

# Other Documents

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# DEVELOPMENT CONTROL TECHNICAL INFORMATION

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

ADDRESS 12 Notting Hill gate  
London W11

POLLING DISTRICT PEB  
PP031462

- |     |  |        |  |
|-----|--|--------|--|
| HB  | Buildings of Architectural Interest          | LSC    | Local Shopping Centre                          |
| AMI | Areas of Metropolitan Importance             | AI     | Sites of Archeological Importance              |
| MDO | Major Sites with Development Opportunities   | SV     | Designated View of St. Paul's from Richmond    |
| MOL | Metropolitan Open Land                       | SNCI   | Sites of Nature Conservation Importance        |
| SBA | Small Business Area                          | REG 7  | Restricted size and use of Estate Agent Boards |
| PSC | Principal Shopping Centre (Core or Non-core) | ART IV | Restrictions of Permitted Development Rights   |

Conservation Area	HB	CPO	TPO	AMI	MDO	MOL	SBA	Unsuitable for Diplomatic Use	PSC		LSC	AI	SV	SNCI	REG 7	ART IV
									C	N						
4										<input checked="" type="checkbox"/>						

	Within the line of Safeguarding of the Proposed Chelsea/Hackney underground line
	Within the line of Safeguarding of the Proposed Eastwest/Crossrail underground line

Density	
Site Area	
Habitable Rooms Proposed	
Proposed Density	

Plot Ratio	
Site Area	
Zoned Ratio	
Floor Area Proposed	
Proposed Plot Ratio	

<b>Daylighting</b>	Complies	
	Infringes	

<b>Car Parking</b>	Spaces Required	
	Spaces Proposed	

**Notes:**

**CERTIFICATES UNDER ARTICLE 7 OF THE TOWN AND COUNTRY PLANNING  
(GENERAL DEVELOPMENT PROCEDURE) ORDER 1995**

Please complete **both** the Agricultural Holdings Certificate **and** either Certificate A, B, C or D  
(two copies of the completed certificates must accompany an application for planning permission, listed building consent or conservation area consent)

PP031462

**AGRICULTURAL HOLDINGS CERTIFICATE**

If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative

\* None of the land to which the application relates is, or os part of, an agricultural holding  
OR

~~\* I have/The applicant has given the requisite notice to every person other than my/him/her self who, on the day 21 days before the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application related, as follows:~~

~~Tenant's name(s) Address at which notice was served~~

EX DIR	HDC	TP	CAC	AD	CLU	AO
R.B.						AK
K.C.	03 JUL 2003			PLANNING		
N	C	SW	SE	APP	IO	REC
				ARS	FPLN	DES
						FES

Signed *Francis* On behalf of: **Bodycare International**  
of West & Partners Limited

Date: 30 June 2003

**CERTIFICATE A** : Complete this if the applicant owns all the land/building to which the application relates:

I certify that on the day 21 days before the date of the accompanying application, except the applicant, was the owner of any part of the land to which the application relates

Signed: \_\_\_\_\_ On behalf of: \_\_\_\_\_ Date: \_\_\_\_\_

**CERTIFICATE B** : Complete this if the applicant does not own all or some of the land/building to which the

I certify that I have/The applicant has given the requisite notice to everyone who, on the day 21 days before the date of the accompanying application, was the owner of any part of the land to which the application relates, as listed below

Owner's name	Address at which notice was served	Date on which notice was served on tenant
Trustees of Camden Charities	C/o Hammond Phillips 5a Portman Square LONDON W1H 6BX	30 June 2003

Signed *Francis* On behalf of: **Bodycare International**  
of West & Partners Limited

Date: 30 June 2003

("Owner" means a person having a freehold interest or leasehold interest and/or anyone having a leasehold interest the unexpired term of which is not less than 7 years)

**WEST & PARTNERS TOWN PLANNING CONSULTANTS**  
**ISAMBARD HOUSE, 60 WESTON STREET, LONDON SE1 3QJ**

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 Robin Kirton Dip Arch

PP J31462

Michael P West MCD BArch (L'pool.) FRTP  
 RIBA FRSA  
 Christopher J Francis  
 Peter G Long B Arch (Auck) Dip BCM RIBA

M J French Esq  
 Executive Director of Planning & Conservation  
 The Royal Borough of Kensington & Chelsea  
 Department 705, Room 325  
 The Town Hall  
 Hornton Street  
 LONDON W8 7NX

9681/CF/SF

11 July 2003


Attention Ms Tracey Rust

Dear Sir

**TOWN & COUNTRY PLANNING ACT**  
**12 NOTTING HILL GATE**

Further to your letter of 8 July 2003, please find enclosed, as requested, four copies of drawing No. 418/01Y showing the floor plan.

Yours faithfully

  
 C Francis  
 West & Partners

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		14 JUL 2003			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEE

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 RIBA FRSA  
 Christopher J Francis  
 Peter G Long B Arch (Auck) Dip BCM RIBA

D Taylor Esq  
 Area Planning Officer  
 The Royal Borough of Kensington & Chelsea  
 The Town Hall  
 Hornton Street  
 LONDON W8 7NX

9681/CF/SF

30 June 2003

Dear Mr Taylor

**TOWN & COUNTRY PLANNING ACT**  
**12 NOTTING HILL GATE**

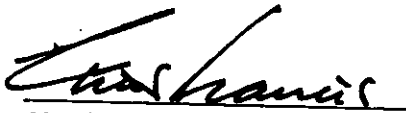
EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		03 JUL 2003			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

We refer to your letter of 1 April 2003 in respect of the use of these premises and now enclose on behalf of our client, Bodycare International Limited an application for the continued use of the premises as a tanning salon.

In this respect we enclose four copies of the forms, our supporting statement and our client's cheque in the sum of £220.00, the requisite application fee.

We trust the information provided is sufficient to enable the Council to determine the application, however, should you require any additional detail we shall be pleased to assist.

Yours sincerely



Chris Francis  
 West & Partners

cc: C Mooney Esq - Bodycare International Ltd  
 Ms Z Tweddle - Bodycare International Ltd



From our knowledge of the area it is our view that demand by laundrettes for a shell unit in this location would be very limited and it is unlikely that such a business could afford or justify the setting up costs of fitting out such a use.

I trust that the above is of assistance.

Yours sincerely

DUNCAN J. THOMPSON

EX	HDC	TF	CAC	AD	CLU	AO
DIR						AK
R.B.		05 SEP 2003			PLANNING	
K.C.						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

PP031462

**BODYCARE INTERNATIONAL LIMITED**

**12 NOTTING HILL GATE  
LONDON W11**

**CONTINUED USE AS  
TANNING SALON**

**SUPPORTING STATEMENT**

**JUNE 2003**

**WEST & PARTNERS  
ISAMBARD HOUSE  
60 WESTON STREET  
LONDON SE1 3QJ**

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	03 JUL 2003				PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEEES

1. The premises are situated on the north side of Notting Hill Gate c.11m to the west of the junction with Clanricarde Gardens and comprise a lock-up unit on the ground floor and basement of Clanricarde Mansions.
2. The applicants, Bodycare International Limited occupy the premises as a tanning salon with ancillary retail sales of skincare and beauty products. This use commenced in September 2001.
3. The premises were previously occupied as a laundrette.
4. This section of Notting Hill Gate forms part of the non-core frontage of the Notting Hill Gate Principal Shopping Centre and contains a mix of uses as set out on the attached schedule. As Paragraph 8.3.15 of the UDP 2002 indicates the non-core frontages tend to be more mixed in character containing non-shop uses which contribute to the vitality and diversity of a centre.
5. Policy S12 of the UDP indicates that where possible the Council will resist the loss of laundrettes which are an appropriate use in shop premises.
6. While the use as a tanning salon has replaced a former laundrette, that business had ceased trading prior to the acquisition of the premises by the applicant and therefore the current application to regularise the change of use has not directly contributed to the loss of a laundrette. It is also noted that there are at least three other laundrettes serving the wider area of Notting Hill Gate at 53 Kensington Church Street; 138 Holland Park Avenue; and 24 Chepstow Place.
7. The tanning salon use may be likened to a hairdressing salon in terms of the nature and level of activity with approximately 25% of all sales being of retail items: lotions; beauty aids; and fashion accessories, particularly as these sales are often made to customers not using the



tanning facilities. A clear glazed shopfront has been maintained so there is no question of a dead frontage arising from the introduction of this use.

8. Existing outlets in similar locations and of comparable size generate c.27,500 customer visits per annum ranging from 60 to 175 a day depending on the time of year and day of the week. This level of activity contributes to the vitality and viability of the area.

**CONCLUSION**

9. The use as a tanning salon is totally appropriate in this non-core location in the Principal Shopping Frontage.

West & Partners  
 Isambard House  
 60 Weston Street  
 LONDON SE1 3QJ

June 2003

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	03 JUL 2003			PLANNING		
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

**SURVEY OF GROUND FLOOR USES BY UNIT**  
**North side : Notting Hill Gate : W11**

Job No. 9681

Number	Use	Class
	(Ossington Street)	
Wellington Terrace		
1	Public house	A3
2a and 2b	Hair salon	A1
3	Greengrocers	A1
4 and 4a	Estate agents	A2
5	Cafe	A3
6	Restaurant	A3
7	Travel agency	A1
Notting Hill Gate		
2-6	Vacant (formerly Recruitment agency)	A1
	(Clanricarde Gardens)	
8	Estate agents	A2
10	Cafe	A3
12	APPLICATION PREMISES	A1
14	Restaurant	A3
16	Newsagents	A1
18	Off-licence	A1
20a	Charity goods	A1
20b	Entrance to upper floors (residential?)	-
22	Copiers/printers	A1
24	Solicitors	B1
24a	Leather goods, gifts etc.	A1
24b	Bureau de Change	Sui generis
26	Estate agents	A1
28	Newsagents	A1
28a	Entrance to upper floors (residential?)	-
30	Bureau de Change	Sui generis
32	Oriental health practitioners and sales	A1
34	Music and videos	A1
	(Alleyway)	

West & Partners

EX	HDC	TP	CAC	AD	CLU	AG
DIR						AK
R.B.	03 JUL 2003				PLANNING	
K.C.						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEE

30 June 2003

## 1.0 THE SITE

- 1.1 No. 138 is located on the northern side of Holland Park Avenue between the junctions with Princedale Road and Norland Square. It is a basement and ground floor shop, formerly used as a launderette.
- 1.2 The premises are within the Holland Park Avenue Local Shopping Centre and the Norland Conservation Area. The building is not Listed.

## 2.0 PROPOSAL

- 2.1 It is proposed to change the use from a launderette to a retail shop.

## 3.0 RELEVANT PLANNING HISTORY

- 3.1 The launderette use is long established. There have been no previous applications for change of use of the shop, but permission was granted on 14 February 2001 for the infilling of the rear courtyard by a two bedroom maisonette.

## 4.0 PLANNING CONSIDERATIONS

- 4.1 The main issues in this case are the effects of the loss of the launderette use upon local services and facilities and the acceptability of the proposed retail use in the Local Shopping Centre.
- 4.2 Relevant Unitary Development Plan policies, contained in Chapters 5 and 8, include:
- H5 (encourages the provision and resists the loss of local services and facilities.)
  - S2 (normally to permit new shop floorspace and extensions to existing shop units.)
  - S6 (seeks to maintain and improve the vitality, viability and function of the shopping centres throughout the Borough.)
  - S19 (where possible, resists loss of launderettes.)
- 4.3 The applicants consider that the premises are not viable as a launderette. They consider that the area's changing demographic character has led to loss of demand. They also comment that there are launderettes in the area at No. 151 Notting Hill Gate and 2 Swanscombe Road and dry cleaners offering a "wash and fold" service at No. 136 Holland Park Avenue (adjacent to the application premises) and No. 180 Holland Park Avenue.
- 4.4 Following consultation with the Borough Valuer concerning the

premises' viability as a launderette, the applicant agreed to readvertise the premises to agreed criteria. The readvertisement was undertaken in April this year but did not result in letting as a launderette. In the circumstances it is considered that no objection should be raised to loss of the launderette under Policy S19.

4.5 It is noted that on 25 October 2001 an appeal was dismissed relating to change of use of the launderette at No. 151 Notting Hill Gate to a restaurant. This case may be distinguished from the current application in that the launderette was still functioning, appeared well used with no actual signs of non-viability and no information was provided by the appellant that this might not be the case. The only other launderette in the area was at the eastern end of the shopping centre (at No. 12 Notting Hill Gate). The Inspector considered that in view of the high density residential development in the area, much of which may not have its own laundry facilities, the current use provided a valuable facility for local residents adding to the diverse function of that part of the shopping centre. The Inspector noted numerous hot food outlets in the vicinity and considered that the change of use would threaten the function of the Principal Shopping Centre of providing a diverse range of goods and services for residents.

4.6 In this case, the applicants have cooperated in the readvertisement of the premises with results that bear out their contention of non-viability. It may also be argued that the residential catchment area for No. 138 is different from that at No. 151 Notting Hill Gate - the premises stand opposite Holland Park and the roads to the north of Holland Park Avenue appear to contain fewer of the small flats and bedsitting rooms which are to be found around Notting Hill Gate.

4.7 The provision of an additional retail shop in the Holland Park Avenue Local Shopping Centre is consistent with Policies S2 and S6.

## **5.0 PUBLIC CONSULTATION**

5.1 Twenty-four addresses in Holland Park and Holland Park Avenue were notified of the application. No representations were received.

## **6.0 RECOMMENDATION**

6.1 Grant planning permission.

3<sup>rd</sup> September 2003

DJT/LDB/09-03-1

Chris Francis  
West & Partners  
Isambard House  
60 Weston Street  
London  
SE1 3QJ



dthompson@hammondphillips.co.uk

BY FAX: 020 7403 6279

Dear Mr. Francis

**12 NOTTING HILL GATE, LONDON W11**  
**BODYCARE INTERNATIONAL LIMITED**

EX DIR	HDC/TP	CAC	AD	CLU	AO AK
R.B.	05 SEP 2003			PLANNING	
K.C.					
N	SW	SE	PP	IO	REC
		ARB/PLN	DES	FEEs	

Reference your letter of 2<sup>nd</sup> September, I also refer to the letter from the Royal Borough of Kensington & Chelsea of 28<sup>th</sup> August.

I have discussed this matter with our clients and will answer the questions as best we can.

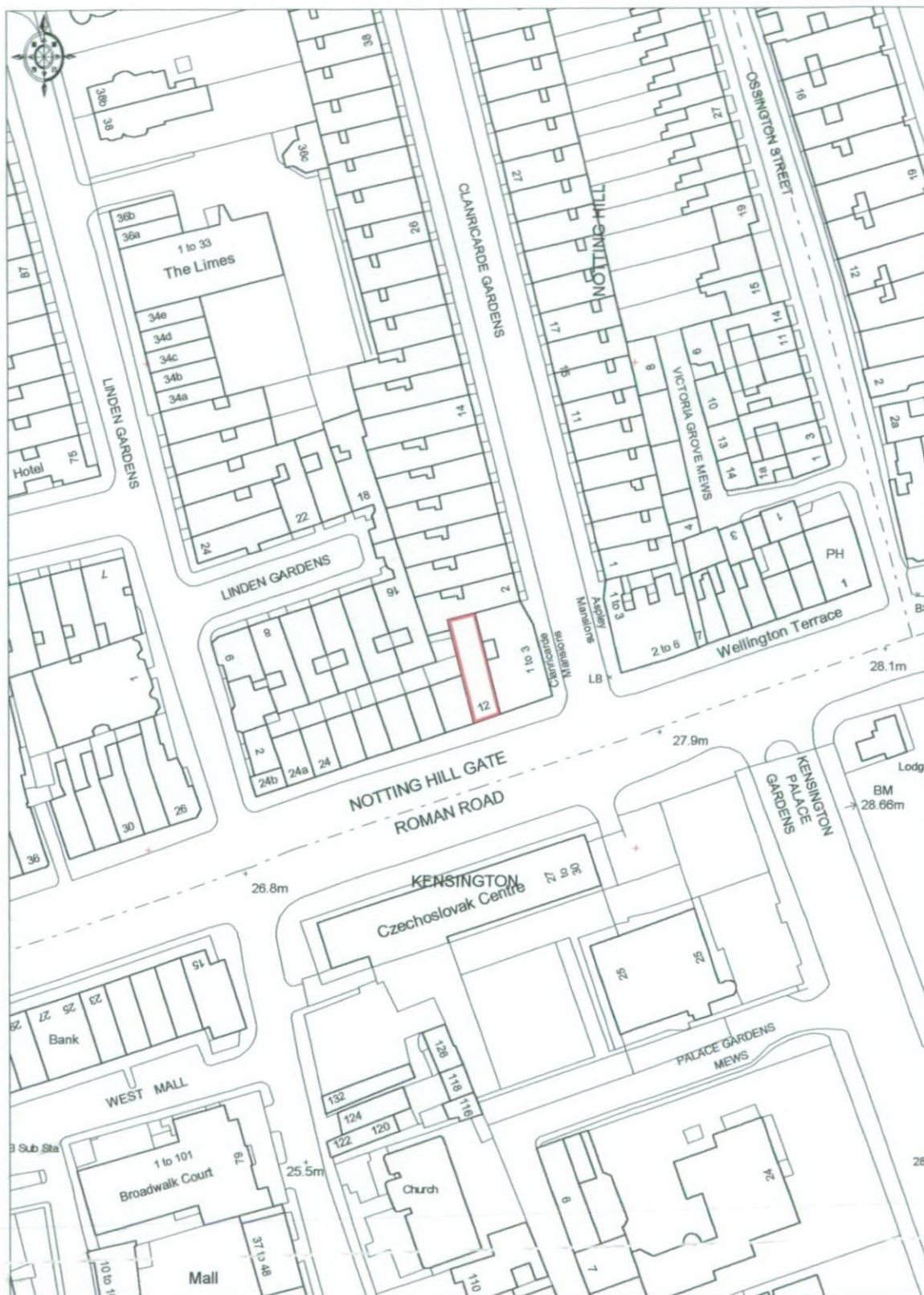
1. I understand from our client that the launderette closed for business around mid 2000.
2. Our understanding is that the launderette was not viable and whilst they did not go bankrupt it was their wish to cease trading. The lack of profitability is evidence by the fact that they were unable to maintain the property to the extent that the dilapidations became an extremely costly exercise for the landlords once they had vacated. Also the tenants had, in an endeavour to increase profitability, without consent, sub-let part of the space to a shoe repair business. Our understanding is that such was the lack of finance available to the launderette that they were allowed to leave the property without contributing to dilapidations
3. When the launderette vacated they stripped out all their equipment causing substantial damage to the floors and drainage within the building and leaving it as a "shell" unit such that there was no particular incentive to any other launderette operation.
4. With regard to marketing, we were not involved with the marketing of this unit but we would expect this sort of property to have been offered widely including launderettes and dry cleaners both nationally and locally. It is unlikely that it would have been advertised in professional or other publications as the response from such adverts for a property of this nature is usually very poor and does not justify the relatively high expenditure.

5A PORTMAN SQUARE • LONDON W1H 6BX • TELEPHONE 020 7487 5678  
FAX 020 7935 6632 • Email: solutions@hammondphillips.co.uk • www.hammondphillips.co.uk

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12 Notting Hill Gate  
LONDON W11

PP031462



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EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.	03 JUL 2003				PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEEs

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M J French Esq  
Executive Director of Planning & Conservation  
The Royal Borough of Kensington & Chelsea  
Department 705, Room 325  
The Town Hall  
Hornton Street  
LONDON W8 7NX

9681/CF/SF

11 July 2003

Attention Ms Tracey Rust

Dear Sir

**TOWN & COUNTRY PLANNING ACT**  
**12 NOTTING HILL GATE**

Further to your letter of 8 July 2003, please find  
enclosed, as requested, four copies of drawing No. 418/01Y  
showing the floor plan.

Yours faithfully



C Francis  
West & Partners

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R.B. K.C.	14 JUL 2003				PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEE

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA



M. J. FRENCH, ARICS, Dip. T. P.  
Executive Director of Planning and Conservation

PP:031462

Department 705,  
Room 325,  
The Town Hall,  
Hornton Street,  
London,  
W8 7NX

*100' x 100' plot  
1 unit on plot  
for 100' x 100'  
London SE1 1EG*

Telephone: 020 7361 2010  
Facsimile: 020 7361 3463

*8 July 03*

My reference: TP/PEND/BR

Your reference:

Please ask for:

Dear Sir (Madam),

*100' x 100' plot*

Town and Country Planning Act, 1990 – Town and Country Planning (General Permitted Development) Order 1995 and (Applications) Regulations, 1988 Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, 2002

I refer to your Town Planning Application dated *7/1/03* for *100' x 100' plot*

I would advise you that before I can accept your application as a complete application – it will be necessary for you to provide the following information:-

- Photograph(s) of the existing front and rear elevation(s) in relation to adjacent properties.
- Complete and return 4 copies of the enclosed TP.1.Part.
- Complete and return 4 copies of the enclosed TP.1(HB/CA)Part.
- 100' x 100' plot*

£ Total Fee Required £ \_\_\_\_\_  
Received £ \_\_\_\_\_  
Outstanding £ \_\_\_\_\_

You are requested to note that the eight weeks statutory period will not begin until the application has been completed.

Yours faithfully,

*M. J. French*

Executive Director of Planning and Conservation

PLEASE RETURN TEAR OFF SLIP BELOW WITH INFORMATION REQUIRED

REF: TP/PEND/BR / *AS*

Address: *12 Wottonville Gate*

To be completed by applicant: Please find enclosed the following:

Signed \_\_\_\_\_

Date \_\_\_\_\_

EX DIR	HDC	TP	CAC	AD	CLU	AG AK
R.B.	K.C.	14 JUL 2003	PLANNING			
N	C	SW	SE	APP	D/313	REC
		ARB	FPLN	DES	FEE	

3



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D Taylor Esq  
Area Planning Officer  
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9681/CF/SF

30 June 2003

Dear Mr Taylor

**TOWN & COUNTRY PLANNING ACT**  
**12 NOTTING HILL GATE**

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		03 JUL 2003			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEEs

... We refer to your letter of 1 April 2003 in respect of the use of these premises and now enclose on behalf of our client, Bodycare International Limited an application for the continued use of the premises as a tanning salon.

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We trust the information provided is sufficient to enable the Council to determine the application, however, should you require any additional detail we shall be pleased to assist.

Yours sincerely



Chris Francis  
West & Partners

cc: C Mooney Esq - Bodycare International Ltd  
Ms Z Tweddle - Bodycare International Ltd

## 12 NOTTING HILL GATE

Property Card N° : 0589 020 00

Sitename :

Comment :

TP Arch/History : 55512 H 3731

See Also :

PP031462

Xref :

Notes :

TP No	Brief Description of Proposal	1 of 8	Adverts & History No
	USE OF THE SHOP PORTION AS A SELF-SERVICE LAUNDRETTE AND THE INSTALLATION OF HOT WATER PLANT IN THE BASEMENT IN CONNECTION THEREWITH.		CA 1189 CA/01/1621

Received	Decision & Date	
Completd	Conditional	10/05/1950
Revised		

TP No	Brief Description of Proposal	2 of 8
	ERECTION OF ASBSTOS VENTILATION DUCTS AT THE REAR.	

Received	Decision & Date	
Completd	Conditional	07/11/1968
Revised		

TP No	Brief Description of Proposal	3 of 8
TP/94/2232	INSTALLATION OF A NEW SHOP FRONT	

Received 15/10/1994	Decision & Date	
Completd 02/11/1994	Conditional	10/07/1995
Revised 08/06/1995		

TP No	Brief Description of Proposal	4 of 8
TP/94/2233	DEMOLITION IN CONNECTION WITH INSTALLATION OF A NEW SHOP FRONT CONSERVATION AREA CONSENT	

Received 28/10/1994	Decision & Date	
Completd 02/11/1994	Conditional	10/07/1995
Revised 08/06/1995	CAC	

## 12 NOTTING HILL GATE

Property Card N° : 0589 020 00

Sitename :  
 Comment :  
 TP Arch/History : 55512 H 3731  
 See Also :

PPJ31462

Xref :  
 Notes :

TP No PP/01/1620 Brief Description of Proposal 5 of 8

**INSTALLATION OF A NEW SHOPFRONT.**

Received 11/07/2001 Decision & Date  
 Completd 18/07/2001 Conditional 28/09/2001  
 Revised 19/09/2001

TP No EN/ / Brief Description of Proposal 6 of 8

**SECTION 171A(1) (A) TOWN AND COUNTRY PLANNING ACT 1990  
 ENFORCEMENT NOTICE (OPERATIONAL DEVELOPMENT)  
 ALLEGED BREACH OF PLANNING CONTROL: THE INSTALLATION OF AN AIR  
 CONDITIONING UNIT AND NUMEROUS AIR EXTRACT VENTS ON THE GROUND  
 FLOOR FLAT ROOF AT REAR.\*\*\*\*PROSECUTION AUTHORISED\*\*\*\***

Received Decision & Date  
 Completd Enforcement Notice 25/07/2002  
 Revised NOTCOMPLIED 14/01/2003

TP No / / Brief Description of Proposal 7 of 8

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
 NOTICE OF WITHDRAWAL OF ENFORCEMENT NOTICE : DATED 23/03/2003**

Received Decision & Date  
 Completd Withdrawn 17/03/2003  
 Revised

TP No / / Brief Description of Proposal 8 of 8

**TOWN AND COUNTRY PLANNING ACT1990, (AS AMENDED BY THE PLANNING  
 AND COMPENSATION ACT 1991) ENFORCEMENT NOTICE:(SECTION 171A(1  
 ) (A):AGAINST THE INSTALLATION OF AN AIR CONDITIONING UNIT AND  
 NUMEROUS AIR EXTRACT VENTS ON THE GROUND FLOOR FLAT ROOF AT  
 THE REAR OF THE LAND.**

Received Decision & Date Appeal  
 Completd Enforcement Notice 18/03/2003 Lodged  
 Revised EFFECTIVE 13/05/2003 Y 07/05/2003

# The Planning Inspectorate

## RIGHT TO CHALLENGE THE DECISION

The attached appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for redetermination. It does not follow necessarily that the original decision on the appeal will be reversed when it is redetermined.

*You may wish to consider taking legal advice before embarking on a challenge. The following notes are provided for guidance only.*

Under the provision of section 288 of the Town and Country Planning Act 1990, or section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the grounds:

1. that the decision is not within the powers of the Act; or
2. that any of the 'relevant requirements' have not been complied with; ('relevant requirements' means any requirements of the 1990 Acts or of the Tribunals & Inquires Act 1992, or of any order, regulation or rule made under those Acts).

The two grounds noted above mean in effect that a decision cannot be challenged merely because someone does not agree with the Inspector's judgement. Those challenging a decision have to be able to show that a serious mistake was made by the Inspector when reaching his or her decision; or, for instance, that the inquiry, hearing or site visit was not handled correctly, or that the appeal procedures were not carried out properly. If a mistake has been made the Court has discretion not to quash the decision if it considers the interests of the person making the challenge have not been prejudiced.

*It is important to note that such an application to the High Court must be lodged with the Crown Office within 6 weeks from the date of the decision. This time limit cannot be extended.*

An appellant whose appeal has been allowed by an Inspector should note that 'a person aggrieved' may include third parties as well as the local planning authority.

If you require further advice about making a High Court challenge you should consult a solicitor, or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London WC2 2LL. Telephone: 020 794 76000.

## INSPECTION OF DOCUMENTS

It is our policy to retain case files for a period of one year from the date of the Inspector's decision. Any person entitled to be notified of the decision in an inquiry case has a legal right to apply to inspect the listed documents, photographs and

plans within 6 weeks of the date of the decision. Other requests to see the appeal documents will not normally be refused. All requests should be made quoting our appeal reference and stating the day on which you wish to visit, to:

Room 4/09 Kite Wing,  
Temple Quay House, 2 The Square,  
Temple Quay,  
Bristol BS1 6PN.

Please give at least 3 working days notice and include a daytime telephone number, if possible.

### COMPLAINTS TO THE INSPECTORATE

Any complaints about the Inspector's decision, or about the way in which the Inspector has conducted the case, or any procedural aspect of the appeal should be made in writing and quoting our appeal reference, to:

The Complaints Officer,  
Quality Assurance Unit,  
Room 4/09 Kite Wing,  
Temple Quay House, 2 The Square,  
Temple Quay, Bristol BS1 6PN.

You should normally receive a reply within 15 days of our receipt of your letter. You should note however, we cannot reconsider an appeal on which a decision has been issued. This can be done following a successful High Court challenge as explained overleaf.

### PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION (THE OMBUDSMAN)

If you consider that you have been unfairly treated through maladministration by us you can ask the Ombudsman to investigate. The Ombudsman cannot be approached direct; reference can be made to him only by an MP. While this does not have to be your local MP (whose name and address will be in the local library) in most cases he or she will be the easiest person to approach. Although the Ombudsman can recommend various forms of redress he cannot alter the Inspector's decision in any way.

### COUNCIL ON TRIBUNALS

If you feel there was something wrong with the basic procedure used for the appeal, a complaint can be made to the 'Council on Tribunals', 22 Kingsway, London WC2B 6LE. The Council will take the matter up if they think it comes within their scope. They are not concerned with the merits and cannot change the outcome of the appeal decision.



existing door  
and windows

# FRONT ELEVATION



stat  
inter  
sho

bl  
or  
p

How long vacant laundrette?  
Was it marketed as laund?

01/1620

# REASON FOR DELAY

CASE NO **PP/031462**

This case is identified as a "Target" application, with the target of being passed through to the Head of Development Control within 6 weeks of the completion date.

In the case of this application, there has been a delay, beyond 8 weeks,  
of **4 months**

I have been unable to ensure that this case has been determined within the 8 week period for the following reason(s) [highlight - there may be more than one reason!]

- 1) ~~Delay in arranging initial Site Visit [a date for this should be fixed up in the first week after you receive the case!]~~
- 2) Delays due to internal Consultation [highlight as many as necessary]
  - (i) Design - Discussions/initial Obs.
  - (ii) Design - Formal Obs.
  - (iii) Transportation
  - (iv) Policy
  - (v) Environmental Health
  - (vi) Trees
  - (vii) Other - **Valuers.**
- 3) Further neighbour notification/external consultation necessary (spread or time period - please specify)
- 4) Revisions not requested in time  
*Remember - Request all revisions by end of fourth week to stand reasonable chance of renotifying and determining case within 8 weeks!*
- 5) Revisions requested in time, but not received in time
- 6) Revisions received but inadequate - further revisions requested
- 7) Revisions received but reconsultation necessary
- 8) Awaiting Direction from English Heritage/other EH delays...
- 9) Because of the Committee cycle
- 10) Applicant's instruction
- 11) OTHER REASON Please state] .....

Signed..... (Case Officer)



---

# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

File Copy

2079/2080

020-7361-2079/2080

020-7937-5464

Switchboard:

Extension:

Direct Line:

Facsimile: 020-7361-3463

Date: 16 July 2003

---

My reference:

Your reference:

Please ask for:

My Ref: DPS/DCN/PP/03/01462/SG

Planning Information Office

Dear Sir/Madam,

## TOWN AND COUNTRY PLANNING ACT 1990

### **Proposed development at: 12 Notting Hill Gate, London, W11 3JE**

Brief details of the proposed development are set out below. Members of the public may inspect copies of the application, the plans and any other documents submitted with it. The Council's Planning Services Committee, in considering the proposal, welcomes comments either for or against the scheme. Anyone who wishes to make representations about the application should write to the Council at the above address **within 21 days** of the date of this letter. Please telephone should you require further information.

### **Proposal for which permission is sought**

**Continued use of ground floor as a tanning salon.**

**Applicant Bodycare International Ltd., Bodycare House, Blakett Road,  
Darlington, DL1 2BJ**

Yours faithfully

**M. J. FRENCH**

**Executive Director, Planning and Conservation**

## WHAT MATTERS CAN BE TAKEN INTO ACCOUNT

When dealing with a planning application the Council has to consider the policies of the Borough Plan, known as the Unitary Development Plan, and any other material considerations. The most common of these include (not necessarily in order of importance):

- The scale and appearance of the proposal and impact upon the surrounding area or adjoining neighbours;
- Effect upon the character or appearance of a Conservation Area;
- Effect upon the special historic interest of a Listed Building, or its setting;
- Effect upon traffic, access, and parking;
- Amenity issues such as loss of Sunlight or daylight, Overlooking and loss of privacy, Noise and disturbance resulting from a use, Hours of operation.

## WHAT MATTERS CANNOT BE TAKEN INTO ACCOUNT

Often people may wish to object on grounds that, unfortunately, **cannot** be taken into account because they are not controlled by Planning Legislation. These include (again not in any order of importance):

- Loss of property value;
- Private issues between neighbours such as land covenants, party walls, land and boundary disputes, damage to property;
- Problems associated with construction such as noise, dust, or vehicles (If you experience these problems Environmental Services have some control and you should contact them direct);
- Smells (Also covered by Environmental Services);
- Competition between firms;
- Structural and fire precaution concerns; (These are Building Control matters).

## WHAT HAPPENS TO YOUR LETTER

All letters of objection are taken into account when an application is considered. Revised drawings may be received during the consideration of the case and normally you will be informed and given 14 days for further response. Generally planning applications where 3 or more objections have been received are presented to the Planning Services Committee which is made up of elected Ward Councillors. Planning Officers write a report to the Committee with a recommendation as to whether the application should be granted or refused. Letters received are summarised in the report, and copies can be seen by Councillors and members of the public, including the applicant. The Councillors make the decisions and are not bound by the Planning Officer's recommendation. All meetings of the Committee are open to the public.

If you would like further information, about the application itself or when it is likely to be decided, please contact the Planning Department on the telephone number overleaf.

## WHERE TO SEE THE PLANS

Details of the application can be seen at the Planning Information Office, 3rd floor, Town Hall, Hornton Street W.8. It is open from 9am to 4.45pm Mondays to Thursdays (4pm Fridays). A Planning Officer will always be there to assist you.

In addition, copies of applications in the Chelsea Area (SW1, SW3, SW10) can be seen at The Reference Library, Chelsea Old Town Hall, Kings Road SW3 (020 7361 4158), for the Central Area (W8, W14, SW5, SW7) can be viewed in the Central Library, Town Hall, Hornton Street, W.8. and applications for districts W10, W11 and W2 in the North of the Borough can be seen at The Information Centre, North Kensington Library, 108 Ladbroke Grove, London W11 (under the Westway near Ladbroke Grove Station 020 7727-6583). Please telephone to check the opening times of these offices.

If you are a registered disabled person, it may be possible for an Officer to come to your home with the plans. Please contact the Planning Department and ask to speak to the Case Officer for the application.

***PLEASE QUOTE THE APPLICATION REFERENCE NUMBER ON YOUR REPLY***

**MEMORANDUM**

**TO: FOR FILE USE ONLY**

**From: EXECUTIVE DIRECTOR  
PLANNING & CONSERVATION**

**My Ref: PP/03/01462/SG      CODE A1**

**Room No:**

**Date: 16 July 2003**

**DEVELOPMENT AT:**

**12 Notting Hill Gate, London, W11 3JE**

**DEVELOPMENT:**

**Continued use of ground floor as a tanning salon.**

The above development is to be advertised under:-

1. Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990  
(development affecting the character or appearance of a Conservation Area or adjoining Conservation Area)

**M.J. French**

**Executive Director, Planning & Conservation**

**Royal Borough of Kensington and Chelsea  
Directorate of Planning Services - Policy Observations**

TP No: PP/03/1462	Address: 12 Notting Hill Gate, W11	Date Received 17.7.03	Date of Obs. 21.7.03
UDP Prop Alts Paras/Policies		Obj. ***	No obj.
	Development: Retention of a 'tanning salon', formerly a laundrette (sui generis), at ground floor	HMO? N/A	No. of Dwelling Units Existing N/A
		D.C. Officer SG	Proposed N/A Policy Officer TA

**Site:** The premises comprise the ground floor shop unit in the parade between Linden and Clanricarde gardens. The premises are within the non-core of the Notting Hill Gate principal shopping centre (PSC).

**Existing use:** An unauthorised tanning salon, likely a sui generis use.

**Background:** The application is the result of enforcement action arising from the unauthorised use of the premises as a tanning salon together with its change of use from a laundrette. Planning card-index records suggest there had been a laundrette present at the site since May 1950.

**Proposal:** To retain the tanning salon use at ground floor. The application drawings also show use of the basement.

**Issues:** Policy S12 (p227) where possible seeks to resist the loss of laundrettes. Policy H5 (p110) encourages the provision, and where appropriate, seeks to resist the loss of local services and facilities that support the residential character of the area. In addition, STRAT 43 (p41) aims 'to ensure the needs of the those who live and work in the Royal Borough are met by shops and services which are easily accessible by means of transport other than the car.'

It is unclear how long the tanning salon has been operating or when the laundrette ceased trading. However, the 2002 shopping centre survey entry shows the tanning salon was present. In the 2001 survey the laundrette was present but was vacant while in 2000 was open.

The applicant has not provided any evidence to show there was no longer a need for the laundrette or that it was unviable as a laundrette business. They do say in their supporting statement that there are three other laundrettes operating in the vicinity, however, this in itself proves nothing.

Notting Hill Gate while a principal shopping centre is adjacent a considerable residential catchment characterised by a mix of sizes and types of dwellings. It is also well served by public transport and other retail uses that support the residential character of the area.

Given the proposal is for retention of the use, it would only be supported in land-use terms were the applicant able to show that a laundrette business, similar to that lost, at the site would be unviable. It appears from the photograph on the planning enforcement file that the ancillary uses of shoe repair receiver and key cutting were also available on-site in addition to the main laundrette business.

**Recommendation:**

Raise Policy objection.



TO: SEE DISTRIBUTION LIST

FROM: EXECUTIVE DIRECTOR OF  
PLANNING &  
CONSERVATION

MY REF(S): HD/PP/09/1651.

YOUR REF:  
SEE DISTRIBUTION LIST

ROOM NO: 324

EXTN: 3852

DATE: 1/11/01

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL 151 Notting Hill Gate W-11.

I attach for your information a copy of the decision for the appeal on the above-mentioned premises.

EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

**DISTRIBUTION LIST:**

COUNCILLOR B. PHELPS, CO-CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR T. AHERN, CO-CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR SIR ADRIAN FITZGERALD (CHURCH WARD ONLY)  
COUNCILLOR R. HORTON  
COUNCILLOR I. DONALDSON  
TOWN CLERK & CHIEF EXECUTIVE ..... S. MODRIC RM: 253  
DIRECTOR OF LEGAL SERVICES..... L. PARKER RM: 315  
LEGAL ASSISTANT (ENFORCEMENT ONLY).. H. VIECHWEG RM: 315  
LAND CHARGES..... M. IRELAND RM: 306  
COUNCIL TAX ACCOUNTS MANAGER..... T. RAWLINSON RM: G29  
TRANSPORTATION..... B.MOUNT RM: 230  
EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION  
HEAD OF DEVELOPMENT CONTROL  
APPEALS OFFICER  
NORTH  
CENTRAL  
SOUTH-EAST  
SOUTH-WEST  
INFORMATION OFFICE  
FORWARD PLANNING..... G. FOSTER  
DESIGN..... D. MCDONALD  
STATUTORY REGISTER  
FILE(S)  
SYSTEMS..... C.PEACH



# The Planning Inspectorate

3/07 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line 0117-3728930  
Switchboard 0117-3728000  
Fax No 0117-3728443  
GTN 1371-8930

<http://www.planning-inspectorate.gov.uk>

Ms H Divett (Dept Of Planning & Conservation)  
Kensington And Chelsea R B C  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: DPS/DCN/PP/OO/01651  
Our Ref: APP/K5600/A/01/1065623  
Date: 25 October 2001

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY WATERGRAPHIC LTD  
SITE AT 151 NOTTING HILL GATE, LONDON, W11**

I enclose a copy of our Inspector's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit  
The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: [Complaints@pins.gsi.gov.uk](mailto:Complaints@pins.gsi.gov.uk)

Yours faithfully

*A. Burden*  
P.P. Mr Dave Shorland

COVERDL1

EX DIR	HDC	TP	CAC	AD	GLU	AO AK
RB KJC	29 OCT 2001			PLANNING		
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEEES

(36)

OPC @SA

# WEST & PARTNERS

CHARTERED ARCHITECTS & TOWN PLANNING CONSULTANTS  
ISAMBARD HOUSE, 60 WESTON STREET, LONDON SE1 3QJ

in  
3/9.

FAX: 020 7403 6279  
E.mail: wp@westandpartners.com

TELEPHONE: 020 7403 1726

Consultants  
Derek Codling B Arch RIBA  
Robin Kirton Dip Arch

Michael P West MCD BArch (L'pool.) FRTP  
RIBA FRSA  
Christopher J Francis  
Peter G Long B Arch (Auck) Dip BCM RIBA

Ms S Gentry  
Planning & Conservation  
The Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
LONDON W8 7NX

9681/CF/SF

2 September 2003

Dear Ms Gentry

**TOWN & COUNTRY PLANNING ACT**  
**12 NOTTING HILL GATE**

We acknowledge receipt of your letter dated 28 August 2003. None of the requested information is within our records or knowledge and we have therefore asked the managing agents for the owner if they can assist. We shall accordingly revert to you as soon as there is any information available but note that this is unlikely to be by 5 September.

Yours sincerely



C Francis  
West & Partners

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	03 SEP 2003				PLANNING	
M	C	SW	SE	APP	IO	REC
		ARB	FPLN	DES	FEES	

58

# FAX FROM

NAME: Sarah Gentry

THE DIRECTORATE OF PLANNING SERVICES

DATE: 1/9

MAIN TELEPHONE NUMBER: 020 7937 5464

DIRECT LINE: \_\_\_\_\_

FAX NUMBER (if different from below): \_\_\_\_\_

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

## TO

NAME: Chris Frances

OF: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ POSTAL CODE \_\_\_\_\_

FAX NUMBER: 7403 6279

NUMBER OF PAGES TO FOLLOW: 1

COMMENTS AND/OR INSTRUCTIONS (if any)

Please telephone me on 0207 361 2096  
if you wish to discuss.

**OUR FAX NUMBER IS: 020 7361 3463**



---

# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

Chris Frances  
West & Partners  
Isambard House  
60 Western Street  
London  
SE1 3QJ

Switchboard: 020-7937 5464  
Extension: 2096  
Direct Line: 020 - 7361 2096  
Facsimile: 020- 7361 3463

28<sup>th</sup> August 2003

---

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

My reference: DPS/DCN/SG  
PP/03/1462

Your reference:

Please ask for: Sarah Gentry

Dear Mr Frances,

**Town and Country Planning Act 1990  
12 Notting Hill Gate, W11**

I refer to your application dated 30<sup>th</sup> June 2003 for the continued use of the ground floor of the premises as a tanning centre.

The Council's records show that the property was previously used as a laundrette and was still operating in 2000. As you are aware, the Council's policy as contained within its Unitary Development Plan is to resist the loss of laundrettes within the Borough as they are considered to provide a particularly valuable service to local residents.

Could you provide the following information.

- I note that you state in your supporting statement that the laundrette business had ceased trading prior to the acquisition of the premises by the applicant. When did the laundrette close?
- Did the laundrette go bankrupt or did it cease trading? Had the lease expired when the laundrette closed?
- Was the property specifically marketed as a laundrette? Which agent was used? What property journal and/or other publications was the property advertised for letting as a laundrette? How long was it vacant? Did the fittings and machinery remain on site?

Please provide this information by the 5<sup>th</sup> September 2003. I appreciate that some of it may not be easy to obtain, however it will help the Council to consider whether the premises would still be viable as a laundrette.

If you have any queries please contact the above named officer.

Yours sincerely,

D. Taylor  
Area Planning Officer  
for Executive Director, Planning and Conservation

B



INVESTOR IN PEOPLE

---

# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

Chris Frances  
West & Partners  
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60 Western Street  
London  
SE1 3QJ

Switchboard: 020-7937 5464  
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28<sup>th</sup> August 2003

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BOROUGH OF



KENSINGTON  
AND CHELSEA

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PP/03/1462

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Yours sincerely,

D. Taylor  
Area Planning Officer  
for Executive Director, Planning and Conservation



INVESTOR IN PEOPLE

---

# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

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Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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28<sup>th</sup> August 2003

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BOROUGH OF



KENSINGTON  
AND CHELSEA

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PP/03/1462

Your reference:

Please ask for: Sarah Gentry

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If you have any queries please contact the above named officer.

Yours sincerely,

D. Taylor  
Area Planning Officer  
for Executive Director, Planning and Conservation



INVESTOR IN PEOPLE



the lease on. The Council would need prove that the property was marketed with the name of the agents and again which trade journals, local newspapers or property journals were used.

3) The owner of the building and the laundrette occupier may have come to an arrangement whereby the lease of the premises was surrendered and this would have allowed the owner to control the marketing of the premises. The Council would need evidence the property was marketed as a laundrette and details of trade journals, local newspapers or property journals advertisements would be required. .

The Council manage a number of parades of shops in the Borough and lets properties for laundrette use. The rents achieved for these units are less than identical units let for Class A1 use. I would therefore suggest the rent and lease terms agreed with the lessee, Bodycare International Limited is higher than the rent that would been achieved if the property had been let again as a laundrette.

The Council has noticed that its laundrette tenants over the last few years that trade levels have fallen and they are now seeking to boost their business by incorporating associated uses with dry cleaning, shoe repairing with laundrette use etc to ensure the business is viable.

#### **Information required from Bodycare International Limited**

I am surprised the tenants solicitors, West and Partners, did not check the planning history and current lawful use of the premises at 12 Notting Hill Gate before advising its clients to sign a lease of the premises. Most commercial leases specify the tenant complies with the 'permitted use' as well as ensuring that any statutory consents (including planning consents) are upheld.

I would therefore ask for a signed copy of the completed lease granted to Bodycare International Limited

The tenant's advisors West & Partners need to be asked details on how they secured the premises for their clients. Which agent marketed the property? Was the property marketed as a laundrette? Why didn't the tenant secure planning consent for a change of use before signing the lease or trading.

I would recommend that we meet with my colleague Nigel Brown to discuss the contents of the memorandum and a letter would need to be sent to West & Partners and Hammond Phillips seeking additional information.

**Sharon Wallace**  
**for Borough Valuer**

# FAX FROM

NAME: Sarah Gentry

THE DIRECTORATE OF PLANNING SERVICES

DATE: 4/9

MAIN TELEPHONE NUMBER: 020 7937 5464

DIRECT LINE: \_\_\_\_\_

FAX NUMBER (if different from below): \_\_\_\_\_

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

## TO

NAME: Sharon Wallace / Nigel Brown

OF: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

POSTAL CODE: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

NUMBER OF PAGES TO FOLLOW: \_\_\_\_\_

COMMENTS AND/OR INSTRUCTIONS (if any)

We have received this letter today.

Would you be able to give some advice  
on the viability of the writ if I call  
on Monday?

Thanks.

Sarah Gentry.

**OUR FAX NUMBER IS: 020 7361 3463**

① PC    ② SA

**WEST & PARTNERS TOWN PLANNING CONSULTANTS**  
ISAMBARD HOUSE, 60 WESTON STREET, LONDON SE1 3QJ

yh  
S/A

FAX: 020 7403 6279  
E.mail: wp@westandpartners.com

TELEPHONE: 020 7403 1726

Consultants  
Derek Codling B Arch RIBA  
Robin Kirton Dip Arch

Michael P West MCD BArch (L'pool.) FRTP  
RIBA FRSA  
Christopher J Francis  
Peter G Long B Arch (Auck) Dip BCM RIBA

Ms S Gentry  
Planning & Conservation  
The Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
LONDON W8 7NX

9681/CF/SF

4 September 2003

Dear Ms Gentry

**TOWN & COUNTRY PLANNING ACT**  
**12 NOTTING HILL GATE**

We refer to your letter of 28 August and our interim response of 2 September.

We now attach a copy of a letter from Hammond Phillips, managing agents for the owners of the premises, responding as fully as possible to the questions raised.

In our opinion this confirms that the premises were not viable for use as a laundrette when our client fitted them out for the current use in September 2001.

Yours sincerely



C Francis  
West & Partners

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		05 SEP 2003			PLANNING	
N	C	SW	SE	APP	IO	REC
		ARB	FPL	DES	FEES	

65

cc: C Mooney Esq - Bodycare International Ltd  
D J Thompson Esq - Hammond Phillips

3<sup>rd</sup> September 2003

DJT/LDB/09-03-1

Chris Francis  
West & Partners  
Isambard House  
60 Weston Street  
London  
SE1 3QJ



dthompson@hammondphillips.co.uk

**BY FAX: 020 7403 6279**

Dear Mr. Francis

**12 NOTTING HILL GATE, LONDON W11**  
**BODYCARE INTERNATIONAL LIMITED**

EX DIR	HDC	IP	CAC	AD	CLU	AO AK
R.B. K.C.	05 SEP 2003				PLANNING	
N	C	SW	SE	PP	IO	REC
			ARB	FPLN	DES	FEEs

Reference your letter of 2<sup>nd</sup> September, I also refer to the letter from the Royal Borough of Kensington & Chelsea of 28<sup>th</sup> August.

I have discussed this matter with our clients and will answer the questions as best we can.

1. I understand from our client that the launderette closed for business around mid 2000.
2. Our understanding is that the launderette was not viable and whilst they did not go bankrupt it was their wish to cease trading. The lack of profitability is evidence by the fact that they were unable to maintain the property to the extent that the dilapidations became an extremely costly exercise for the landlords once they had vacated. Also the tenants had, in an endeavour to increase profitability, without consent, sub-let part of the space to a shoe repair business. Our understanding is that such was the lack of finance available to the launderette that they were allowed to leave the property without contributing to dilapidations
3. When the launderette vacated they stripped out all their equipment causing substantial damage to the floors and drainage within the building and leaving it as a "shell" unit such that there was no particular incentive to any other launderette operation.
4. With regard to marketing, we were not involved with the marketing of this unit but we would expect this sort of property to have been offered widely including launderettes and dry cleaners both nationally and locally. It is unlikely that it would have been advertised in professional or other publications as the response from such adverts for a property of this nature is usually very poor and does not justify the relatively high expenditure.

5A PORTMAN SQUARE • LONDON W1H 6BX • TELEPHONE 020 7487 5678  
FAX 020 7935 6632 • Email: solutions@hammondphillips.co.uk • www.hammondphillips.co.uk

HPPS LTD Trading as Hammond Phillips. Registered In England, Reg. No. 2983047. Reg. Office: 2 Fitzhardinge Street, London W1H 6EE.





From our knowledge of the area it is our view that demand by laundrettes for a shell unit in this location would be very limited and it is unlikely that such a business could afford or justify the setting up costs of fitting out such a use.

I trust that the above is of assistance.

Yours sincerely

DUNCAN J. THOMPSON

EX DIR	HDC	TF	CAC	AD	CLU	AO AK
R.B. K.C.	05 SEP 2003				PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEEES

**WEST & PARTNERS TOWN PLANNING CONSULTANTS**  
ISAMBARD HOUSE, 60 WESTON STREET, LONDON SE1 3QJ

FAX: 020 7403 6279  
E.mail: wp@westandpartners.com

TELEPHONE: 020 7403 1726

Consultants  
Derek Codling B Arch RIBA  
Robin Kirton Dip Arch

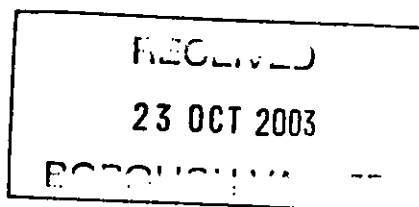
Michael P West MCD BArch (L'pool.) FRTP  
RIBA FRSA  
Christopher J Francis  
Peter G Long B Arch (Auck) Dip BCM RIBA

COPY

Ms S Wallace  
Valuers Department  
The Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
LONDON W8 7NX

9681/CF/SF

22 October 2003



Dear Ms Wallace

12 NOTTING HILL GATE, W11

Your letter of 16 October 2003 was received yesterday.

As you will see from our letter heading we are Town Planning Consultants, not agents and therefore we are not in possession of any of the detail to respond to the questions posed.

We have forwarded both the letter addressed to us together with the open letter address to Hammond Phillips, to Hammond Phillips and our client and shall revert to you when we are in receipt of any additional information.

Yours sincerely

A handwritten signature in cursive script that reads "Chris Francis".

Chris Francis  
West & Partners

cc: C Mooney Esq - Bodycare International Ltd  
Ms J Purves - Bodycare International Ltd  
J Thompson Esq - Hammond Phillips

**Gentry, Sarah: PC-Plan**

---

**To:** Wallace, Sharon: CP-Val  
**Subject:** RE: 12 Notting Hill Gate

Sharon,

I think it is ok to write a separate letter to Hammond Philips, but could you please add it as an enclosure to West and Partners and ask them to send it on to them rather than sending it to Hammond.Philips directly. As West and Partners are the agents for the application, we need to go through them.

Just a couple of points on the letters-

To West and Partners- could you start by saying "I refer to your planning application dated 30th June 2003 for the continued use of the premises as a tanning centre" so it is clear that your letter is in connection with the planning application and at some point acknowledge that some information was sent on 4th September 2003 but that it is not adequate.

Could you say Sarah Gentry, Planning Officer when you mention me.

Their reference for West and Partners is 9681/CF/SF and for Hammond Philips is DJT/LDB/09-03-1

Apart from that, fine to send. Thanks.

Sarah.

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

**From:** Wallace, Sharon: CP-Val  
**Sent:** 13 October 2003 10:19  
**To:** Gentry, Sarah: PC-Plan  
**Subject:** 12 Notting Hill Gate  
**Importance:** High

Sarah

Further to my last message, if you are happy with both of the letters then please can you confirm this so that I can send them both out in todays post.

Much appreciated

Sharon

---

**VALUERS DEPARTMENT**THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Borough Valuer I D M DOOLAN FRICS

---

Mr D Thompson  
Hammond Phillips  
5A Portman Square  
London  
W1H 5BX

Extension: 2066  
Web: www.rbkc.gov.uk

06 October 2003

---

**THE ROYAL  
BOROUGH OF****KENSINGTON  
AND CHELSEA**

---

My reference: SW/VA/PNOT

Your reference: DJT/

Please ask for: Sharon Wallace

Dear Mr Thompson

**12 Notting Hill Gate, London W11**

I have been providing Sarah Gentry advice on the viability of the property as a launderette.

It is my understanding that from the information supplied that the previous occupier ceased trading in March 2000 but the property remained vacant until September 2001. I need to know the answers to the following questions:

- 1) Under what circumstances did the property become empty, did the previous lease actually come to an end? Did the occupier not wish to renew the lease? Written confirmation from the owner on this matter would be required so that we can establish when the previous occupier's lease came to an end. Did the occupier not wish to renew the lease?
- 2) Information on the marketing of the Launderette is also required. Which agent marketed the property, what trade journals, local newspapers or property journals were used to advertise the property as a laundrette? Was it marketed as a laundrette?
- 3) Did the Launderette occupier have business problems, which resulted in a disposal of their lease, which was then placed on the market by an agent or property professional? Was there an arrangement whereby the lease of the premises was surrendered and this would have allowed the owner to control the marketing of the premises?

I await your response and ask that a signed copy of the completed lease granted to Bodycare International Limited is sent to me as soon as possible so that we can see the terms on which the tenancy was granted.

Yours sincerely

**Sharon Wallace BSc(Hons)**  
**For the Borough Valuer**



INVESTOR IN PEOPLE

---

**VALUERS DEPARTMENT**THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Borough Valuer I D M DOOLAN FRICS

---

**THE ROYAL  
BOROUGH OF****KENSINGTON  
AND CHELSEA**

---

Mr C Francis  
West and Partners Town Planning Consultants  
Isambard House  
60 Weston Street  
London  
SE1 3QJWeb: [www.rbkc.gov.uk](http://www.rbkc.gov.uk)

02 October 2003

My reference: SW/VA/PNOT Your reference: *9681/CF/SF* Please ask for: Sharon Wallace

Dear Mr Francis,

*I refer to your planning app***12 Notting Hill Gate, W11**

I have been sent a copy of your letter dated 4<sup>th</sup> September addressed to Sarah Gentry. I have been asked by Sarah Gentry to assist her in providing advice on the viability of the above property as a launderette. I therefore ask if you can please consider the questions below.

1. How did you secure the premises for your clients?
2. Which agent marketed the property?
3. Was the property marketed as a launderette? If so, could I have a copy of the sales particulars?
4. Why didn't the tenant secure planning consent for a change of use before signing the lease or trading?

We are currently trying to establish some further information from the Landlord's agents to enable us to deal with this matter as soon as possible. I would be grateful if you can please let me know the answer to my queries at the earliest possible convenience. Can you also send me a signed copy of the completed lease granted to Bodycare International Limited.

Yours sincerely

**Sharon Wallace BSc (Hons)  
For The Borough Valuer.**

INVESTOR IN PEOPLE

**Gentry, Sarah: PC-Plan**

---

**From:** Gentry, Sarah: PC-Plan  
**Sent:** 08 October 2003 13:48  
**To:** Wallace, Sharon: CP-Val  
**Subject:** 12 Notting Hill Gate

Sharon,

How are you getting on with drafting the letter for this?

Sarah.



# Memorandum

---

**To:** Sarah Gentry                      **Your Ref:**

**From:** Sharon Wallace                      **Extension:** 2066  
Borough Valuers                      **My Ref:** SW

**CC:**

**Date:** 18/09/2003

---

**12 Notting Hill Gate, W11**

Thank you for sending me a copy of the letter dated 4 September 2003 from Hammond Phillips. Although the letter provides some answers to the questions you raised there is some key information missing. I would therefore recommend that I draft a letter to Hammond Phillips and West & Partners seeking further clarification and raising additional questions that need to be answered.

The owner of the building, Trustee of Campden Charities need to provide information on the previous occupation of the property as a laundrette. The circumstances on how the property became empty needs to be ascertained.

## **Information required from the owner of the building**

As the cessation of the previous laundrette use was over a couple of years ago then further information is required from the building owners on this matter. From information supplied it appears the previous occupier of the premises ceased trading in March 2000 but the property remained vacant until September 2001.

1) The owner of the building needs to provide details advising whether the previous occupier's lease came to an end and the occupier did not wish to renew the lease. Written confirmation from the owner would be required and details on how the property was marketed as a laundrette would be required. Which agent marketed the property, what trade journals, local newspapers or property journals were used to advertise the property as a laundrette.

2) Alternatively, the laundrette occupier may have experienced business problems but occupiers can dispose of their lease by using an agent or property professional to sell



the lease on. The Council would need prove that the property was marketed with the name of the agents and again which trade journals, local newspapers or property journals were used.

3) The owner of the building and the laundrette occupier may have come to an arrangement whereby the lease of the premises was surrendered and this would have allowed the owner to control the marketing of the premises. The Council would need evidence the property was marketed as a laundrette and details of trade journals, local newspapers or property journals advertisements would be required. .

The Council manage a number of parades of shops in the Borough and lets properties for laundrette use. The rents achieved for these units are less than identical units let for Class A1 use. I would therefore suggest the rent and lease terms agreed with the lessee, Bodycare International Limited is higher than the rent that would been achieved if the property had been let again as a laundrette.

The Council has noticed that its laundrette tenants over the last few years that trade levels have fallen and they are now seeking to boost their business by incorporating associated uses with dry cleaning, shoe repairing with laundrette use etc to ensure the business is viable.

#### **Information required from Bodycare International Limited**

I am surprised the tenants solicitors, West and Partners, did not check the planning history and current lawful use of the premises at 12 Notting Hill Gate before advising its clients to sign a lease of the premises. Most commercial leases specify the tenant complies with the 'permitted use' as well as ensuring that any statutory consents (including planning consents) are upheld.

I would therefore ask for a signed copy of the completed lease granted to Bodycare International Limited

The tenant's advisors West & Partners need to be asked details on how they secured the premises for their clients. Which agent marketed the property? Was the property marketed as a laundrette? Why didn't the tenant secure planning consent for a change of use before signing the lease or trading.

I would recommend that we meet with my colleague Nigel Brown to discuss the contents of the memorandum and a letter would need to be sent to West & Partners and Hammond Phillips seeking additional information.

**Sharon Wallace**  
*for Borough Valuer*

**Gentry, Sarah: PC-Plan**

---

**From:** Gentry, Sarah: PC-Plan  
**Sent:** 15 September 2003 12:12  
**To:** Wallace, Sharon: CP-Val  
**Cc:** Brown, Nigel: CP-Val  
**Subject:** 12 Notting Hill Gate

Sharon,

Did you get my fax of 4/9 with a letter from the agent for this application? Have you any comments re. the viability of the unit for launderette purposes?

Thanks.  
Sarah.

COPY

**WEST & PARTNERS TOWN PLANNING CONSULTANTS**  
ISAMBARD HOUSE, 60 WESTON STREET, LONDON SE1 3QJ

FAX: 020 7403 6279  
E.mail: wp@westandpartners.com

TELEPHONE: 020 7403 1726

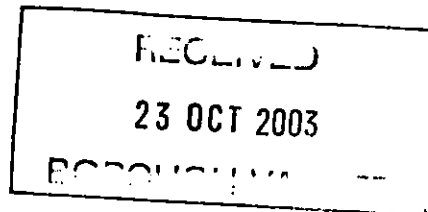
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Peter G Long B Arch (Auck) Dip BCM RIBA

Ms S Wallace  
Valuers Department  
The Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
LONDON W8 7NX

9681/CF/SF

22 October 2003



Dear Ms Wallace

12 NOTTING HILL GATE, W11

Your letter of 16 October 2003 was received yesterday.

As you will see from our letter heading we are Town Planning Consultants, not agents and therefore we are not in possession of any of the detail to respond to the questions posed.

We have forwarded both the letter addressed to us together with the open letter address to Hammond Phillips, to Hammond Phillips and our client and shall revert to you when we are in receipt of any additional information.

Yours sincerely

Chris Francis  
West & Partners

cc: C Mooney Esq - Bodycare International Ltd  
Ms J Purves - Bodycare International Ltd  
J Thompson Esq - Hammond Phillips

A COPY  
OF THIS WAS  
SENT TO  
SARAH GENTRY  
24/10

COPY

24<sup>th</sup> October 2003

Your ref: SW/VA/PNOT  
Our ref: DJT/LDB/10-24



Sharon Wallace  
Royal Borough of Kensington & Chelsea  
Valuer's Department  
The Town Hall  
Hornton Street  
London  
W8 7NX

dthompson@hammondphillips.co.uk

Dear Sharon

**12 NOTTING HILL GATE, LONDON W11**

I refer to your letter of 16<sup>th</sup> October.

I attach copy of my letter of 3<sup>rd</sup> September to Chris Francis at West & Partners which I think largely answers the questions you have raised and I am not sure that the landlords are in a position to provide much more information.

To summarise on your specific points:

1. The tenant vacated prior to the end of their lease due to the fact that the launderette was not viable and in fact left the landlords with considerable "debt", particularly by way of non-maintenance of the building. As you will see from the comments, the tenant certainly did not wish to renew and wished to cease trading. As per my previous letter, they had already, without consent, sub-let part of the accommodation to a shoe repair business in an attempt to reduce their losses.

The actual lease expired fairly shortly after they vacated.

2. I do not have any information as to the agents involved with the marketing but it is unlikely that we will be able to obtain any further information as the personnel will have changed and the papers will have been dead filed.

As per our earlier letter, it is likely that the accommodation would have been offered to launderettes and dry cleaners, but bearing in mind that the equipment was totally stripped out by the previous tenant leaving the accommodation as a shell unit in poor condition, there was no opportunity to market the premises as a launderette itself, ie. as a going concern. Equally, bearing in mind that the previous launderette was not viable, it would clearly not be viable for someone else to spend very substantial sums of money to fit out the unit and attempt to start another launderette business.

Marketing through trade journals, local newspapers or property journals for a property of this nature rarely produces interest and is likely to have been an unviable option.

3. As above, the launderette occupier was not able to trade profitably, even with an unauthorised occupier. Selling the business as a going concern was also clearly not a viable proposition, hence why a surrender of the lease was

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taken by the landlords without payment and leaving a considerable dilapidations bill.

The accommodation was, therefore, marketed by the landlords, but even with extensive marketing it took 12 months before a tenant of any nature could be found. You will, therefore, appreciate that not only was a launderette in this location not a viable business, but there was limited demand for the property at all. In our opinion, had the property been marketed as a launderette solely, then it is quite likely that the property would still be vacant.

I would stress that the surrender was taken due to the fact that the business was not viable and this was seen as the best way of minimising the losses to the landlord who have owned this property for I believe hundreds of years.

With regard to the copy lease, this is really something for Bodycare to provide, bearing in mind it is a confidential document, but I can tell you that the lease is for a term of 15 years from 24<sup>th</sup> June 2001 with five yearly reviews and broadly on a full repairing and insuring basis although there is an element of service charge in respect of the common/structural parts.

With regard to your letter of 16<sup>th</sup> October addressed to Chris Francis of West & Partners, I would comment as follows:

1. The premises were secured by Bodycare International Limited by way of negotiations in the open market.
2. I am unaware of the identity of the letting agent.
3. The property would have been marketed both as a launderette and dry cleaner along to a host of other potential tenants. We do not have a copy of the letting particulars.
4. This is not a matter on which I can provide an answer other than that the tenant, as per leases in general, is responsible for ensuring that planning consent for appropriate uses is obtained.

I trust that the above is of assistance. The only other comment that I can add is that in our view a launderette in this location is not a viable proposition. Whilst planning consent should have been obtained when the lease was granted, nevertheless we would ask that the tenant's appeal is allowed for otherwise we would anticipate this accommodation remains vacant for probably a number of years for realistically a launderette business in this location in today's world is not a viable proposition in our opinion.

Should you wish to discuss the matter further then please do not hesitate to contact me.

Yours sincerely

  
DUNCAN J. THOMPSON

cc: C. Francis Esq, West & Partners

# NOTICE OF A PLANNING APPLICATION



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

Notice is hereby given the Royal Borough of Kensington and Chelsea Council **KENSINGTON  
AND CHELSEA**  
an application:

(a) for development of land in or adjacent to a Conservation Area.

Details are set out below.

Members of the public may inspect copies of the application, the plans and other documents submitted with it at:

The Planning Information Office, 3rd floor, The Town Hall, Hornton Street, W8 7NX between the hours of 9.15 and 4.45 Mondays to Thursdays and 9.15 to 4.30 Fridays;

For applications in the Chelsea area: The Reference Library, Chelsea Old Town Hall, Tel. 020-7361-4158.

For postal areas W10, W11 and W2: The 1st floor, North Kensington Library, 108 Ladbroke Grove, W11, Tel. 020-7727-6583.

Anyone who wishes to make representations about this application should write to the Executive Director of Planning and Conservation at the Town Hall (Dept. 705) within 21 days of the date of this notice.

## SCHEDULE

Reference: PP/03/01462/SG

Date: 25/07/03

12 Notting Hill Gate, London, W11 3JE

Continued use of ground floor as a tanning salon.

APPLICANT Bodycare International Ltd.

Lampost o/s no. 10.  
16/7.

PP031462

BODYCARE INTERNATIONAL LIMITED

12 NOTTING HILL GATE  
LONDON W11

CONTINUED USE AS  
TANNING SALON

SUPPORTING STATEMENT

JUNE 2003

EX DIR	HDC	TF	CAC	AD	CLU	AO AK
R.B. K.C.	03 JUL 2003				PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

WEST & PARTNERS  
ISAMBARD HOUSE  
60 WESTON STREET  
LONDON SE1 3QJ

- PP031462
1. The premises are situated on the north side of Notting Hill Gate c.11m to the west of the junction with Clanricarde Gardens and comprise a lock-up unit on the ground floor and basement of Clanricarde Mansions.
  2. The applicants, Bodycare International Limited occupy the premises as a tanning salon with ancillary retail sales of skincare and beauty products. This use commenced in September 2001.
  3. The premises were previously occupied as a laundrette.
  4. This section of Notting Hill Gate forms part of the non-core frontage of the Notting Hill Gate Principal Shopping Centre and contains a mix of uses as set out on the attached schedule. As Paragraph 8.3.15 of the UDP 2002 indicates the non-core frontages tend to be more mixed in character containing non-shop uses which contribute to the vitality and diversity of a centre.
  5. Policy S12 of the UDP indicates that where possible the Council will resist the loss of laundrettes which are an appropriate use in shop premises.
  6. While the use as a tanning salon has replaced a former laundrette, that business had ceased trading prior to the acquisition of the premises by the applicant and therefore the current application to regularise the change of use has not directly contributed to the loss of a laundrette. It is also noted that there are at least three other laundrettes serving the wider area of Notting Hill Gate at 53 Kensington Church Street; 138 Holland Park Avenue; and 24 Chepstow Place.
  7. The tanning salon use may be likened to a hairdressing salon in terms of the nature and level of activity with approximately 25% of all sales being of retail items: lotions; beauty aids; and fashion accessories, particularly as these sales are often made to customers not using the



tanning facilities. A clear glazed shopfront has been maintained so there is no question of a dead frontage arising from the introduction of this use.

- 8. Existing outlets in similar locations and of comparable size generate c.27,500 customer visits per annum ranging from 60 to 175 a day depending on the time of year and day of the week. This level of activity contributes to the vitality and viability of the area.

**CONCLUSION**

- 9. The use as a tanning salon is totally appropriate in this non-core location in the Principal Shopping Frontage.

West & Partners  
Isambard House  
60 Weston Street  
LONDON SE1 3QJ

June 2003

EX	HDC	TP	CAC	AD	CLU	AO
DIR						AK
R.B.	03 JUL 2003				PLANNING	
K.C.						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

**SURVEY OF GROUND FLOOR USES BY UNIT**  
**North side : Notting Hill Gate : W11**

Job No. 9681

Number	Use	Class
	(Ossington Street)	
Wellington Terrace		
1	Public house	A3
2a and 2b	Hair salon	A1
3	Greengrocers	A1
4 and 4a	Estate agents	A2
5	Cafe	A3
6	Restaurant	A3
7	Travel agency	A1
Notting Hill Gate		
2-6	Vacant (formerly Recruitment agency)	A1
	(Clanricarde Gardens)	
8	Estate agents	A2
10	Cafe	A3
12	APPLICATION PREMISES	A1
14	Restaurant	A3
16	Newsagents	A1
18	Off-licence	A1
20a	Charity goods	A1
20b	Entrance to upper floors (residential?)	-
22	Copiers/printers	A1
24	Solicitors	B1
24a	Leather goods, gifts etc.	A1
24b	Bureau de Change	Sui generis
26	Estate agents	A1
28	Newsagents	A1
28a	Entrance to upper floors (residential?)	-
30	Bureau de Change	Sui generis
32	Oriental health practitioners and sales	A1
34	Music and videos	A1
	(Alleyway)	

West & Partners

EX DIR	HDC	TF	CAC	AD	CLU	AO AK
R.B.	03 JUL 2003			PLANNING		
K.C.						
N	C	SW	SE	APP	IO	REC
		ARB	FPLN	DES	FEE	

30 June 2003

① PC ② SG

**WEST & PARTNERS TOWN PLANNING CONSULTANTS**  
ISAMBARD HOUSE, 60 WESTON STREET, LONDON SE1 3QJ

yh  
S/A

FAX: 020 7403 6279  
E.mail: wp@westandpartners.com

TELEPHONE: 020 7403 1726

Consultants  
Derek Codling B Arch RIBA  
Robin Kirton Dip Arch

Michael P West MCD BArch (L'pool.) FRTP  
RIBA FRSA  
Christopher J Francis  
Peter G Long B Arch (Auck) Dip BCM RIBA

Ms S Gentry  
Planning & Conservation  
The Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
LONDON W8 7NX

9681/CF/SF

4 September 2003

Dear Ms Gentry

**TOWN & COUNTRY PLANNING ACT**  
**12 NOTTING HILL GATE**

We refer to your letter of 28 August and our interim response of 2 September.

We now attach a copy of a letter from Hammond Phillips, managing agents for the owners of the premises, responding as fully as possible to the questions raised.

In our opinion this confirms that the premises were not viable for use as a laundrette when our client fitted them out for the current use in September 2001.

Yours sincerely



C Francis  
West & Partners

EX DIR	HDC	TP	JAC	AD	CLU	AO AK
R.B. K.C.		05 SEP 2003			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

65

cc: C Mooney Esq - Bodycare International Ltd  
D J Thompson Esq - Hammond Phillips

Relax cases

01/454 - 138 Holland pk the

readdressed as laundrette - no letting

~~01/1000~~

50/1651 - 151 Nbling H G  
app'd dismissed - still operating - ap

01/573 - 59 St Helens

not resist loss.

Re-marketed as laundrette - no letting  
B. Valner satisfied.

- vacancy  
- mking

- vitality → contrib. forming.

## Valuers Department

2<sup>nd</sup> Floor, Central Library

# Memorandum

---

**To:** Sarah Gentry

**Your Ref:**

**From:** Sharon Wallace

**Extension:** 2066

**My Ref:** SW

**CC:**

**Date:** 18/11/2003

---

### 12 NOTTING HILL GATE, W11

Please find attached a copy of my letters dated 16 October and 22 October 2003 sent to West & Partners and Hammond Phillips.

I have received written responses to these letters and I have enclosed copies of the letters for your information.

I have also attached the Borough Valuer's comments on Hammond Phillip's letter dated 22 October 2003.

In summary, I have not been able to secure information from the applicant's advisors to confirm the property was marketed as a laundrette. In addition, there is no documentation to show that after a lengthy marketing campaign it was not possible to secure a laundrette tenant and other offers were received.

Hammond Phillips, agents for the new occupier (Bodycare Limited) could not supply a copy of the sales particulars or provide details on how they secured the letting of the premises to their client.

It is my opinion, without any evidence to the contrary, the property was marketed as a Class A1 retail premises and Hammond Phillips recommended their client, Bodycare Limited submit a rental offer for the property. I am surprised that Hammond Phillips, as commercial property advisors the need to advise their clients, Bodycare Limited that a change of use was required from laundrette use to retail use.

Hammond Phillips advised me in their last letter that the previous laundrette occupier agreed with the freeholder that their lease of the premises could be surrendered. It is apparent, the freeholder could then control the marketing of the property but there is no evidence the property was marketed as a laundrette use. No planning application for a change of use was submitted for a change of use before any occupation by

Bodycare Limited as a Class A1 retail use occurred.

In addition, it is my opinion the rent being paid by Bodycare Limited is higher than any rent that could be secured for a laundrette premises and this would have been attractive to the freeholder.

I would recommend that I write back to Hammond Phillips and West & Partners asking for details of the freeholder's property advisor so that I can contact them to raise questions on the marketing of the property as a laundrette.

Sharon Wallace

Encl.

**Nigel Brown's comments on Hammonds Phillips letter.**

**Comments by paragraph**

- 1.. The tenant may have vacated the premises but this could have been due to the failure of that particular business and not the viability of any laundrette business at the premises. There is no evidence that the lessee endeavoured to dispose of their business on the open market.

Why has tenant's surveyor not been able to secure information from their client, Bodycare Limited on the name of the agent who marketed the property.

2. Hammond Phillips stated 'it is likely the accommodation would have been offered to laundrettes'. However, they have not supplied evidence to show the property was advertised as a laundrette.

Hammond Phillips states the previous use was not viable but there is no evidence to show that another business could have been viable.

They state that marketing the property through journals, local newspapers or property journals rarely produces interest. How do they know if the freeholder did this?

3. Hammond Phillips advised the lessee negotiated a settlement but this may be to allow the freeholder to refurbish the property to market it for a wider Class A1 use and a higher rent.

My opinion is the freeholder would have encouraged the lessee to surrender their lease to allow the freeholder the opportunity to let the premises at a higher rent to a Class A1 retailer.

Hammonds Phillips advised the property was marketed for 12 months but they do not have a copy of the sales particulars or details of the marketing.

How can Hammond Phillips say the property would have not be let as a laundrette?

Why would a freeholder accept a surrender when they should have encouraged the lessee to assign their lease. The freeholder would then have continued to collect the rent from the laundrette occupier.

The remainder of the letter shows that Hammond Phillips have not been helpful in providing replies to the RBKC letters.

They conclude that planning permission for Class A1 use should have been obtained when the lease was granted.

Nigel Brown – 18 November 2003



**PLANNING SERVICES APPLICATION**

**CONSULTATION SHEET**

**APPLICANT:**

West & Partners,  
Isambard House,  
60 Weston Street,  
London,  
SE1 3QJ

APPLICATION NO: PP/03/01462

APPLICATION DATED: 30/06/2003

DATE ACKNOWLEDGED: 15 July 2003

APPLICATION COMPLETE: 14/07/2003

DATE TO BE DECIDED BY: 08/09/2003

SITE: 12 Notting Hill Gate, London, W11 3JE

PROPOSAL: Continued use of ground floor as a tanning salon.

**ADDRESSES TO BE CONSULTED**

- 1.
2. 8-16 (evens) Notting Hill Gate
- 3.
4. Embassy of Slovak Republic, 26/30 Kensington Palace Gardens.
- 5.
- 6.
7. Clanciarde Mansions, Clanciarde Gardens (all flats)
- 8.
9. 2 Clanciarde Gardens
- 10.
11. 16 Linden Gardens
- 12.
- 13.
14. or any enforcement complaints
- 15.

JA  
16/7  
X  
(32)

**CONSULT STATUTORILY**

- English Heritage Listed Bdgs - CATEGORY: ...
- English Heritage Setting of Bdgs Grade I or II ...
- English Heritage Demolition in Cons. Area ...
- Demolition Bodies ...
- DoT Trunk Road - Increased traffic ...
- DoT Westway etc., ...
- Neighbouring Local Authority ...
- Strategic view authorities ...
- Kensington Palace ...
- Civil Aviation Authority (over 300') ...
- Theatres Trust ...
- National Rivers Authority ...
- Thames Water ...
- Crossrail ...
- LRT/Chelsea-Hackney Line/Cross Rail Line 2 ...
- Victorian Society ...
- DTLR Dept. Transport Loc.Gov.& Regions ...

**ADVERTISE**

- Effect on CA ...
- Setting of Listed Building ...
- Works to Listed Building ...
- Departure from UDP ...
- Demolition in CA ...
- "Major Development" ...
- Environmental Assessment ...
- No Site Notice Required ...
- Notice Required other reason ...
- Police ...
- L.P.A.C ...
- British Waterways ...
- Environmental Health ...
- GLA - CATEGORY: ...
- Govt. Office for London ...
- Twentieth Century Society ...

✓ JA  
16/7.  
Mrs Maddock  
Jones  
Flats 1, 2  
Clanciarde  
Gardens  
w/2 4MA.  
West + Partners  
Isambard Hse.  
60 Weston Street  
LONDON  
SE1 3QJ.

CLPG NEIGHBOURING CONSULTEES ADDRESS SEARCH  
CLPG ADDRESS SEARCH

EMBASSY NEWS 16 Notting Hill Gate W11 3JE [+ 5] } including ....  
 }-----> EMBASSY NEWS Flat 4 16 Notting Hill Gate W11 3JE () // ✓  
 }-----> EMBASSY NEWS 1st Floor Flat Flat 1 16 Notting Hill Gate W11 3JE (✓) // ✓  
 }-----> EMBASSY NEWS 2nd Floor Flat Flat 2 16 Notting Hill Gate W11 3JE () // ✓  
 }-----> EMBASSY NEWS 3rd Floor Flat Flat 3 16 Notting Hill Gate W11 3JE () // ✓  
 }-----> Ground Floor 16 Notting Hill Gate W11 3JE (shop) //

10 Notting Hill Gate W11 3JG OFFICE AND PREMISE [+ 0] ✓

14 Notting Hill Gate W11 3JE [+ 4] } including ....

}-----> 1st Floor Flat Flat 1 14 Notting Hill Gate W11 3JE () // ✓  
 }-----> 2nd Floor Flat Flat 2 14 Notting Hill Gate W11 3JE (✓) // ✓  
 }-----> 3rd Floor Flat Flat 3 14 Notting Hill Gate W11 3JE () // ✓  
 }-----> Ground Floor 14 Notting Hill Gate W11 3JE (shop) //

8 Notting Hill Gate W11 3JE SHOP [+ 0] ✓

12 Notting Hill Gate W11 3JE SHOP [+ 0] ✓

Clanricarde Mansions 0 Clanricarde Gardens W2 4LX [+ 3] } including ....

}-----> Flat 1 Clanricarde Mansions 0 Clanricarde Gardens W2 4LX () // ✓  
 }-----> Flat 2 Clanricarde Mansions 0 Clanricarde Gardens W2 4LX () // ✓  
 }-----> Flat 3 Clanricarde Mansions 0 Clanricarde Gardens W2 4LX () // ✓

16 Linden Gardens W2 4ES [+ 8] } including ....

}-----> Flat A 16 Linden Gardens W2 4ES () // ✓  
 }-----> Flat B 16 Linden Gardens W2 4ES () // ✓  
 }-----> Flat C 16 Linden Gardens W2 4ES () // ✓  
 }-----> Flat D 16 Linden Gardens W2 4ES () // ✓  
 }-----> Flat E 16 Linden Gardens W2 4ES () // ✓  
 }-----> Flat F 16 Linden Gardens W2 4ES () // ✓  
 }-----> Flat G 16 Linden Gardens W2 4ES () // ✓  
 }-----> Flat H 16 Linden Gardens W2 4ES () // ✓

2 Clanricarde Gardens W2 4NA [+ 7] } including ....

}-----> 1st Floor Flat Flat 3 2 Clanricarde Gardens W2 4NA () // ✓  
 }-----> 2nd/3rd Floor Flat (Rear) Flat 4 2 Clanricarde Gardens W2 4NA (✓) // ✓  
 }-----> 3rd/4th Floor Flat Flat 5 2 Clanricarde Gardens W2 4NA () // ✓  
 }-----> Basement Flat (Front) Basement Flat (Front) 2 Clanricarde Gardens W2 4NA (✓) // ✓  
 }-----> Basement Flat (Rear) Basement Flat (Rear) 2 Clanricarde Gardens W2 4NA (✓) // ✓  
 }-----> Ground Floor Flat (Front) Flat 1 2 Clanricarde Gardens W2 4NA (✓) // ✓  
 }-----> Ground/1st Floor Flat (Rear) Flat 2 2 Clanricarde Gardens W2 4NA (✓) // ✓

End of list CLPG Address Search

Source: RBKC Corporate Land and Property Gazetteer ( as on July 2001 ) - RBKC/Plat QuickMap (16/07/03)

+ Embassy of Slovak Rep.  
26/30 KPLU.

~~Mrs Maddock Jones~~

+ West and Partners.

**RBKC - Planning and Conservation - Card Index - Site Map**



Ordnance Survey Map Extract - Crown Copyright Reserved - RBKC Internal Use Only

QuickMap(16/07/03)

Map width : 243.74m

Scale 1 : 1250