

# COMMITTEE REPORT

**Please Index As**

**File Number**

**Committee Report**

**Part 1**

**Part 2**

**Part 3**

**ROYAL BOROUGH OF KENSINGTON & CHELSEA**

**REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION**

---

**PLANNING & CONSERVATION COMMITTEE  
PLANNING SERVICES COMMITTEE  
DELEGATED**

**APP NO. PP/03/00502  
AGENDA ITEM NO.**

---

**ADDRESS/SUBJECT OF REPORT:**

**53 Notting Hill  
Gate, London, W11  
3JS**

**APPLICATION DATED 02/03/2003**

**APPLICATION REVISED**

**APPLICATION COMPLETE 04/03/2003**

**APPLICANT/AGENT ADDRESS:**

**Caffe Nero,  
3 Neal Street,  
London,  
WC2H 9PU**

**CONS. AREA N/A CAPS No  
ARTICLE '4' No WARD CAA  
LISTED BUILDING No  
HBMC DIRECTION  
CONSULTED OBJ.  
SUPPORT PET.**

---

**RECOMMENDED PROPOSAL:**

**RBK& C DRAWING NO(S):**

---

**RECOMMENDED DECISION:**

**CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:**

ROYAL BOROUGH OF KENSINGTON & CHELSEA  
REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

Ac.  
DPI

**DELEGATED**

APP NO. PP/03/00502/CUSE

10/4/03

This application is for a class of development to be determined under powers delegated to me by the Council on 18th July, 2001 and is not a major, controversial or sensitive application nor one which a Ward Councillor has asked to be considered by Planning Services Committee.

Class - 8th Schedule development

**RECOMMENDED DECISION: Grant planning permission**

I hereby determine and grant this application under the powers delegated to me by the Council, subject to the condition(s) indicated below imposed for the reason(s) appearing thereunder, or for the reasons stated.

Exec. Director, Planning and Conservation

Head of Development Control

Area Planning Officer

*[Handwritten signature]*  
W/4/1

*[Handwritten initials]*

9/4/03

*[Handwritten signature]*

9/4/03

**ADDRESS OF SITE:**  
53 Notting Hill Gate, London,  
W11 3JS

APPLICATION DATED 02/03/03

APPLICATION COMPLETE 04/03/03

**APPLICANT/AGENT ADDRESS:**

Caffe Nero,  
3 Neal Street,  
London,  
WC2H 9PU

APPLICATION REVISED 20/03/03

**APPLICANT:** Caffe Nero,

DELEGATED  
APPROVAL  
10 APR 2003

CONS AREA

N/A

CAPS No

ART 4 No

WARD

Campden

LISTED BUILDING No

ENG. HERITAGE

CONSULTED 7

OBJ. 0

SUP. 0

PET. 0

**PROPOSAL:** Placing of two tables and four chairs on the public highway.

**RBK&C Drawing No(s):** PP/03/00502 and PP/03/00502/A

**Applicant's Drawing No(s)** CNE008/EX12 and two un-numbered photographs received on 03/03/03.

## CONDITIONS AND REASONS FOR THEIR IMPOSITION

1. **The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C001)**  
*Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.*  
(R001)
2. **The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the Local Planning Authority. (C068)**  
*Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)*
3. **Full particulars of the following shall be submitted to and approved in writing by the Executive Director, Planning and Conservation before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved:**
  - (a) **the removable railings at a scale of 1:20.**  
(C011)  
*Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory. (R011)*
4. **The tables and chairs shall be removed from the pavement between 22.00 hours and 09.00 hours the following day.**  
*Reason - To safeguard the amenities of the area.*
5. **On each day the tables and chairs are placed outside the premises, the occupier shall ensure the immediate area is kept litter free.**  
*Reason - To safeguard the amenities of the area.*
6. **This permission shall be personal to Caffe Nero and shall not enure for the benefit of the land. (C006)**  
*Reason - In granting this permission the Local Planning Authority has had regard to the special circumstances of the case/applicant, and considers that use otherwise than by Caffe Nero would have had different implications, and would be likely to have resulted in planning permission being refused.*  
(R006)

## INFORMATIVES

1. I10
2. I25
3. You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies TR21, CD34 and CD89. (I51)

**1.0 PLANNING CONSIDERATIONS**

- 1.1 The main considerations in the determination of this application is the effect of the proposal on the character and appearance of the front elevation of this property and the effect on the passage of pedestrians along this stretch of Notting Hill. Also for consideration is whether the proposal has a negative impact on the level of amenity for the occupants of the surrounding residential properties.
- 1.2 The relevant policies are contained within the Unitary Development Plan 2002. Policies TR21, CD34 and CD89 are of particular relevance to this application.
- 1.3 The proposal includes the placing of two tables and four chairs on the public highway immediately outside the existing shop unit 'Cafe Nero'. The tables and chairs would project approximately 1.0m from the front of the premises. The total width of the public highway outside these premises is 7.40m, narrowing to 4.70m adjacent to the tube station entrance.
- 1.4 On 14th January 2002, planning permission was granted for a temporary period of 12 months for the placement of two tables and six chairs on the public highway outside 'Cafe Nero'.
- 1.5 It is accepted that street furniture can add to the problems that pedestrians can encounter and as such, any proposals for street furniture must be kept to a minimum ensuring its positioning does not create additional difficulties and hazards. In terms of Policy TR21, the Council's minimum standards for public highway widths on high use routes is 1800mm and any structures on the highway must not extend further than 1600mm from the front elevation. In this instance, the street furniture projects less than 1600mm and the width of the public highway at the narrowest point is 3.80m. In light of this, the proposal complies with the requirements of Policy TR21.
- 1.6 The Director of Transportation and Highways does not object to this application.
- 1.7 The proposal is of an unobtrusive design, in keeping with the harmony of the front elevation, the street scene and has been sited so as to minimise visual clutter and to allow clear and safe passage for people with mobility needs. In light of this, the proposal complies with the requirements of Policy CD89.
- 1.8 The properties along this parade are retail units with Offices above at first floor level. Given the absence of residential units along this stretch of Notting Hill Gate and overall character of the parade, being adjacent to the station entrance, it is considered that the proposal would not result in a material disturbance to the occupiers

of the surrounding properties and as such, this proposal complies with the requirements of Policy CD34.

## **2.0 CONSULTATION**

- 2.1 Six letters of notification were sent out to properties within Notting Hill Gate and a site notice was displayed outside the property for a period of 21 days.
- 2.2 To date, there have been no letters received in response to this application.

## **3.0 RECOMMENDATION**

- 3.1 Grant planning permission.

**M.J. FRENCH**  
**EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

### **Background Papers**

**The contents of file PP/03/00502 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

Report Prepared By: LW  
Report Approved By: DT/LAWJ laws  
Date Report Approved: 9/4/03