

any other persons:-

101

3.1.1 to provide a bicycle park in the basement of the land as indicated on the Drawing and which shall thereafter be permanently retained for the use of the general public and managed in accordance with the approved management plan mentioned in Clause 3.1.2 below

3.1.2 to submit to the Director a management plan for the bicycle park for his approval in writing such approval not to be unreasonably withheld or delayed

3.1.3 to submit to the Council a detailed parking scheme to be approved by the Director in writing which scheme shall include the following:-

- (i) spaces for disabled drivers to be agreed by the Council's Access Officer
- (ii) a prohibition on staff use of the car park
- (iii) restricting use to those persons engaged in the use of the Health Club facilities

3.2 Not to exceed a total membership of 6000 for the time being

3.3 Not to permit more than 400 persons on site at any one time

3.4 To allow the Director at all reasonable times to inspect the membership register on request

3.5 Not to make any further planning application to increase the capacity of the car park

4. **FURTHER TERMS**

4.1 The Owner shall on the execution hereof pay the Council's costs incurred in the preparation and settlement of this Deed in the sum of.....pounds

(£.....)

102

4.2

The covenants in this Deed shall be treated and registered

(a) as local land charges for the purposes of the Local Land Charges Act 1975 and

(b) in the Charges Register of the registered titles of the Owner(s) at HM Land Registry

SCHEDULE

DESCRIPTION OF THE DEVELOPMENT

Conversion of premises at 119-131 Lancaster Road W11 into a health and fitness centre together with assigned car park and bicycle park in accordance with drawings numbered:-

TP/97/1749, TP/97/1749/A and TP/97/1749/B and applicants drawings numbered:-

9757/5/A, 6, 7, 8, 10, 13, 14, 11, 12, 15, 16A, 17A, 18 and SK100

IN WITNESS of which this Deed has been executed on the first date before written

THE COMMON SEAL of the MAYOR)
AND BURGESSES OF THE ROYAL)
BOROUGH of KENSINGTON AND)
CHELSEA was hereunto affixed)
in the presence of:-)

THE SEAL of THE CITY OF)
WESTMINSTER COLLEGE was)
hereinto affixed in)
the presence of:-)

THE SEAL of NATIONAL)
WESTMINSTER BANK PLC was)
hereinto affixed in)
the presence of:-)

103

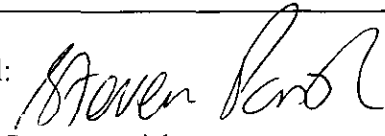
RBKC ARBORICULTURAL OBSERVATIONS

Address	Application No.	DC Officer	Date of Obs
119-131 Lancaster Road	97/1749	MK	18/04/2000
Development		Obj.	No Obj.
Fitness Centre		-----	No objection
Status of Tree(s):			
C.A. No.(if any)	T.P.O. No. & Details (if any)	Tree Work Applications	
-----	-----	-----	

Comments :

The car park and paved areas of the site have been finished to the specifications shown on drawing No. 9757/L(90)1, revision D, dated 18/5/99.

This conforms to condition No.8 of the permission for development. I therefore consider the condition to be met.

Signed:  Date: 18/4/2000

Steven Parish
Arboricultural Officer.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Simon Hastings
Colman Ptnrs.
7/8 Midford Place
London
W1T 5BG

Extension: 2701
Direct Line: 0207-361-2701
Facsimile: 0207-361-3463
Email: plndmt@rbkc.gov.uk
Web: www.rbkc.gov.uk
Mr.: D. Taylor

10th January 2002

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: DPS/DCN/TP/97/ Your reference:
1749

Please ask for: Mr D. Taylor

Dear Sir,

Town and Country Planning Act 1990
Holmes Place, 119-131 Lancaster Road, W11

I write further to my previous letter of 9th February 2001, and our meeting at the Town Hall of Wednesday 5th September 2001, concerning various matters outstanding at the above health club premises.

To summarise, at the meeting we discussed the predicament the Club now find themselves in, whereby two clauses of the Planning Obligation entered into under S.106 of the above Act, together with Condition 13 of the Planning Permission dated 16th January 1998, remain outstanding. Furthermore, whilst planning permission was granted for the movement of a sub-station on the St. Marks Road side on 3rd November 2000, works carried out at the same time to the boundary and entrance to the health club were not approved under that permission and are thus unauthorised themselves.

We had a thorough and, I believed, fruitful discussion on 5th September, and my record of the meeting is that we concluded that, in order to avert the issue of (1) a Breach of Condition Notice, regarding Condition 13, (2) a Planning Enforcement Notice regarding the unauthorised boundary/entrance works, and (3) prosecution for failure to abide by the S.106 agreement, you would submit, without delay, an application to regularise the position by seeking to retain the Health Club use without complying with Condition 13 and retain the works carried out to the boundary. For my part, I agreed whilst considering such an application this authority would not proceed with the issue of the Notices or embark upon prosecution procedures in relation to the S. 106 agreement.

We agreed that, in addition to drawings showing the boundary works, the application should be accompanied by a statement providing traffic figures and a road safety assessment for the area outside the site in both St. Marks Road and Lancaster Road.

I am very concerned that no such application has been received. I have received details relating to cycle parking pursuant to Clause 3.1.3 of the S.106 agreement, which was beyond doubt the most minor of the items we discussed, but all other matters remain outstanding.

I feel that I have allowed a considerable degree of discretion in terms of the time period that has passed without any formal action from this authority. It could be argued with some strength that the period allowed since our meeting is overly lenient given the possible risk of injury to persons in St. Marks

THE ROYAL BOROUGH - CELEBRATING 100 YEARS OF SERVICE SINCE THE GRANT OF ITS ROYAL CHARTER

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

THE ROYAL
BOROUGH OF

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

105



KENSINGTON
AND CHELSEA

Holmes Place PLC
97 Aldersgate Street
London
EC1A 4 JR

Switchboard:
Extension: 2701
Direct Line: 0207-361-2701
Facsimile: 0207-361-3463
Email: plndmt@rbkc.gov.uk
Mr.: D. Taylor

09 February 2001

My reference: DPS/DCN/TP/97/ Your reference:
1749

Please ask for: Mr D. Taylor

Dear Sir,

Town and Country Planning Act 1990
Holmes Place, 119-131 Lancaster Road

I write in connection with the current Holmes Place health club at the above address, which is now in full operation following the granting of planning permission (ref. TP/97/1749) by this Council in 1998.

The planning permission for change of use to a health club was granted on 16th January 1998, with an associated Planning Obligation of the same date prepared under S106 of the above Act. I am very concerned that some of the key terms of this permission and legal agreement have not been observed, and that the club is now operating at the premises in breach of the above Act.

Firstly, I draw your attention to Condition 13 of the planning permission; this requires that the car park shall include a one-way entrance/egress system. Inspection of the site shows that this has not been provided, with consequential serious problems at certain times of the day regarding vehicular access to the site and traffic congestion in the immediate vicinity.

Secondly, I draw your attention to clauses 3.1.2 and 3.1.3 of the Planning Obligation.

Clause 3.1.2 requires that Holmes Place Plc should have submitted a management plan for a bicycle park for the written approval of the Executive Director, Planning & Conservation.

Clause 3.1.3 requires that Holmes Place Plc should have submitted a detailed parking scheme to be approved by the Director in writing, which scheme shall have included:

- (i) spaces for disabled drivers to be agreed by the Council's Access Officer
- (ii) a prohibition on staff use of the car park
- (iii) restricting use to those persons engaged in the use of the Health Club facilities.

It appears to me that the Condition and these clauses are not being complied with, and I have no record on my files that there has been any attempt to comply with these requirements.

These requirements were laid down, and agreed by yourselves, because they were considered absolutely essential to avoid significant impact upon the safe operation of adjoining roads and upon levels of residential amenity locally. I must advise that failure to meet these requirements is a matter being taken very seriously by this Authority, and one which lays Holmes Place Plc open to prosecution for breach

THE ROYAL BOROUGH - CELEBRATING 100 YEARS OF SERVICE SINCE THE GRANT OF ITS ROYAL CHARTER

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of Condition and breach of the terms of the legal agreement under S.106. In view of the existing evidence of congestion in the vicinity as a result of the failure to observe these requirements, I consider it most unlikely that an application from yourselves to vary or remove these requirements would be treated favourably.

I am writing to you now to give you an opportunity to respond to these concerns before I recommend any formal action, and would be grateful for your swift confirmation that the various requirements of the planning permission and legal agreement will now be fully addressed and complied with.

Yours faithfully,



Derek Taylor
Area Planning Officer
for
Executive Director, Planning & Conservation

cc. Gillian Palmer, Transportation and Road Safety Group, Royal Borough of Kensington & Chelsea
Colman Partnership, 7/8 Midford Place W1

106

Taylor, Derek: PC-PlanSvc

To: Cllr-Blanchflower
Subject: Holmes Place, Lancaster Road

107

Dear Cllr Blanchflower,

Update on Holmes Place

Further to our recent telephone conversation, I have just had a long telephone call with the Director of Holmes Place who is rather displeased with my mention of enforcement action, seems to believe that they have complied with all their obligations bar the provision of a cycle stand, and wants a meeting with us before we embark upon any enforcement action.

I am on leave from Weds 1st until Friday 17th August, and we have arranged a meeting in the town hall for 5th September, which will also be attended by the Traffic & Highways Officer who did the original negotiation on the application.

Clearly we must hope that no accidents occur during this further delay, but under the circumstances I do not think we can deny them the chance to explain their position.

Yours faithfully,

Derek Taylor

p.c. ack + bk in → DT,



108

Ref: 9757/sh/gm/mar 15

Royal Borough of Kensington and Chelsea
Planning and Conservation Department
The Town Hall
Hornton Street
London
W8 7NX

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
19 MAR 2001							95
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	March 15 2001

Attn: Mr Derek Taylor

Dear Sirs

re: Holmes Place, 119-131 Lancaster Road, Notting Hill
Your Ref: DPS/DCN/TO/97/1749

✓ 9/3/2001

We are in receipt of your letter dated the 9 February 2001, regarding conditions relating to the original Consent, particularly related to the car park management, layout, entry system and bicycle park.

Following messages left with the Planning Department, we confirm speaking to Mr Andrew Patterson today with regard to the letter. We are sure that the conditions that you refer to in your letter have been met, although Mr Patterson advises that a recent visit to the club showed that the membership card operated one way entry/egress system as not currently operational, rather it was being operated by an attendant. This is the first point made in your letter and we will research this, but assume that it is a matter of repairing the facility.

Your second point refers to clauses 3.1.2 and 3.1.3 of the Planning Obligation.

We cannot comment on whether Holmes Place have obtained an approval to a management plan for a bicycle park. We are however aware that there has been no interest from outside parties in running the bicycle park although Holmes Place proceeded to fit it out as a bicycle park in advance of any interest, in order to provide the facility required by the Planning Agreement. We will take up the question of the approved Management Plan direct with our clients and advise you further.

Clause 3.1.3 required that Holmes Place submit a detailed parking scheme to be approved by the director, including disabled parking, the prohibition of staff use and the restriction of use to those persons using the health club. We believe that we have complied with these conditions respectively by; the drawings previously submitted; by the management of the car park to prohibit staff use and the use of the membership card only access to the car park to ensure only club members use it. Although the parking spaces are shown on the submitted drawing, we also confirmed during a call to your Officer, Marissa Kingston, that there are forty eight spaces, inclusive of twelve disabled spaces which was within the maximum of fifty in the main building planning conditions. The widths were 2.5 metres for standard bays and 3.7 metres of disabled bays, with lengths being 4.8 metres as noted on the drawings.

We would summarise by saying that there is absolutely no intent to not comply with the conditions imposed by the Planning Department and Council, and we certainly believe that we have done so.

7/8 Midford Place,
London,
W1T 5BG

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Facsimile: 020 7383 3813
e-mail: projects@colmanarchitects.co.uk
www.colmanarchitects.co.uk

The Colman Partnership Limited
VAT no.: 649 3868 80
Company Registration No.: 2969896

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We would welcome the opportunity to meet with you to go through any concerns that you may have to establish either that we have complied, or are able to comply if you consider there any outstanding concerns.

Whilst writing, may we bring to your attention something of the long history of this application.

Resolution and discharge of the Planning Conditions has been tied up with the Planning Application for consent for the substation and entrance realignments as this affected the entry/exit control system and the marking out the car park at the entrance end.

The application was made in January 1999 including the substation and entrance layouts with the existing site entrance moved further south following discussions with Planning Officers, Arboricultural Officers and Highways. The application then went through a number of different Planning Officers, two rounds of meetings and consultations with Officers, Highways, Statutory Undertakers and LEB and a third round conducted by telephone with your officer who liased with Highway's etc internally. At each of these three stages we considered, and had it verbally confirmed that we had complied with requirements and that the paper work confirming the consent would be issued. Unfortunately, it was not.

The main elements of the negotiation were that the proposed move of the entrance was rejected in favour of the existing location, the access to the LEB was agreed as long as the entrance shutter did not project across the Highway, i.e. pavement, and the one-way card operated entrance and exit control system was set back from the boundary into the site a cars length so that a car waiting to enter would not straddle the pavement. There is obviously considerably more detail that we can go into with you. It is a matter of record that we made numerous phone calls and faxes to the Officer, (who during this period was Marissa Kingston) to issue the consent, to no avail.

On the 26 July 2000, Roy Thomson advised that Marissa Kingston was on extended sick leave and he would action the consent. The consent was received dated 3 November 2000. This consent referred to the layout drawings which had evolved with the consultation process and included four standard conditions e.g. materials, which had been agreed during the course of the negotiations. The substation and car park layout were eventually built at the last possible moment when the club had to open, ten months after the application was submitted. Prior to commencing any building work, we confirmed Marissa Kingstons agreement to our belief that we had satisfied all her requirements and that it only remained for her to issue the consent which she failed to do due to a combination of being part time and apparently suffering from repeated serious illness.

We trust that you will find that we have been diligent in satisfying the requirements brought to us by your Officers and that you are able to advise that the matter can be confirmed satisfactorily concluded.

If you would wish to discuss in further detail any of the above, we would be pleased to go through it with you.

Yours sincerely
THE COLMAN PARTNERSHIP

SIMON HASTINGS
DIRECTOR

cc. Ian Clark - Holmes Place Estates Managers Office

7/8 Midford Place,
London,
W1T 5BG

Telephone: 020 7383 3828
Facsimile : 020 7383 3813
e-mail : projects@colmanarchitects.co.uk
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The Colman Partnership Limited
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Company Registration No. : 2969896

110

Taylor, Derek: PC-PlanSvc

From: Taylor, Derek: PC-PlanSvc
Sent: 27 March 2001 11:09
To: Cllr-Blanchflower
Subject: RE: Holmes Place

Dear Cllr Blanchflower,

We sent a strong, formal letter to the healthclub manager and to Holmes Place Ltd management, informing them of the need to comply with the relevant Conditions and the fact that we would resort to Breach Of Condition action in Court if they either failed to do so or failed to advise us of their programme to do so - but have not had any reply. We will need to send one further letter, stating our disappointment at their continued failure to adhere to comply with the Conditions, as the Court will need to be satisfied that they were given every reasonable opportunity to comply, but assuming that we don't get any favourable response to that I think we should then prosecute.

Derek Taylor
for
Executive Director, Planning & Conservation

-----Original Message-----

From: simonblanchflower [mailto:simonblanchflower@tinyonline.co.uk]
Sent: 25 March 2001 16:12
To: Derek.Taylor@rbkc.gov.uk
Subject: Holmes Place

Dear Mr Taylor,

Has there been any progress with resolving the entrance to /exit from the Holmes Place car park in St. Mark's Road since we last spoke earlier this year. I believe that you were going to issue some sort of enforcement order on the Club, has this occurred?

An update on the current situation would be much appreciated.

Yours sincerely

Councillor Simon Blanchflower

Taylor, Derek: PC-PlanSvc

MI

From: simonblanchflower [simonblanchflower@tinyonline.co.uk]
Sent: 28 March 2001 07:34
To: Derek.Taylor@rbkc.gov.uk
Subject: Re: Holmes Place

Thank you for this update - in my opinion the enforcement action cannot come soon enough - this has been dragging on for quite long enough and it is only by good fortune that we have not had a serious accident to date.

Cllr Simon Blanchflower
-----Original Message-----

From: Derek.Taylor@rbkc.gov.uk <Derek.Taylor@rbkc.gov.uk>
To: simonblanchflower@tinyonline.co.uk <simonblanchflower@tinyonline.co.uk>
Date: 27 March 2001 11:06
Subject: RE: Holmes Place

>Dear Cllr Blanchflower,
>

>We sent a strong, formal letter to the healthclub manager and to Holmes
>Place Ltd management, informing them of the need to comply with the
>relevant
>Conditions and the fact that we would resort to Breach Of Condition action
>in Court if they either failed to do so or failed to advise us of their
>programme to do so - but have not had any reply. We will need to send one
>further letter, stating our disappointment at their continued failure to
>adhere to comply with the Conditions, as the Court will need to be
>satisfied
>that they were given every reasonable opportunity to comply, but assuming
>that we don't get any favourable response to that I think we should then
>prosecute.

>
>Derek Taylor
>for
>Executive Director, Planning & Conservation

>
>-----Original Message-----
>From: simonblanchflower [mailto:simonblanchflower@tinyonline.co.uk]
>Sent: 25 March 2001 16:12
>To: Derek.Taylor@rbkc.gov.uk
>Subject: Holmes Place

>
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>
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>
>An update on the current situation would be much appreciated.

>
>Yours sincerely

>
>Councillor Simon Blanchflower

>
>*****

>The Royal Borough of Kensington and Chelsea

>
>This e-mail may contain information which is confidential, legally
>privileged and/or copyright protected. This e-mail is intended for the
>addressee only. If you receive this in error, please contact the sender and
>delete the material from your computer.

>*****

TH Mtg Weds 5th Sept '09

Derek Taylor etc
Gillian Palmer etc
Simon Hastings (Colman Ptnrs)

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In depth discussion relating to the requirements of the S.106 + Conditions.

Concluded that:

- January '98 PP Conds. required that there should be a one way system through the site [although not wonderfully warded!] — this is the logical end of a clear sequence of discussion as the application was assessed, and could not reasonably be interpreted any other way. They have not complied with this Condition.....∴ can be enforced against!
 - Holmes Place consider that the "alternative" (i.e. existing) access system, just using one gateway for access/egress, was included within application PP/99/0201 for a electricity sub-station. That may have been their intention, but that PP is explicit in its wording + Inf. that it does not relate to anything other than the sub-station.
∴ there is no PP for the single access/egress
- The 106 has also not been complied with!

● Concluded

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- Clearly problems/danger flows from existing arrangements
- We will enforce against these, unless
 - (a) they can convince us that they can be made to work, and
 - (b) they apply asap, accompanied by a full traffic safety analysis, for PP to vary DP/97/1749 and retain a single point of entry/egress and
 - (c) this is approved by Committee and
 - (d) they submit the details required by the S106

- Await application

but can't wait too long!

- keep Cllr. Blanchflower informed!

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Simon Hastings
Colman Ptnrs.
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Direct Line: 0207-361-2701
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Email: plndmt@rbkc.gov.uk
Web: www.rbkc.gov.uk
Mr.: D. Taylor

10th January 2002

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: DPS/DCN/TP/97/ Your reference:
1749

Please ask for: Mr D. Taylor

Dear Sir,

Town and Country Planning Act 1990
Holmes Place, 119-131 Lancaster Road, W11

I write further to my previous letter of 9th February 2001, and our meeting at the Town Hall of Wednesday 5th September 2001, concerning various matters outstanding at the above health club premises.

To summarise, at the meeting we discussed the predicament the Club now find themselves in, whereby two clauses of the Planning Obligation entered into under S.106 of the above Act, together with Condition 13 of the Planning Permission dated 16th January 1998, remain outstanding. Furthermore, whilst planning permission was granted for the movement of a sub-station on the St. Marks Road side on 3rd November 2000, works carried out at the same time to the boundary and entrance to the health club were not approved under that permission and are thus unauthorised themselves.

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We agreed that, in addition to drawings showing the boundary works, the application should be accompanied by a statement providing traffic figures and a road safety assessment for the area outside the site in both St. Marks Road and Lancaster Road.

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THE ROYAL BOROUGH - CELEBRATING 100 YEARS OF SERVICE SINCE THE GRANT OF ITS ROYAL CHARTER

Road as each day passes, and I must now conclude, this new year, that I have little alternative left but to initiate formal action. I can only presume that, rather than go down the route of submitting an application and arguing the case with the Planning Services Committee, your clients have elected to await formal action, appeal and then argue their case in front of a Planning Inspector and Court.

115

I write now to advise that I will now prepare a report recommending formal enforcement action as described in items (1), (2) and (3) in the third paragraph of this letter.

Yours faithfully,



Derek Taylor
Area Planning Officer
For
Executive Director, Planning & Conservation

cc. Gillian Palmer, consultant at Transportation and Road Safety Group, Royal Borough of Kensington & Chelsea

LeVerne Parker, Senior Solicitor, Royal Borough of Kensington & Chelsea

Holmes Place plc, 97 Aldersgate Street, London EC1A 4JR

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please +
prach → DT



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1/2V.

116

Ref: 9757/2.1/sh/kb/jan02-01-16

Planning Department
Royal Borough of Kensington and Chelsea
Town Hall
Hornton Street
London
W8 7NX

EX DIR	MDC	TP	SAC	AD	CLU	AO AK
R.B. K.C.			31 JAN 2002		PLANNING	
	G	SW	SE	APP	IC	REC
			ARB	FPLN	DES	FEES

Attn Mr D Taylor

January 16th 2002

Dear Sirs

Re: Holmes Place, 119 - 131 Lancaster Road, W11 - Planning Consents and Section 106 Agreement

We are in receipt of your letter dated January 10th 2002 with regard to the above. We confirm our subsequent conversation on January 15th as follows.

Firstly we apologise for the length of time its taking to gather information and respond to you. We have organised the submission of the Bicycle Park Management Plan to discharge that part of Section 106 Agreement and also obtained survey information with regards to the actual use of the club car park.

Whilst discussing your requirements for clarification and completion of the planning conditions and the Section 106 agreement, it became evident that information existed which would enable the discharge of some of the conditions and covenants of the planning consents and Section 106 covenants and that certain historical information and knowledge existed which may further clarify or complete information or conditions seen as outstanding. We therefore expand of this under the headings of the Section 106 Agreement and under the planning consents.

Consent for Sub -Station and associated works. Ref: PP/99/00201/MINR

Condition 2 (a). The design materials and external appearance of the enclosure and the gates of the electricity sub station are shown on drawings 9757L(90)1 Revision D and 14 (no revision). These were issued on November 4th 1999. We enclose a copy of the covering letter for your records. We therefore consider that this consent is now unconditional.

Section 106 Agreement

You have confirmed that once agreement is reached with regard to points 1 and 2 of your letter (suggested breach of condition and unauthorised boundary/entrance works) the information required to complete the 106 Agreement will be limited only to section 3.1 of the Owners Covenants. We therefore address these.

- 3.1.1 The bicycle Park is provided.
- 3.1.2 A Management Plan for the Bicycle Park has been submitted in writing and is awaiting your formal approval.
- 3.1.3 The detailed parking scheme is shown on drawing 9757/L(90)1 Which is the drawing referred to as 'The Plan' in the Section 106 Agreement and subsequently revised to include the electrical sub station and planning officer comments on the car park entrance and access. Final revision is 9757/L(90)1 Revision D issued to the Planning Department on October 2nd 1999 indicating the land

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The Colman Partnership Limited
Company Registration No. : 2969896

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Ref: 9757/2.1/sh/kb/jan02-01-16

scape works and parking arrangements as requested. We therefore enclose two further copies of revision D in submission of the detailed parking scheme required under 3.1.3. This includes (i) spaces for disabled drivers which we believe to be agreed internally between officers, (ii) prohibition on staff use of the car park which is a management issue at Club level. Staff are prohibited from using the car park and we enclose a letter from the Club in this regard, (iii) use of the car park is restricted to those persons engaged in the use of the Health Club facilities by the fact of the entry/egress barrier system which is operated only by membership card.

We therefore request your confirmation that covenants under 3.1 have been met.

Planning consent. Ref: DPS/PA/PP/97/1749/L/43/363/392

We confirm our belief that all conditions of the consent requiring submission of information have been complied with having been arrived at in consultation with planning officers, with drawings produced and amendments made as requested. The last of these would have been 9757/L(90)1 rev.D for which the entrance layout and final markings at that end had to be resolved jointly with the Sub-station installation.

Works considered to unauthorised.

We confirm our advice to you 15th January that the entrance in St Marks Road is an existing crossover and opening. You will note that the original intention was to move the existing entrance south to be straighter onto the car park but this was revised to retain the existing opening/crossover following relocation issues of crossovers, proximity of trees, loss of street parking and under ground services. We enclose a copy of our letter of July 22nd 1999 submitting drawing 9457/L(90)1 Revision C maintaining the existing crossover and entrance position. It was noted at the time that this location would also ensure that cars leaving the car park would turn and therefore approach the cross over more slowly. The card-operated entrance barrier was also seen to have a safety function as existing cars had to stop to operate it at the exit. The barrier location was also moved from the boundary one car length into the site, as requested, in order that a car entering the car park would stop to operate it clear of the pavement, not blocking it.

We confirm that the two existing brick piers framing the entrance were re built as existing as they could not be patch-repaired. The South pier and wall were hit by a heavy truck carrying demolished materials during the enabling -works contract and the North one was unsound as a crack had separated it from the main wall.

We therefore confirm that the existing entrance has only been repaired and not moved and consent obtained to alterations to the South end of this wall were as required for the Sub- station and approved under that consent. Therefore there are no unauthorised works as described in point two of your letter.

We note for information that the existing entry/exit and South car park was as used when the site was a working school which had spaces for some 40 cars and 12 mini buses. We also note that there was no barrier to slow the traffic leaving the car park and that there would have been extreme peaks of use closely matching school start and finish times and those of the school next door, rather than the lesser flow spread out through the course of the day and evening that is the pattern of this Health Club.

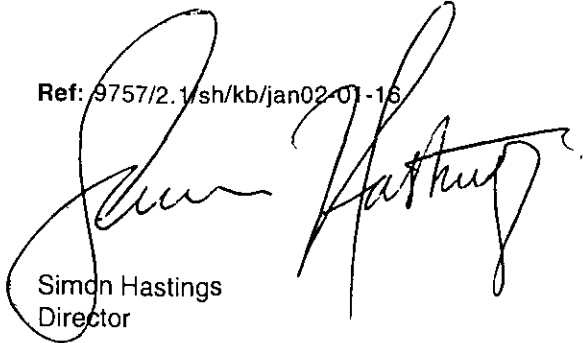
We trust you find the above of help and look forward to receiving your confirmation of the points and confirmation of the discharge of conditions and covenants. If you have any questions you will be pleased to go through the history of the application in more detail and answer any queries you may have.

Yours sincerely
THE COLMAN PARTNERSHIP

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Facsimile : 020 7383 3813
e-mail : projects@colmanarchitects.co.uk
www.colmanarchitects.co.uk
The Colman Partnership Limited
VAT no. : 649 3868 80
Company Registration No. : 2969896

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Ref: 9757/2.1/sh/kb/jan02-01-16



Simon Hastings
Director

cc: Ian Clark -Holmes Place Estates

7/8 Midford Place,
London,
W1T 5BG

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C

P.13.
119

The **COLMAN** Partnership
ARCHITECTS

Ref: 9757/SH/JK/jul22

Royal Borough of Kensington and Chelsea
Planning and Conservation
The Town Hall
Hornton Street
London
W8 7NX

Attn: Marisa Kingston

July 22nd 1999

Dear Sir,

Re: Holmes Place Notting Hill - 119-131 Lancaster Road -
Application for Planning Permission For an Electrical Substation and Entrance

Further to our meeting on site we enclose two copies of the revised site layout drawing 9757/L(90)1 C indicating the entrance arrangement as discussed, maintaining the existing crossover and entrance gate position.

The internal layout of the substation enclosure has been revised in accordance with the London Electricity Board requirements.

We look forward to receipt of your approval at your earliest convenience.

Yours faithfully,
THE COLMAN PARTNERSHIP

Paul Bode

PP
SIMON HASTINGS

Encs.

C

112
120

The COLMAN Partnership
ARCHITECTS

Ref: 9757/SH/GM/oct 022

Royal Borough of Kensington and Chelsea
Planning and Conservation
The Town Hall
Hornton Street
London
W8 7NX

Attn: Marisa Kingston

October 22nd 1999

Dear Sir,

**Re: Holmes Place Notting Hill - 119-131 Lancaster Road -
Application for Planning Permission For an Electrical Substation and Entrance**

Further to our telephone conversation of 21st October 1999 we enclose two copies of the site layout drawing 9757/L(90)1D indicating the landscape works and parking arrangements as requested.

Please note that the conditional permission for development issued on the 21 September requests only full particulars of the samples of roofing materials, previously submitted and approved, and does not refer to landscape details.

We look forward to receipt of your approval at your earliest convenience.

Yours faithfully,
THE COLMAN PARTNERSHIP



Paul Barden

Encs.

C

121

The COLMAN Partnership
ARCHITECTS

Ref: 9757/SH/GM/NOV 4

Royal Borough of Kensington and Chelsea
Planning and Conservation
The Town Hall
Hornton Street
London
W8 7NX

Attn: Marisa Kingston

November 4th 1999

Dear Sir,

Re: Holmes Place Notting Hill - 119-131 Lancaster Road -
Application for Planning Permission For an Electrical Substation and Entrance

Dated 15th January 1999

Further to our telephone conversation of 25th October, we enclose two copies of the revised site layout drawing 9757/L(90)1 D indicating the entrance arrangement as discussed, with internal folding gates and drawing 9757/L (90) 14, LEB substation enclosure with additional information as requested.

The layout of the substation enclosure and entrance gate are in accordance with the London Electricity Board requirements.

We look forward to receipt of your approval at your earliest convenience.

Yours faithfully,
THE COLMAN PARTNERSHIP

Paul Bode
SIMON HASTINGS

PP
Encs.

HOLMES PLACE

NOTTING HILL HEALTH CLUB

119-131 LANCASTER ROAD, LONDON W11 1QT
TELEPHONE: 020 7243 4141 · FAX: 020 7243 4242
www.holmesplace.com

122

Royal Borough of Kensington & Chelsea
The Town Hall
Hornton Street
London

28th January 2002

Dear Sirs

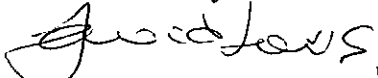
Re Holmes Place 119-131 Lancaster Road, Notting Hill W11

I can confirm that the car-park within Holmes Place Notting Hill is limited to the use of Holmes Place Members and guests only. Holmes Place employees are not permitted to use the car park.

The system is controlled through wheel clamping to vehicles that are illegally parked and a release fee charged. This system proves successful in the control of the car-park.

If you have any further queries with regards to the above please do not hesitate in contacting me.

Yours Sincerely



David Long
Club Manager

RECEIVED 30 JAN 2002
DATE

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874		cc TP dept. + letter
FILE	9757/10	

burn + Add → DT



*JM ✓
1/2*

123

Ref: 9757/2.1/sh/kb/jan02-01-17

Planning Department
Royal Borough of Kensington and Chelsea
Town Hall
Hornton Street
London
W8 7NX

Attn: Mr. D Taylor

January 17th 2002

Dear Sirs

Re: Holmes Place, 119 - 131 Lancaster Road W11 - Planning Applications

At our meeting in September last year we mentioned a letter which we had drafted to the planning officer then dealing with applications relating to this site, Marisa Kingston. It was drafted out of frustration at the lack of conclusion to the final application on the site but we did not send it as we understood from her that the Consent paper work was about to be issued.

We realise that she has now left and you have taken over the project file. As the history through Mr. Patterson, Calder, Kingston, Thompson to you has been complex we have decided to enclose it for your information as a simple guide to the sequence of events to that date. It is offered as a help and trust it is received as such. If you have any questions on it please do not hesitate to contact us.

Yours sincerely
THE COLMAN PARTNERSHIP

Simon Hastings
Director

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Ref: 9757/sh/gm/may 10

Planning Department
 London Borough of Kensington and Chelsea
 Town Hall
 Hornton Street
 London
 W8 7NX

Attn: Marissa Kingston

May 10 2000
 Your Ref: PP/99/00201

Dear Sirs

Re: Holmes Place, 119-131 Lancaster Road, W11

We write to confirm our conversation today with regard to the above application registered 29th January 1999.

Following the application validation in January 1999 we held a number of meetings and phone consultations with officers, incorporated all the comments made and revised and re-submitted the drawings.

The comments made and incorporated included input from the Highways Department, your Tree Specialist, Statutory Service Providers in the pavement and the LEB. At this point the departments agreed that all requirements had been satisfied and all that remained was to process the consent paper work. The resubmitted drawing was 9757 L (90) 1C submitted July 22nd.

Thereafter followed a period in which we followed up the progress of the paper work on a number of occasions. Despite undertakings that it would be completed within 1 or 2 weeks from the phone call, this did not occur.

In October our calls produced further, additional, queries from the planning department with a second set of requirements from the department and the consulting bodies. We again incorporated these and revised and resubmitted drawing 9757 L (90) 1 rev D for the approval. The revisions this time included revising the sub station doors so that they did not project across the pavement when open and the agreement for the location of the entrance barrier which is the one way entrance/egress system required by condition 13 of the main building consent. Highways required that a car should not straddle the pavement whilst stopped to operate the card controlled barrier and the barrier was therefore located further back into the site as agreed. The location of the entrance barrier and the in and out of control posts and car parking bay length were shown. The drawing incorporating the revised requirements was submitted on November 4th 1999 again leaving only the paper work to be completed.

Since November we have made a number of calls and faxes to your office following up on the progress of the paper work to complete the consent. Despite verbal confirmations that all were satisfactory and only the paper work remain to be done, these has still not been forth coming.

Cont'd.....

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 Company Registration No.: 2960896

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During our follow up call to your office on the 10th May, you advised us that you require confirmation of the car parking bay sizes and the number of spaces. There are 48 spaces inclusive of 12 disabled spaces which is within the maximum 50 in the main building planning condition. The widths are 2.5m for standard bays and 3.7m for disabled bays. The lengths are 4.8 m as noted on the drawings.

We have made the department aware of the time pressure for the construction of the substation and as the construction programme and planning consent both slipped in time we put off its construction until the last possible moment towards the end of last year. In view of the departments assurances that all comments had been incorporated and the re submitted drawing would be acceptable we eventually were forced to construct the substation and car park entrance paving and barrier. For your information the car park is operating well and the card operated barrier is being further refined by increasing the arm length to further smooth out the access route.

In conclusion, we consider that the above dimensional advice must surely conclude all requirements for the release of the consent. You will appreciate that we are under pressure to complete the paper work on this project and you will understand that our client is distressed that consent for this small area of works remains outstanding some 16 months after submission and 10 months after we had concluded incorporation of comments resulting from the consultation process. Please may we therefore urge that a consent is granted as the highest priority to ensure that this application does not drift any further.

Yours sincerely

THE COLMAN PARTNERSHIP

SIMON HASTINGS
DIRECTOR

7/8 Midford Place,
London,
W1T 5BG

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bk in + p c ach → DT

HOLMES PLACE PLC

HEAD OFFICE

17A OLD COURT PLACE, KENSINGTON, LONDON W8 4HP
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www.holmesplace.co.uk

vjm
19/2.

126

Your ref: DPS/DCN/TP/97/1749

FAX: 020 7361 3463

Derek Taylor Esq.
Planning and Conservation
The Royal Borough of Kensington & Chelsea
The Town Hall
Hornton Street
London W8 7NX

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13th February 2002

Dear Mr Taylor

Town and Country Planning Act 1990
Holmes Place, 119-131 Lancaster Road, W11

I refer to your letter dated 10th January 2002 and to our subsequent telephone conversation yesterday when we discussed the current position relating to the health club at 119-131 Lancaster Road.

You confirmed to me that you are currently in correspondence and communication with our architects, The Colman Partnership, as regards planning matters relating to same.

I have advised you that I wish to be involved in any discussions and you have confirmed to me that you will contact me at the appropriate time. You have further confirmed that you will take no enforcement proceedings against us as referred to in your letter dated 10th January 2002, at the present time and that should any action of any kind be required, you will first contact me.

I sincerely hope that such action will not be necessary and that any outstanding points can be resolved shortly. I am sending a copy of this letter to Simon Hastings with a request that he keeps me up to date as regards his discussions with you.

Please do not hesitate to telephone me at these offices (and not 97 Aldersgate Street, EC1) should you require any further information.

Yours sincerely

Stephen M Chapman
Senior Property Counsel
Direct Tel: 020 7795 4123
Direct Fax: 020 7795 4126

Have we had a fax on this already?

Yes.
on 18/2.

JK

cc: Simon Hastings, The Colman Partnership

29/4/02
10PC
2DT



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Ref: 9757/2.1/sh/kb/25apr02

The Planning Department
London borough of Kensington and Chelsea
Town Hall
Hornton Street
London
W8 7NX

Attn: Mr. D Taylor

25th April 2002

Dear Sir

Re: Holmes Place, 119 - 131 Lancaster Road W11 - Planning Application

We write to notify you of our change of address ,effective from 18th March, as this letter. Arrangements are in place for post to be forwarded to our new address but using the new address will be faster.

Yours sincerely

THE COLMAN PARTNERSHIP

**SIMON HASTINGS
DIRECTOR**

EX DIR	HDC	TP	GAC	AD	CLU	AO
R.B.	28 APR 2002			PLANNING		
K.G.						
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Company Registration No. : 2969896

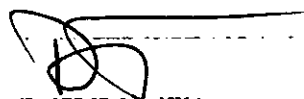
Phone call 19/7/4

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Mark Ward

07887 628371

My toth place as planned on Friday
— architects will be sending in
plans for ar comment



Taylor, Derek: PC-PlanSvc

From: Titcombe, Heidi: CP-Legal
Sent: 08 May 2002 17:01
To: Taylor, Derek: PC-PlanSvc
Subject: 119-131 LANCASTER ROAD, KENSINGTON,W.11

129

Dear Derek,

I refer to the above matter which we discussed today.

Condition 13 attached to the permission requires "the car park shall include a one way entrance/egress system". The issue has been raised as to whether the council can serve a breach of condition notice for non-compliance with this condition.

You have advised that the facts are as follows:-

1. The developers have in fact provided a one way entrance and egress system which is controlled by traffic lights within the development site.
2. One of the approved "proposed" drawings shows two separate vehicle entrance existing, however drawing 9757/16 seems to indicate that one of the entrances is for pedestrian access only. This entrance is in fact a pedestrian access.
3. Condition 13 was added as an afterthought by the committee.
4. The committee report does not say much about the one way system apart from paragraph 2.6 of the report which indicates that the Council's transportation officer does not consider there will be an operational problem provided (1) "access and egress is a one way arrangement" and "the 50 car parking spaces are retained. Apparently there was sum suggestion that the 50 car parking spaces should be reduced.

I consider that the developers have complied with condition 13 because (1) they have provided a one way entrance/entrance system, even though it is a system which may not have been envisaged at the time. The system has not been reserved for approval of the Director of planning. (2) the drawing referred to above does support the developers case.

In the circumstances, I would not recommend issuing a breach of condition notice because the developers have technically complied with condition 13. If you were to issue a notice, I anticipate it would be challenged. Whilst it is always difficult to determine whether the Council would or would not be able to establish a breach of condition, I consider ultimately the Council is likely to fail.

Whilst I appreciate the issue which has been raised by the Councillor, it cannot be overcome by serving a breach of condition. It may be worth however getting highways to carry out a highway safety analysis. If this were to show a substantial risk to highway safety as a result of the design of the vehicle entrance/exit, you may be able to persuade the health club to alter the system to avoid personal or vehicular damage occurring in the future.

I hope this helps.

Heidi

Heidi Titcombe
Planning, Licensing and Highways
Solicitor
Extension 2617

Road as each day passes, and I must now conclude, this new year, that I have little alternative left but to initiate formal action. I can only presume that, rather than go down the route of submitting an application and arguing the case with the Planning Services Committee, your clients have elected to await formal action, appeal and then argue their case in front of a Planning Inspector and Court.

I write now to advise that I will now prepare a report recommending formal enforcement action as described in items (1), (2) and (3) in the third paragraph of this letter.

130

Yours faithfully,

Derek Taylor
Area Planning Officer
For
Executive Director, Planning & Conservation

cc. Gillian Palmer, consultant at Transportation and Road Safety Group, Royal Borough of Kensington & Chelsea

LeVerne Parker, Senior Solicitor, Royal Borough of Kensington & Chelsea

Holmes Place plc, 97 Aldersgate Street, London EC1A 4JR

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FILE NOTE

119/131 Lancaster Road
97/1749

Further information requested by Committee

The following to be provided by the applicant:

- Estimated catchment area for proposed use
- Figures on college role - the split between students living within and outside of Borough
- T.i.a to demonstrate the impact of generated vehicular traffic on surrounding roads
- Maximum number of members
- Estimated number of members on site at any one time.
- Means of ventilation
- Means to prevent the transference of noise to the surrounding area

Information required from Gillian:

- Rationale behind allowing more spaces on this site than High St, Ken' proposal, and if possible a simplified formula for how we arrived at the number of spaces allowable (i.e. 50).

Members also asked for the following conditions to be imposed:

- no openable windows
- limit on membership
- reduction in car parking spaces to 25
- no allocated parking for staff

I also consider that we should seek a further community benefit, given that the general member feeling was that the proposal represents a loss of a social and community facility. A relevant consideration would be to increase accessibility to local non member residents, possibly at off peak periods for swimming, meeting place, and crèche for example.