.

We enclose the relevant Certificate A, site location plan and application fee of £110.

Should you have any questions about either of these applications, please do not hesitate to contact Neil Henderson of this office.

Yours faithfully

  
Gerald Eve

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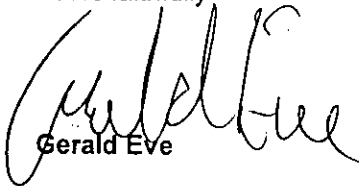
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**CERTIFICATE A**

**Certificate Under Article 7 of the Town and Country Planning (General Development Procedure) Order 1995**

We certify that:

on the day 21 days before the date of the application, nobody, except the applicant, was the owner of any part of the land to which the application relates.

None of the land to which the application relates is, or is part of, an agricultural holding.

Signed: *Gerald Eve* ..... Gerald Eve .

On behalf of: ..... Cadogan Estates Limited

Date: *1/6/04* .....

