

Other Documents

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Part 18



DEVELOPMENT CONTROL TECHNICAL INFORMATION

THE ROYAL
BOROUGH OF



M-L
KENSINGTON
AND CHELSEA

ADDRESS 126-128 NOTTINGHILL GATE

POLLING DISTRICT PCA

PR032569

- HB Buildings of Architectural Interest
- AMI Areas of Metropolitan Importance
- MDO Major Sites with Development Opportunities
- MOL Metropolitan Open Land
- SBA Small Business Area
- PSC Principal Shopping Centre (Core or Non-core)
- LSC Local Shopping Centre
- AI Sites of Archeological Importance
- SV Designated View of St. Paul's from Richmond
- SNCI Sites of Nature Conservation Importance
- REG 7 Restricted size and use of Estate Agent Boards
- 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							
								<input checked="" type="checkbox"/>	<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

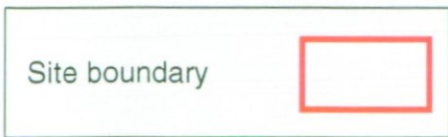
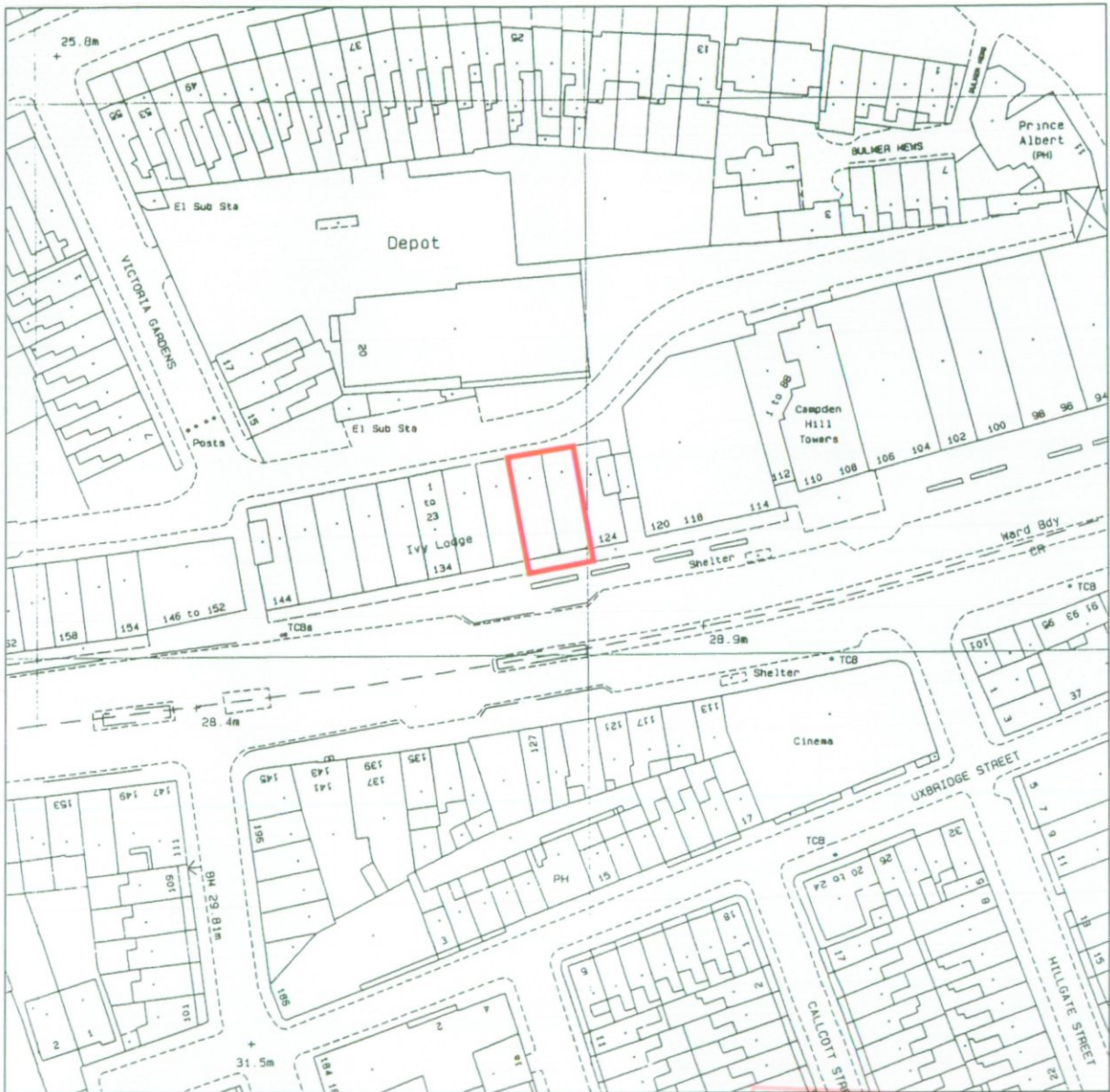
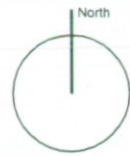
Density	
Site Area	
Habitable Rooms Proposed	
Proposed Density	

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

Daylighting	Complies	
	Infringes	

Car Parking	Spaces Required	
	Spaces Proposed	

Notes:



EX DIR	HDC	TP	CAC	AD	CLU	AC	AK
R.B. K.C.			- 5 DEC 2003		PLANNING		
N	C	SW	SE	APP	IO	REC	
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CLIENT
Mitchell & Butlers

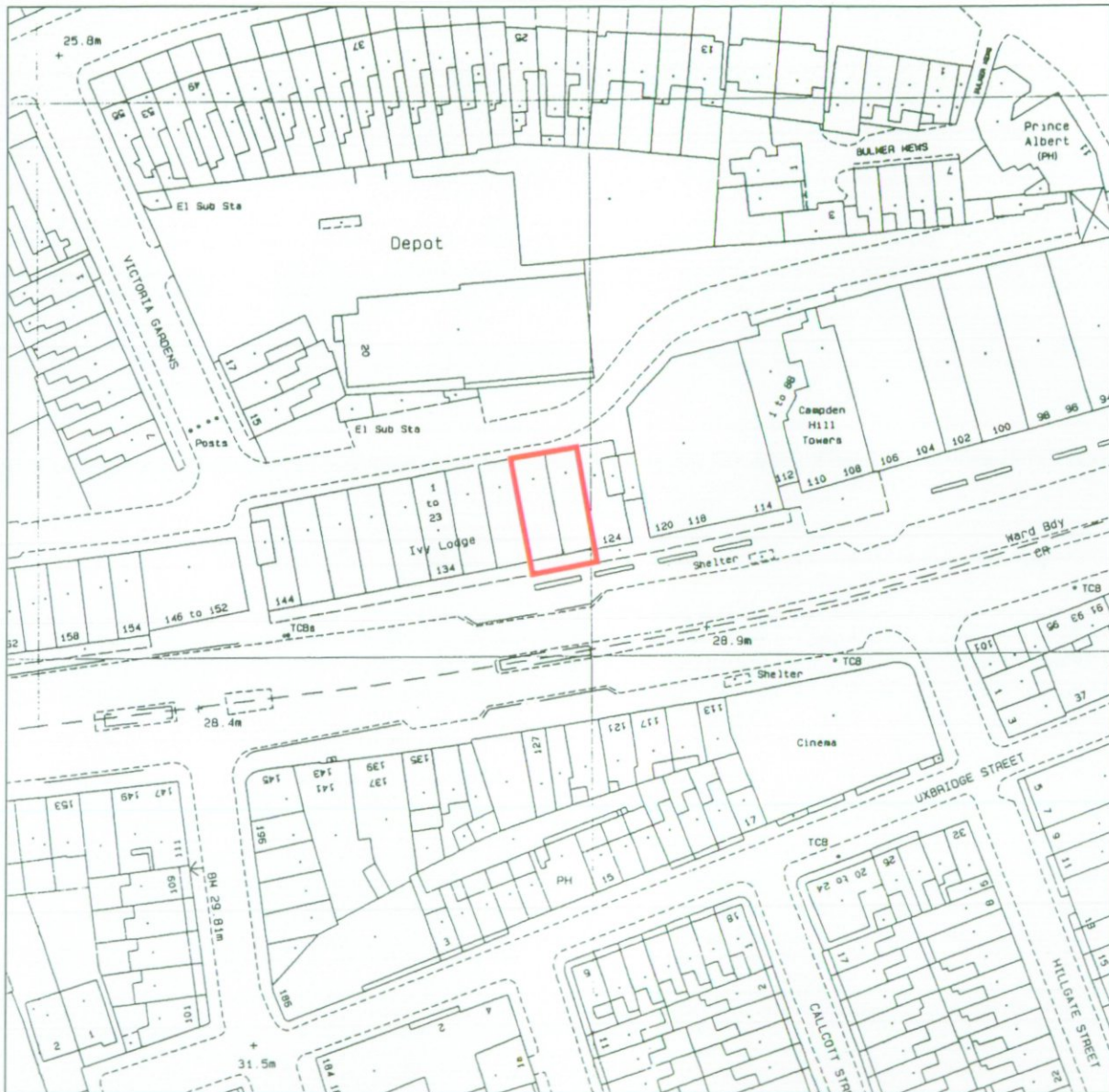
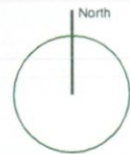
DRAWING TITLE
Site Location Plan

PROJECT
All Bar One
126-128 Notting Hill Gate

PROJECT SHB/ASH/SMT/MB
DATE 15/10/01
SCALE 1:1250
DRAWING NO. JWM.0759:01/1

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PP032569



EX DIR HDC TP CnC rd GLL AC
R.B. K.C. - 5 DEC 2003 PLANNING
C SW SE ASP 10 J 20
28 70 02 07

CLIENT
Mitchell & Butlers

DRAWING TITLE
Site Location Plan

PROJECT
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126-128 Notting Hill Gate

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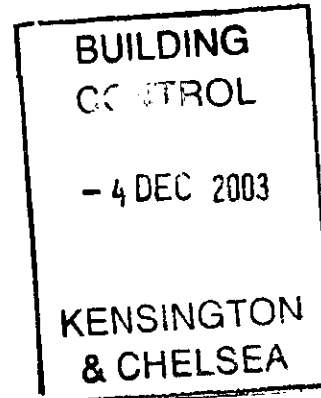
Our Ref: CY/RB/JWM.0807
Your Ref:

E-mail: yerburyc@rpsplc.co.uk
Direct Dial: 01793 816968
Date: 3 December 2003

Development Control Department
Royal Borough of Kensington and Chelsea
3rd Floor
Town Hall
Hornton Street
London
W8 7NX

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

Dear Sir/Madam



Town and Country Planning Act 1990
Application by Mitchell and Butlers Retail Ltd
External Seating Area associated with existing A3 use.
All Bar One, 126-128 Notting Hill Gate, London

I write with reference to the above site and on the instruction of our clients, Mitchell and Butlers Retail Ltd, to submit a planning application for permission for an external seating area, associated with the existing leisure use on the site.

As part of the application the following documents are enclosed:-

1. Five copies of the application form, duly completed and signed.
2. Five copies of the appropriate Certificate of Ownership duly completed and signed.
3. Five copies of Site Location Plan JWM.0759:01/1
4. Five copies of Proposed External Seating Plans.
5. Five copies of Footpath Zone Plan.
6. A cheque for £220.00 made payable to L.B of Kensington and Chelsea, as the correct fee for this type of application.

Background

Our clients have run the site as a successful All Bar One for several years and more recently have extended the seating area to outside the shopfront, meeting customer demand. The All Bar One is a popular brand, which caters for customers who wish to enjoy a quiet drink or a bite to eat both throughout the day and evening. There is current permission on the site and the external seating area has run successfully and is enjoyed by customers daily.

History

External seating was originally granted consent in 2002 (PP/012375) when the premises were refurbished for an external seating area. A renewal of this Planning

Permission was granted earlier this year, under application ref: PP/03/01169
Attached to this permission were a number of conditions including:

"3. No more than 3 tables and 12 chairs shall be positioned in front of the premises at any one time, and these tables and chairs shall be positioned within 2000 mm of the shopfront...."

Reason: To prevent further obstruction of the public highway and to safeguard the amenities of the area.

4. The forecourt shall not be used as a customer seating area between 23.00 hours and 18.00 hours the following day, at no time other than between 18.00 hours and 23.00 hours shall there be tables and chairs in front of the premises.

Reason: To ensure that there is no obstruction to pedestrian passage along the shopping frontage during the daytime, and to protect residential amenity.

The Proposal

This application is an alternative scheme to the outstanding permission for the external seating area. As stated previously our clients have run the external seating area successfully to date and wish to maximise upon its use in order to meet customer demand.

Operation details

- The tables, chairs and planters are all portable and shall be stored in the bar area when not in use.
- The seating area shall be contained under the existing first floor canopy and will be within 2000mm of the shop front,
- The retaining ropes are also temporary and shall only be necessary in operation hours.
- The All Bar One staff are fully trained waiters and waitresses and as such serve the external area and informally police its use. Part of their job also ensures that the area is kept clean and tidy, both during its use and at the end of its operation.

Number of covers

To meet with customer demands this application proposes the siting of 5 tables and 18 chairs to form the external seating area; as set out on the External Seating Area plan. This not only maximises the amount of seating but also offers customers a choice of seating at the premises. These will all be within 2000mm of the shop front to ensure that obstruction of the public highway and pedestrian passage is at a minimum.

Currently 3 tables and 12 chairs are permitted externally. It is recognised that increasing the number of covers would intensify the use across the shop front

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however the area used 'out' from the shop front remains the same; having no effect on the public highway.

Planters/Retainers

The proposal also includes 2 portable planters located either side of the entrance doors. These help to 'dress' the entrance and to prevent its obstruction. The retainers are portable and unobtrusive and shall only be erected during operation hours. These will not result in the sectioning off of the seating area as the front is still 'open' but they aid in defining the area and will avoid the obstruction of adjacent shop fronts.

Hours of Operation

It is proposed that the hours of the seating area operation runs in line with the opening hours of the bar itself.

The All Bar One brand operates within normal licensing hours and is open daily from 11.00 in order to serve both on lunchtime trade as well as afternoon and evening clientele until close at 23.00 hours.

The bar is open throughout the day serving a customer base stretching across this period. As such the seating area shall be set up at opening and cleared away at closing in order to avoid disturbance of customers. This is a practical solution not only for the operation of the bar but also external seating would be available to all customers to enjoy throughout the day.

In terms of the effect of the maximum number of covers and the full hours of operation of the seating area it is felt that this will not have any detriment. Notting Hill Gate is a main London Distributor Road and a busy local centre with a number of shopping outlets and other amenities. It is recognised that the bar is located on a core-shopping frontage, however it is to one end of this frontage with specialist retailers, as opposed to prime retailers, on either side, reducing the average footfall in this location.

The Locality

The Notting Hill Gate locality is a vibrant local centre with a mix of uses meeting the needs of workers, tourists and residents alike.

The positively promoted 'café culture' is very much alive in the area with the majority of bars, café's and food outlets operating external seating areas throughout the day.

The pavement along Notting Hill Gate is widest at this location, approx. 9m from shopfront to kerb. Considered against the principles of urban design activities at street level, the pavement can be split into three different zones; The Amenity Lane, the Circulation Zone and the Window-Shopping Lane. This last zone is also known as the Edge of Space; this is the change between 'public' and 'private' space enabling a range of activities to co-exist. The activities involved have implications upon the design and use of this edge of space area. Some primary shopfront uses do not

require a window-shopping zone and it is often appropriate for 'private space' activities to benefit from claiming adjacent 'public space' and interacting with the public realm; restaurants and bars are such uses. This results in a merging of private and public use and contributing to the life of the public space and the street scene.

Street widths constantly vary, however an indication of the widths of each zone, in a main location is 1.5 metres each for both the amenity lane and the edge of space, and 2.5 metres for the circulation zone to accommodate pedestrian movement. The Footway Zones Plan indicates this zoning theory applied to the pavement outside the All Bar One. As stated the pavement in this area is approximately 9m wide. The amenities are accommodated in the widest part of this as the pavement is widened to reduce the road width for the pelican crossing opposite the site (approx. 2m). Taking this into account and leaving a generous 2.5 metres for the edge of space the resultant circulation zone is approx. 4.5 metres in width, ample enough to accommodate pedestrian passage in this location.

Notwithstanding the fact that Notting Hill Gate is a London Distributor Road and a primary shopping frontage the footfall past the site is not considered to be vast, especially as the road is not used as a thoroughfare to alternative locations due to the close proximity of public transport nodes.

Policy

The Kensington and Chelsea UDP, adopted 2002, recognises the existence of A3 uses within the primary shopping frontage and the benefits they can bring both to the daytime and night time economies, bringing people into the area for joint trips and servicing those people already in the area. The relevant policy for the proposed external seating area is S.28, this states;

"To resist proposals involving trading which would reduce the free passage, safety and security of pedestrians"

It is our view that, due to the issues outlined above, this proposal shall not be in conflict with this policy.

Other relevant policies include CD40, noise; CD94, street furniture and TR2 and TR4, crossings and footpaths. The proposal is also seen to comply with these.

Summary

To summarise this application proposes an external seating area;

- o Comprising of 5 tables and 18 chairs, 2 portable planters and 2 retaining ropes.
- o Permitted to be in use daily during operating hours, namely 11.00 to 23.00 hours.

A3 uses in primary shopping locations not only enhance the night time economy but also the daytime one, offering a mix of services and creating variability and vibrancy

to the street scene. Allowing external seating during the day (shopping hours) as well as at night will increase this variety and enhance the overall street scene. It is felt that introducing the external seating throughout the bar operating hours is not only practical but will not present an obstruction to the pedestrian passage along the frontage as the seating shall be within 2000mm of the shopfront and there is ample room for circulation along the wide pavement.

External seating is common place in the vicinity of the site with a number of A3 outlets accommodating tables and chairs on the pavement, and, on pavements narrower than in this location yet still along the primary shopping frontage. The introduction of external seating in this location throughout both the day and night will not, therefore, be an alien concept.

We trust that the above and enclosed are satisfactory and allow you to come to a favourable decision. I look forward to receiving confirmation of registration, in the meantime however should you require any further information please do not hesitate to contact me.

Yours sincerely



CAMILLA YERBURY
Planner



Enc.

Cc. Colin Rawcliffe Mitchell and Butlers Retail Ltd

DT

ENVIRONMENTAL SERVICES
INTERNAL MEMORANDUM

TO: Director of Planning & Conservation
Michael French & Waste Management
& Leisure Peter Ramage
ROOM NO: 322 & Council Offices

CC: Richard Case

FROM: Dennis Brown
ROOM NO: 317

TELEPHONE: 020-7361 3628
EMAIL: Dennis.brown@rbkc.gov.uk

DATE: 22 June 2004
REF: TM/204/2/67

HIGHWAYS ACT 1980 - SECTION 115E

Proposed placing of amenities on the highway at: 126 –128 Notting Hill Gate, London W11

Details of the proposal: 3 tables and 12 chairs

Applicant: All Bar One

Transportation received an application, in accordance with section 115E of the Highways Act 1980 on the 30 February 2004 from the above applicant. Brief details of the proposal are set out above.

The Borough Council in pursuance of its powers under the above-mentioned Act hereby **GRANTED** permission to place amenities on the highway outside the under-mentioned Schedule as shown in the plans submitted.

Yours sincerely

Richard Case
On behalf of the Director of Transportation and Highways

ENVIRONMENTAL SERVICES

THE TOWN HALL HORNTON STREET LONDON W8 7NX

THE ROYAL
BOROUGH OF

Executive Director MICHAEL STROUD BSc DipTE CEng MICE FIHT FIMgt

Director of Transportation and Highways CRAIG WILSON BSc MSc CEng MICE FIHT



Camilla Yerbury
RPS
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1 High Street
Wroughton, Swindon
Wilts SN4 9JX

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Extension: 3628
Direct Line: 020 7361 3628
Facsimile: 020 7361-2796
Email: Dennis.Brown@rbkc.gov.uk
Web: www.rbkc.gov.uk
21 June 04

KENSINGTON
AND CHELSEA

My reference: TM/204/2/67

Your reference:

Please ask for: Dennis Brown

Dear Sir/Madam,

THE HIGHWAYS ACT 1980 (as Amended by the Local Government Miscellaneous Provisions Act 1982)

Your application for consent to provide amenities on a public highway outside All Bar One, 126 - 128 Notting Hill Gate

The Royal Borough of Kensington and Chelsea ("the Council") pursuant to its powers under section 115E of the Highways Act 1980 hereby grants consent for placement of the proposed amenities on the public highway within the area marked out by the Council and for the period and in the manner as described in the Schedule and which is subject to the conditions enclosed.

Please note the tables and chairs licence expires on 23rd July 2004. Subject to planning permission a new licence can be issued to 21st June 2005.

You should ensure that you have read and understood the terms and conditions of your licence. Breaches of the terms and conditions of your licence may result in enforcement action being taken against you. A copy of your licence has been sent to planning and highways enforcement for their information.

The attached licence **must** be displayed in the window of the property, and should be clearly visible from the highway.

Please note that the period of consent is limited and that the amenities **must** be removed on the date of expiry of this consent and should not be placed at the location until a further consent has been applied for by you and granted by the Council. Renewal forms are available on request from the Transportation Section of the Council. Please allow at least six weeks for renewal applications to be considered. Renewal applications can be considered prior to expiry of this consent.

Yours sincerely,

Steve Trudgeon
On behalf of the Director of Transportation and Highways



INVESTOR IN PEOPLE

THE HIGHWAYS ACT 1980

**(AS AMENDED BY THE LOCAL GOVERNMENT MISCELLANEOUS
PROVISIONS ACT 1982)**

CONSENT TO PROVIDE AMENITIES ON A PUBLIC HIGHWAY

SCHEDULE

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

TYPE OF AMENITIES:

Tables, Chairs

AREA 1:

The tables and chairs should not exceed an area greater than 2 metres from the front elevation of the building

AMOUNT:

3 Tables and 12 chairs

LOCATION:

All Bar One, 126 - 128 Notting Hill Gate

PERIOD OF CONSENT:

Consent is hereby granted for the period from **22 June 2004** to

23 July 2004

SUBJECT to the following restrictions in addition to the conditions below: -

- a) Except with the previous written consent of the Council the amenities are to be placed on the public highway only between the hours of 18:00 and 23:00 Mondays to Sundays: they shall be removed from the highway when not in use.

Date: 22 June 2004

C.D Wilson
Director of Transportation & Highways

CONDITIONS

1. The applicant shall not in any way interfere with the surface of the public highway.
2. The applicant shall indemnify the Council from and against any claim in respect of any injury, damage or loss arising directly or indirectly out of the grant of this consent and the use by the public of the amenities.
3. If the Council serves a Notice on the applicant requiring him/her to take such steps as are necessary to remedy any breach of the terms of this consent, and the applicant fails to comply with the notice the Council may itself take the steps required by the Notice and recover from the applicant any expenses incurred.
4. This consent may be withdrawn by the Council at any time upon the Council giving to the applicant seven days notice in writing. Upon withdrawal of the consent the applicant shall remove the amenities from the public highway and, in default, the Council may remove the amenities and recover from the applicant its costs in so doing.
5. Any notice to be given to the applicant shall be deemed to be sufficiently served if addressed to the applicant and sent by post or left at the premises.
6. This consent is without prejudice to, and shall not be construed as derogating from, any of the rights, powers and duties of the Council pursuant to any of its statutory functions or in any other capacity and, in particular shall not restrict the Council from exercising any of its powers or duties under the Highways Act 1980 (as amended).
7. The applicant shall not place any item on the public highway or attempt to exercise any permission unless he/she has obtained both a valid licence to place the said objects on the public highway and has a current planning permission for the land use.
8. The applicant will be responsible for reimbursing the Council for any costs associated with the marking out of the defined area on the public highway.
9. The applicant must display the licence at all times within the window of the property, so that it is clearly visible from the public highway. Please note that failure to display this licence will result in the automatic WITHDRAWAL of this consent. The applicant will then be required to remove the amenities from the public highway immediately, and in default; the Council may remove the amenities and recover from the applicant its costs in so doing.
10. The licence holder will be responsible for keeping the area of the public highway used under this consent in a clean and tidy state at all times by ensuring that any litter and waste generated on or around the tables and chairs is removed immediately. The licence holder will provide litter bins within the area designated under this consent of a number and type as may be specified by the Council, and shall remove all such bins from the designated area for storage within the premises at the close of business.
11. The licence holder will only place waste out for collection on the public highway at such times as may be stipulated by the Council. The licence holder will package any waste so placed out in such a way as to prevent any detrimental impact on the street-scene, particularly through the escape of waste or through the creation of tripping hazards or obstructions.
12. Under no circumstances must any water or milk-based wastes be placed out on the public highway for collection, even in secure containers. The licence holder must ensure that any water or milk based wastes generated on the premises are disposed of via the waste water system. Grease and oil-based wastes may be placed out on the highway for collection provided that they are securely contained so that they cannot leak onto the highway. The licence-holder must immediately and thoroughly clean any area of the highway in front of their premises onto which grease or oil based wastes have leaked, restoring the affected area of highway to a clean and safe condition. (The Council will recharge the licence-holder the full cost of any remedial work to remove any residual staining of the highway outside his or her premises.)
13. The applicant shall remove the amenities from the public highway immediately if requested to do so by the Council, its agents, contractors or licencees or by a Police Officer if the area occupied by the amenities is required to facilitate safe pedestrian passage. The applicant shall not reposition the amenities on the public highway until notified by the Council, its agents, contractors or licencees or the Police that he/she may do so.
14. The Council may mark a defined area on the public highway within which the amenities must be sited.
15. Tables must be placed up against the shopfront and the chairs must be placed either side of the tables, not at the end of tables facing the pavement.

PP 032569

Fairwater House, 1 High Street, Wroughton, Swindon, Wiltshire SN4 9JX
T 01793 814800 F 01793 814818 E rpsn@rpsplc.co.uk W www.rpsplc.co.uk/planning

Our Ref: CY/RB/JWM.0807
Your Ref:

E-mail: yerburyc@rpsplc.co.uk
Direct Dial: 01793 816968
Date: 3 December 2003

Development Control Department
Royal Borough of Kensington and Chelsea
3rd Floor
Town Hall
Hornton Street
London
W8 7NX

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.	05 DEC 2003			PLANNING		
K.C.						
N	C	SW	SE	APP	IO	REC
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**BUILDING
CONTROL**

- 4 DEC 2003

**KENSINGTON
& CHELSEA**

Dear Sir/Madam

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External Seating Area associated with existing A3 use.
All Bar One, 126-128 Notting Hill Gate, London

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"3. No more than 3 tables and 12 chairs shall be positioned in front of the premises at any one time, and these tables and chairs shall be positioned within 2000 mm of the shopfront...."

Reason: To prevent further obstruction of the public highway and to safeguard the amenities of the area.

4. The forecourt shall not be used as a customer seating area between 23.00 hours and 18.00 hours the following day, at no time other than between 18.00 hours and 23.00 hours shall there be tables and chairs in front of the premises.

Reason: To ensure that there is no obstruction to pedestrian passage along the shopping frontage during the daytime, and to protect residential amenity.

The Proposal

This application is an alternative scheme to the outstanding permission for the external seating area. As stated previously our clients have run the external seating area successfully to date and wish to maximise upon its use in order to meet customer demand.

Operation details

- The tables, chairs and planters are all portable and shall be stored in the bar area when not in use.
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Number of covers

To meet with customer demands this application proposes the siting of 5 tables and 18 chairs to form the external seating area; as set out on the External Seating Area plan. This not only maximises the amount of seating but also offers customers a choice of seating at the premises. These will all be within 2000mm of the shop front to ensure that obstruction of the public highway and pedestrian passage is at a minimum.

Currently 3 tables and 12 chairs are permitted externally. It is recognised that increasing the number of covers would intensify the use across the shop front

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CHAIRS
SHOWN
ON
PLAN
BR.

however the area used 'out' from the shop front remains the same; having no effect on the public highway.

Planters/Retainers

The proposal also includes 2 portable planters located either side of the entrance doors. These help to 'dress' the entrance and to prevent its obstruction. The retainers are portable and unobtrusive and shall only be erected during operation hours. These will not result in the sectioning off of the seating area as the front is still 'open' but they aid in defining the area and will avoid the obstruction of adjacent shop fronts.

Hours of Operation

It is proposed that the hours of the seating area operation runs in line with the opening hours of the bar itself.

The All Bar One brand operates within normal licensing hours and is open daily from 11.00 in order to serve both on lunchtime trade as well as afternoon and evening clientele until close at 23.00 hours.

The bar is open throughout the day serving a customer base stretching across this period. As such the seating area shall be set up at opening and cleared away at closing in order to avoid disturbance of customers. This is a practical solution not only for the operation of the bar but also external seating would be available to all customers to enjoy throughout the day.

In terms of the effect of the maximum number of covers and the full hours of operation of the seating area it is felt that this will not have any detriment. Notting Hill Gate is a main London Distributor Road and a busy local centre with a number of shopping outlets and other amenities. It is recognised that the bar is located on a core-shopping frontage, however it is to one end of this frontage with specialist retailers, as opposed to prime retailers, on either side, reducing the average footfall in this location.

The Locality

The Notting Hill Gate locality is a vibrant local centre with a mix of uses meeting the needs of workers, tourists and residents alike.

The positively promoted 'café culture' is very much alive in the area with the majority of bars, café's and food outlets operating external seating areas throughout the day.

The pavement along Notting Hill Gate is widest at this location, approx. 9m from shopfront to kerb. Considered against the principles of urban design activities at street level, the pavement can be split into three different zones; The Amenity Lane, the Circulation Zone and the Window-Shopping Lane. This last zone is also known as the Edge of Space; this is the change between 'public' and 'private' space enabling a range of activities to co-exist. The activities involved have implications upon the design and use of this edge of space area. Some primary shopfront uses do not

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Street widths constantly vary, however an indication of the widths of each zone, in a main location is 1.5 metres each for both the amenity lane and the edge of space, and 2.5 metres for the circulation zone to accommodate pedestrian movement. The Footway Zones Plan indicates this zoning theory applied to the pavement outside the All Bar One. As stated the pavement in this area is approximately 9m wide. The amenities are accommodated in the widest part of this as the pavement is widened to reduce the road width for the pelican crossing opposite the site (approx. 2m). Taking this into account and leaving a generous 2.5 metres for the edge of space the resultant circulation zone is approx. 4.5 metres in width, ample enough to accommodate pedestrian passage in this location.

Notwithstanding the fact that Notting Hill Gate is a London Distributor Road and a primary shopping frontage the footfall past the site is not considered to be vast, especially as the road is not used as a thoroughfare to alternative locations due to the close proximity of public transport nodes.

Policy

The Kensington and Chelsea UDP, adopted 2002, recognises the existence of A3 uses within the primary shopping frontage and the benefits they can bring both to the daytime and night time economies, bringing people into the area for joint trips and servicing those people already in the area. The relevant policy for the proposed external seating area is S.28, this states;

"To resist proposals involving trading which would reduce the free passage, safety and security of pedestrians"

It is our view that, due to the issues outlined above, this proposal shall not be in conflict with this policy.

Other relevant policies include CD40, noise; CD94, street furniture and TR2 and TR4, crossings and footpaths. The proposal is also seen to comply with these.

Summary

To summarise this application proposes an external seating area;

- o Comprising of 5 tables and 18 chairs, 2 portable planters and 2 retaining ropes.
- o Permitted to be in use daily during operating hours, namely 11.00 to 23.00 hours.

A3 uses in primary shopping locations not only enhance the night time economy but also the daytime one, offering a mix of services and creating variability and vibrancy

to the street scene. Allowing external seating during the day (shopping hours) as well as at night will increase this variety and enhance the overall street scene. It is felt that introducing the external seating throughout the bar operating hours is not only practical but will not present an obstruction to the pedestrian passage along the frontage as the seating shall be within 2000mm of the shopfront and there is ample room for circulation along the wide pavement.

External seating is common place in the vicinity of the site with a number of A3 outlets accommodating tables and chairs on the pavement, and, on pavements narrower than in this location yet still along the primary shopping frontage. The introduction of external seating in this location throughout both the day and night will not, therefore, be an alien concept.

We trust that the above and enclosed are satisfactory and allow you to come to a favourable decision. I look forward to receiving confirmation of registration, in the meantime however should you require any further information please do not hesitate to contact me.

Yours sincerely



CAMILLA YERBURY
Planner



Enc.

Cc. Colin Rawcliffe Mitchell and Butlers Retail Ltd

126-128 NOTTING HILL GATE

Property Card N° : 0589 140 50

Sitename :
 Comment :
 TP Arch/History : H
 See Also : Ind Nos. 92-164
 : R/O 128-134
 Xref : See also Notting Hill Gate Redevelopment 'A'
 Notes :

PP032569

TP No TP/97/0859	Brief Description of Proposal	1 of 14	Adverts & History No
	CHANGE OF USE OF NO. 128 FROM RETAIL USE (CLASS A1) TO BAR USE USE (CLASS A3), WITH INCORPORATION OF ADJOINING AT NO. 126 CAFE (CLASS A3) AT NO. 126 TO CREATE A TWO UNIT BAR, TALLATION INSTALLATION OF A REPLACEMENT SHOPFRONT WITH ORNAMENTAL INTERNS PLANTER AND LANTERNS AND INSTALLATION OF A MECHANICAL		CA/97/227
Received 23/04/1997	Decision & Date		Works
Completed 25/04/1997	Conditional	29/09/1997	Completed
Revised			Y 16/02/1998

TP No TP/97/2560	Brief Description of Proposal	2 of 14
	INSTALLATION OF ONE CONDENSER UNIT (AMENDMENT TO PLANNING PERMISSION DATED 29/09/97, REF TP/97/0859)	

Received 17/11/1997	Decision & Date	
Completed 18/11/1997	Conditional	10/02/1998
Revised		

TP No TP/98/0262	Brief Description of Proposal	3 of 14
	INSTALLATION OF ONE CONDENSOR UNIT ADDITIONAL TO THE SIX CONDENSER UNITS APPROVED BY THE COUNCIL UNDER PLANNING PERMISSIONS (DATED 29/9/97 REF. TP/97/0859 AND DATED 10/2/98 REF. TP/97/2560)	

Received 11/02/1998	Decision & Date	
Completed 12/02/1998	Conditional	07/08/1998
Revised		

TP No TP/98/0375	Brief Description of Proposal	4 of 14
	INSTALLATION OF MECHANICAL SERVICES PLANT.	

Received 24/02/1998	Decision & Date	
Completed 26/02/1998	Refused	31/03/1999
Revised 15/02/1999		

126-128 NOTTING HILL GATE

Property Card N° : 0589 140 50

Sitename :
 Comment :
 TP Arch/History : H
 See Also : Ind Nos. 92-164
 : R/O 128-134
 Xref : See also Notting Hill Gate Redevelopment 'A'
 Notes :

PP032569

TP No PP/99/0431 Brief Description of Proposal 5 of 14

CHANGE OF USE OF NO. 128 FROM RETAIL USE (CLASS A1) TO BAR
 USE (CLASS A3), WITH INCORPORATION OF ADJOINING
 CAFE (CLASS A3) AT NO. 126 TO CREATE A TWO UNIT BAR,
 INSTALLATION OF A REPLACEMENT SHOPFRONT WITH ORNAMENTAL
 PLANTER AND LANTERNS AND INSTALLATION OF MECHANICAL

Received 25/02/1999 Decision & Date
 Complet'd 03/03/1999 Refused 16/06/1999
 Revised 15/04/1999

TP No PP/99/2285 Brief Description of Proposal 6 of 14

INSTALLATION OF OPENABLE SHOPFRONT

Adverts &
History NoALL BAR
ONE

Received 04/11/1999 Decision & Date
 Complet'd 09/11/1999 Refused 10/03/2000
 Revised 20/01/2000

TP No / / Brief Description of Proposal 7 of 14

SECTION 172 TOWN & COUNTRY PLANNING ACT 1990
 ENFORCEMENT NOTICE AGAINST THE UNAUTHORISED ERECTION OF
 MECHANICAL SERVICES DUCTING ON THE REAR FLAT OF THE PROPERTY.

Received Decision & Date Appeal
 Complet'd Enforcement Notice 06/04/1999 Lodged
 Revised Y 18/06/1999

TP No / / Brief Description of Proposal 8 of 14

1. T.C.P.A. 1990 (AS AMENDED) BY PLANNING AND COMPENSATION ACT
 1991 AGAINST AN ENFORCEMENT NOTICE DATED 06/04/1999. APPEAL
 DISMISSED PLANNING PERMISSION REFUSED ON APPLICATION DEEMED
 TO HAVE BEEN MADE UNDER SECTION 177(5) OF THE AMENDED ACT.
 (FOR INFORMATION ONLY)

Received Decision & Date
 Complet'd Refused 20/12/1999
 Revised

126-128 NOTTING HILL GATE

Property Card N° : 0589 140 50

Sitename :
 Comment :
 TP Arch/History : H
 See Also : Ind Nos. 92-164
 : R/O 128-134
 Xref : See also Notting Hill Gate Redevelopment 'A'
 Notes :

PP032569

TP No TP/98/0375 Brief Description of Proposal 9 of 14

2. SECTION 78 T.C.P.A. 1990.
 AGAINST THE COUNCIL REFUSAL DATED 31/03/1999.
 (IN PART) APPEAL DISMISSED INsofar AS IT RELATES TO THE
 INSTALLATION OF MECHANICAL SERVICES PLANT COMPRISING KITCHEN
 FRESH AIR INLET DUCT WITH FAN AND SILENCERS AND ****CONT****

Received	Decision & Date
Completd	
Revised	

TP No / / Brief Description of Proposal 10 of 14

****CONT**** BOTTLE STORE FRESH AIR INLET DUCT.

Received	Decision & Date
Completd	Refused 20/12/1999
Revised	

TP No TP/98/0375 Brief Description of Proposal 11 of 14

SECTION 78 OF T.C.P.A.1990.
 APPEAL AGAINST COUNCIL REFUSAL DATED 31/03/1999.
 (IN PART) APPEAL ALLOWED INsofar AS IT RELATES TO THE
 RETENTION OF STAFF TOILET AND STAFF SHOWER FRENsh AIR INLET
 DUCTS AND OFFICE EXTRACT DUCT.

Received	Decision & Date
Completd	Conditional 20/12/1999
Revised	

TP No PP/01/2375 Brief Description of Proposal 12 of 14

CREATION OF EXTERNAL SEATING AREA COMPRISING SIX TABLES AND
 TWENTY-FOUR CHAIRS, AND INSTALLATION OF NEW SHOP FRONT.
 (ALL BAR ONE)

Received	10/10/2001	Decision & Date
Completd	22/10/2001	Conditional 17/06/2002
Revised	25/02/2002	LIMITED 28/05/2003

126-128 NOTTING HILL GATE

Property Card N° : 0589 140 50

Sitename :
 Comment :
 TP Arch/History : H
 See Also : Ind Nos. 92-164
 : R/O 128-134
 Xref : See also Notting Hill Gate Redevelopment 'A'
 Notes :

PP032569

TP No PP/01/2376 Brief Description of Proposal 13 of 14

EXTERNAL SEATING AREA COMPRISING OF SIX TABLES AND TWENTY FOUR
 CHAIRS. INSTALLATION OF NEW SHOP FRONT.
 (DUPLICATE APPLICATION)

****WITHDRAWN BY APPLICANT'S LETTER DATED 04/07/2002****

Received 18/10/2001 Decision & Date
 Completd 23/10/2001 Withdrawn 04/07/2002L
 Revised

TP No PP/03/1169 Brief Description of Proposal 14 of 14

CREATION OF EXTERNAL SEATING AREA COMPRISING THREE TABLES AND
 TWELVE CHAIRS (RENEWAL OF CONDITIONAL AND TIME LIMITED PERIOD
 PLANNING PERMISSION REF: PP/01/2375 DATED 17/06/2002)

Received 23/05/2003 Decision & Date
 Completd 30/05/2003 Conditional
 Revised

01/08/2003

> Any Queries Please Phone 0171 361 2199/2206/2015 <
 > Fax Requests (FOA Records Section) 0171 361 3463 <

REASON FOR DELAY

CASE NO / /

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,

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!*]

Delay in arranging initial Site Visit [a date for this should be fixed up in the first week after you receive the case!]

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

Further neighbour notification/external consultation necessary (*spread or time period - please specify*)

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!

Revisions requested in time, but not received in time

Revisions received but inadequate - further revisions requested

Revisions received but reconsultation necessary

Awaiting Direction from English Heritage/other EH delays...

Because of the Committee cycle

Applicant's instruction

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

1 2079/2080

020-7361-2079/2080

020-7937-5464

Switchboard:

Extension:

Direct Line:

Facsimile: 020-7361-3463

Date: 11 December 2003

My reference:

Your reference:

Please ask for:

My Ref: DPS/DCN/PP/03/02569/SG

Planning Information Office

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Proposed development at: 126/128 Notting Hill Gate, London, W11 3QG

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

Provision of external seating area associated with existing A3 food and drink use comprising 5 tables and 20 chairs with 2 portable planters and 2 retaining ropes.

Applicant Mitchell & Butlers Retail Ltd., 27 Fleet Street, Birmingham

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/03/02569/SG

CODE A1

Room No:

Date: 11 December 2003

DEVELOPMENT AT:

126/128 Notting Hill Gate, London, W11 3QG

DEVELOPMENT:

Provision of external seating area associated with existing A3 food and drink use comprising 5 tables and 20 chairs with 2 portable planters and 2 retaining ropes.

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

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/03/02569/SG

Date: 19/12/2003

126/128 Notting Hill Gate, London, W11 3QG

Provision of external seating area associated with existing A3 food and drink use comprising 5 tables and 20 chairs with 2 portable planters and 2 retaining ropes.

APPLICANT Mitchell & Butlers Retail Ltd.,

Post SG 22/12.

All Bar One

June 2002 rec. approval for 6 tables, 24 chairs between 11.00 and 23.00
cond. 3 tables, 12 chairs only 18.00 till 23.00
1 year temporary

July 2003 rec. approval for 3 tables, 12 chairs between 18.00 and 23.00,
conditioned
Approved for 1 year

Now proposed 5 tables, 20 chairs from 11.00 till 23.00

- 1) N&N - no complaints
- 2) Highways Enforcement - ~~5284~~ cassandra - no complaints from public
- 3) Licensing - Liqueur - no complaints.
licence only. only Feb 2001 re food.
not public entertainment
- 4) Police -

General 6207376 1212.

Notting Hill -

Licensing - no problems from tables +
sargent chairs.

No obj to increase.

SG 19/12.

Gentry, Sarah: PC-Plan

From: O'Kasi, Chamberlain: ES-EnvHlth
Sent: 17 January 2004 11:03
To: Gentry, Sarah: PC-Plan
Subject: RE: All Bar One, 126-8 Notting Hill Gate

Hi sarah, we have not rec'ed any complt of N&N or any complt. at all about the above establishment hence I have No objection about the proposal/application

Thanks
Chambers.

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

From: Gentry, Sarah: PC-Plan
Sent: 15 January 2004 12:44
To: O'Kasi, Chamberlain: ES-EnvHlth
Subject: All Bar One, 126-8 Notting Hill Gate

Chamberlain,

We've received another planning application for tables and chairs for this one. They've currently got permission for 3 tables and 12 chairs to be used between 18.00 hours and 23.00 hours.

They are now proposing 5 tables and 20 chairs, to be used between 11.00 and 23.00 hours.

Would you have any objection to this? Have we had any objections since the last application (July 2003).

Thanks
Sarah

Gentry, Sarah: PC-Plan

To: O'Kasi, Chamberlain: ES-EnvHlth
Subject: All Bar One, 126-8 Notting Hill Gate

Chamberlain,

We've received another planning application for tables and chairs for this one. They've currently got permission for 3 tables and 12 chairs to be used between 18.00 hours and 23.00 hours.

They are now proposing 5 tables and 20 chairs, to be used between 11.00 and 23.00 hours.

Would you have any objection to this? Have we had any objections since the last application (July 2003).

Thanks
Sarah

LRBK&C TRANSPORTATION COMMENTS

PP Number: 03/2569	Address: All Bar One, 126 – 126 Notting Hill Gate	Date of obs: 9 th Jan 2004
------------------------------	---	---

Proposal:
External seating area accommodating 5 no. tables and 18 no .chairs, used between 11 00 and 23 00.

More info needed	No Objection	No objection STC	Concern Raised	Objection
		✓		

Initial Observations		Transportation Officer:	DC Officer:
Full Observations	✓	Robert Johnson	Sarah Gentry
Further Observations (no.)			

Comments:

The applicant has an existing permission for tables and chairs on the site. They propose more tables and chairs, all of which will remain within 2m of the shop front.

They also wish to extend the time of operation into the daytime.

TR3 of the UDP says the Council is *"to maintain, and improve footways to provide a safe and attractive environment for pedestrians."* The footway at this point is over 9m wide, and there is over 6.5m clear between the shop front and any obstruction to clear passage.

There are no impacts on pedestrians from the proposal, as this area will be well able to service the existing flow.

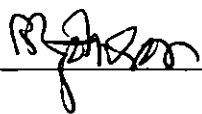
Extending the hours of operation would not appear to have any negative pedestrian flow effects, as permission currently exists from 18 00 during the evening peak, and no complaints have been received.

Suggested Conditions

- Limit distance from shop front to 2m, as presently. (C67e)
- Limit hours to as proposed, and ensure nothing remains on footway outside these hours, to prevent possible hazards and vandalism. (C76g)
- All planters and pots located in front of the premises shall be removed outside the approved hours.
- Time limit permission, to allow review in 3 years. (C67a)

Relevant transportation policies: TR3

Recommendation: The Director of Transportation and Highways has no objection to the proposal, subject to conditions.

Signed: 

Gentry, Sarah: PC-Plan

From: Taylor, Derek: PC-Plan
Sent: 06 January 2004 13:48
To: Gentry, Sarah: PC-Plan
Subject: FW: PP/03/02569 126/128 Notting Hill Gate (All Bar One) External Seating

Sarah, here we go again! Shall we discuss this one?

Derek

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

From: Tim Ahern [mailto:Tim.Ahern@btinternet.com]
Sent: 05 January 2004 12:53
To: DavidCampion@aol.com; Derek.Taylor@rbkc.gov.uk
Cc: Cllr.Weatherhead@rbkc.gov.uk; Cllr.Ahern@rbkc.gov.uk
Subject: Re: PP/03/02569 126/128 Notting Hill Gate (All Bar One) External Seating

This is one that needs to go to Committee. I have reservations about the ability of the management to read let alone apply a decision.

Tim Ahern

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

From: <DavidCampion@aol.com>
To: <Derek.Taylor@rbkc.gov.uk>
Cc: <Cllr.Weatherhead@rbkc.gov.uk>; <Cllr.Ahern@rbkc.gov.uk>
Sent: Friday, January 02, 2004 1:05 PM
Subject: PP/03/02569 126/128 Notting Hill Gate (All Bar One) External Seating

> Mr Taylor

>

> If you are by any chance likely to be recommending approval to this further application for more chairs and tables on the public pavement please could the application go the Planning Services Committee as I have strong objections to it and would want to try to persuade the committee to refuse it.

>

> The previous permission gave a limited period extension with limited seating in order to test the ability of the franchisee to maintain it properly. Since then, apart from the fact that they continued for a time to have more than the specified number of tables and chairs, the use has not been much

> in evidence since so there has so far been inadequate chance to assess whether the use has been acceptable.

>

> It is totally unacceptable, in my view, for part of the public pavement to be roped off as applied for by Mitchell Butlers Retail Ltd. The premises internally is quite large enough to hold their present clientele without such an extension of further A3 use spreading out on to the public pavement.

>

> Cllr David Campion
> Pembridge Ward
> Tel: 020 7229 3931
> Fax: 020 7681 2758
> Mob: 07889 855153
> Email: Cllr.Campion@rbkc.gov.uk

>

> [&

> *****

> The Royal Borough of Kensington and Chelsea

>
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> delete the material from your computer.

> *****

>

Our Ref:CDR/166715
Your Ref:

Mitchells & Butlers

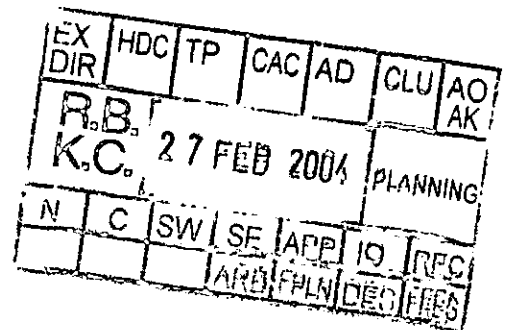
Ms S Gentry
Planning Officer
Planning & Conservation
Royal Borough of Kensington & Chelsea
The Town Hall
Hornton Street
London
W8 7NX

Colin Rawcliffe
Estate Manager
Property Department
Direct tel +44(0)121 498 4216
Direct fax +44(0)121 233 2267
Mobile 07808 09 4216
colin.rawcliffe@mbplc.com

25th February 2004

Dear Ms Gentry,

RE: ALL BAR ONE 120 - 126 NOTTING HILL GATE.



It has been brought to my attention that the conditions attached to the extant planning permission, in respect of the external seating area at the above premises, have not been fully adhered to by the staff at the premises.

I must say that this situation is unfortunate and on speaking with the manager I have been advised that he had not been properly briefed about the conditions and was under the impression that the external seating area could be used throughout the daytime and evening periods of operation.

As a manager he is personally responsible for the success of the premises and took the view that given the character of Notting Hill Gate, being an important shopping, employment and leisure centre, members of the public would appreciate it as an important amenity for the town.

The decision to utilise the forecourt area/pavement in front of the premises for seating purposes throughout the daytime and evening periods was done on commercial grounds.

I understand that this is a concern and although the Council has received no complaints about the amenity, I can assure you, as the planning officer, together with members of the committee, that senior management will ensure to police the premises more closely in future.

27 Fleet Street
Birmingham
B3 1JP
www.mbplc.com
Switchboard +44(0)870 609 3000
General fax +44(0)121 233 2246



INVESTOR IN PEOPLE

Mitchells & Butlers Retail Ltd.
Registered in England no. 24542
Registered Office: 27 Fleet Street, Birmingham, B3 1JP



Mitchells & Butlers

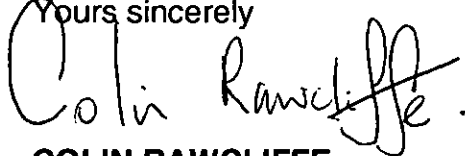
I also understand, having been briefed by our planning consultant, that the local ward member intends to monitor the situation more closely and report infringements of the operation of the external seating area.

I would appreciate if the local ward Councillors could liase with me directly in circumstances were they feel a breach has taken place so that both the council and the company can identify problems and immediate action can be taken.

I confirm that Mitchells and Butlers Retail Ltd would be prepared to accept temporary condition, until October 2004, as recommended by members, as long as the external seating area can operate throughout the daytime and evening periods.

On the assumption that the external seating area has been properly managed over the proceeding months then we would be seeking to submit a planning application for a more permanent period of 3 years.

Finally, I can confirm that if members are minded to approve the application, as amended, then it is my intention to apply for a Highway License following receipt of the planning permission. It is my understanding that although this is a separate procedure it provides the Council with another method of control regarding the management of the external seating area. On issue of the Highway License I will ensure that the necessary Highway Notice is posted on the premises for members of the public to view.

Yours sincerely


COLIN RAWCLIFFE
ESTATE MANAGER

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		27 FEB 2004			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPL	DES	FEFS



INVESTOR IN PEOPLE

DT
French, Michael: PC-Plan

From: French, Michael: PC-Plan
Sent: 20 February 2004 17:27
To: Cllr-Campion
Cc: Cllr-Cockell; Cllr-Weatherhead; Cllr-Ahern; Cllr-Moylan; Ramage, Peter: ES-WasteLeis; Cook, Norman: ES-WasteLeis; Wilson, Craig: ES-TransHigh; Wyatt-Jones, Lesley: PC-Plan; Stroud, Mike: ES-Director; Taylor, Derek: PC-Plan; Myers, Derek: CP-ChiefExec; Edila, Gifty: CP-Legal
Subject: All Bar One, Notting Hill Gate,

Dear Councillor Campion,

With regard to the three questions you raised in your e-mail of 6 February, I would advise you as follows:

1. It would not be lawful to withhold the issue of a planning permission once granted until the Highways licence has been issued. Neither can we refuse to deal with or register a planning application until the Highways application has also been received. As you know, the Highways licence costs considerably more than the planning application, so applicants seek planning permission prior to making an application for a Highways licence; however, the planning application is not approved without the agreement of the Highways officers who deal with the licence application. Once the Planning Committee has determined the application, no decision is technically made until the decision notice is signed and despatched. Any delay in issuing the notice could result in a writ of specific proof and would not help the Council's attempts to meet the Government's Best Value Indicators.
2. Clearly, I think this is something we will have to commence. I am meeting with Mr. Cook and Mr. Wilson next week and, therefore, I suspect we will be sending a copy of the decision to both Transportation and Highways Enforcement Officers.
3. Any issue of prosecution under the Highways Act will fall to Mr. Cook for consideration, and any breach of planning control would be dealt with under the Planning Act. Government advice on the use of conditions is quite clear that conditions on planning permission must relate solely to planning matters and should they seek to impose controls which are dealt with under other primary legislation, such as the Highways Act, they will be overturned on appeal. Because of the difference in costs, the planning permission precedes the Highways licence. The absence of the Highways licence is not a material planning consideration and it would have been wrong of the Committee to reach a decision taking this into account. Had we known that the Highways licence had not in fact been issued for this property, then my officers would have taken this up with Mr. Cook's team before bringing the application before Committee.

I will of course copy you into my response to Councillor Moylan after my meeting next week.

M. J. French,
Executive Director, Planning and Conservation.
020 7361 2944

French, Michael: PC-Plan

From: French, Michael: PC-Plan
Sent: 20 February 2004 16:58
To: 'Daniel Moylan'
Cc: Ramage, Peter: ES-WasteLeis; whatnots@lineone.net; Cllr-Ahern; Cllr-Campion; abingdoncockell@hotmail.com; Cllr-Weatherhead; Stroud, Mike: ES-Director; Myers, Derek: CP-ChiefExec; Edila, Gifty: CP-Legal; Wilson, Craig: ES-TransHigh; Cook, Norman: ES-WasteLeis; Taylor, Derek: PC-Plan; Wyatt-Jones, Lesley: PC-Plan
Subject: RE: All Bar One, Notting Hill Gate

Dear Councillor Moylan,

The admission by Mr. Wilson that there are a number of permissions for tables and chairs on the highway which have not been licenced is a matter of some concern; I had assumed that by consulting with Highways and Traffic before going to Committee, and then sending them a copy of the decision, when an application is granted, would have been sufficient. Clearly, there is some breakdown in the line of communication, and Mr. Cook, Mr. Wilson and I are meeting next week to try and tighten up procedures.

In your e-mail, you raised additional concerns, and I have to say that with regard to (a), I did not specifically mention Mr. Cook because he was of course consulted, but the person who provided the advice who was a member of his Highways Enforcement Team.

With regard to (b), members of the public and Councillors can, if course, contact my Department to check whether or not there is, firstly, a valid planning permission, and, secondly, whether there are any breaches of the conditions. Any such enquiry will of course be dealt with and the complainant informed.

Finally, you expect something by mid-March, and I would hope that following our meeting next week, we will be able to give you some assurance that arrangements have been tightened up, and that the new procedures will be effective.

M. J. French,
Executive Director, Planning and Conservation.
020 7361 2944

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

From: Daniel Moylan [mailto:daniel.moylan@egan-associates.com]
Sent: 06 February 2004 18:15
To: Michael.French@rbkc.gov.uk; Mike.Stroud@rbkc.gov.uk
Cc: Peter.Ramage@rbkc.gov.uk; whatnots@lineone.net; Cllr.Ahern@rbkc.gov.uk; Cllr.Campion@rbkc.gov.uk; abingdoncockell@hotmail.com; Cllr.Weatherhead@rbkc.gov.uk; Derek.Myers@rbkc.gov.uk; Gifty.Edila@rbkc.gov.uk; Craig.Wilson@rbkc.gov.uk; Norman.Cook@rbkc.gov.uk; Derek.Taylor@rbkc.gov.uk; Lesley.Wyatt-Jones@rbkc.gov.uk
Subject: Re: All Bar One, Notting Hill Gate

Dear Mr. Stroud and Mr. French,

A degree of urgency is added to my request below by my discovery from Miss Weatherhead that she understands that as many as thirty premises in the Royal Borough may be currently deploying tables and chairs on the highway with planning permission but without a Highway Licence: this represents a loss of income to the Council of perhaps £20,000 p.a. So, even if we employed a junior officer full-time to work on this (which I am not suggesting), the exercise would be practically self-funding. We would also have the environmental benefit of a properly regulated streetscene.

This leads me to ask you to include in your proposals consideration of the level of fee for a Highway Licence. Although recently raised substantially (to over £600), this still only covers, as I understand it, the cost of issuance and does not cover enforcement costs. If the latter may be

cluded, then a further review of fees would be merited.

Daniel Moylan

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

From: "Daniel Moylan" <daniel.moylan@egan-associates.com>
To: <Michael.French@rbkc.gov.uk>
Cc: <Peter.Ramage@rbkc.gov.uk>; <Mike.Stroud@rbkc.gov.uk>;
<whatnots@lineone.net>; <Cllr.Ahern@rbkc.gov.uk>;
<Cllr.Campion@rbkc.gov.uk>; <abingdoncockell@hotmail.com>;
<Cllr.Weatherhead@rbkc.gov.uk>; <Derek.Myers@rbkc.gov.uk>;
<Gifty.Edila@rbkc.gov.uk>; <Craig.Wilson@rbkc.gov.uk>;
<Norman.Cook@rbkc.gov.uk>; <Derek.Taylor@rbkc.gov.uk>;
<Lesley.Wyatt-Jones@rbkc.gov.uk>
Sent: Friday, February 06, 2004 8:48 AM
Subject: Re: All Bar One, Notting Hill Gate

Dear Mr. French,

You have seen the response of a ward Councillor to your e-mail below and I agree with him that it is not robust enough. There seems to me to be a failure (not "in this particular case" only, as you say) by the Council to have a coherent corporate responsibility for this area.

Even in your account below, the following weaknesses are apparent:

a) you say that your officers ask Highways if there have been any complaints: how would they know, since complaints are presumably handled

by

Mr. Cook, whom you do not mention?

b) you still do not tell me clearly to whom and by what means a Member or another person should make representations in the event of a breach of conditions in order for it to affect the renewal/variation process.

We need, not a promise to stick to existing procedures but do it better, as

you offer: we need a review of those procedures. As members of the Management Board, you and Mr. Stroud should, in my view, come up with proposals for me and Cllr. Walker-Arnott: these will encompass methods of preventing the failure of enforcement that accompanied this case.

You should also take account of the suggestions for improvement made by Cllr. Campion.

Can we please expect something by mid-March?

I am sorry that I referred to this as a renewal application and I acknowledge that it was a variation application.

Daniel Moylan

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

From: <Michael.French@rbkc.gov.uk>
To: <daniel.moylan@egan-associates.com>
Cc: <Peter.Ramage@rbkc.gov.uk>; <Mike.Stroud@rbkc.gov.uk>;
<whatnots@lineone.net>; <Cllr.Ahern@rbkc.gov.uk>;
<Cllr.Campion@rbkc.gov.uk>; <abingdoncockell@hotmail.com>;
<Cllr.Weatherhead@rbkc.gov.uk>; <Derek.Myers@rbkc.gov.uk>;
<Gifty.Edila@rbkc.gov.uk>; <Craig.Wilson@rbkc.gov.uk>;
<Norman.Cook@rbkc.gov.uk>; <Derek.Taylor@rbkc.gov.uk>;
<Lesley.Wyatt-Jones@rbkc.gov.uk>
Sent: Thursday, February 05, 2004 4:54 PM
Subject: RE: All Bar One, Notting Hill Gate

Dear Councillor Moylan,

Planning permission was granted in June 2002 for tables and chairs and renewed in August 2003. The application deferred by Committee was for a

variation to the number of tables and chairs and to allow them to be used between 11 a.m. and 6 p.m. Councillor Champion objected to this and spoke

Committee against it. The application is now the subject of further discussion.

With regard to the other points raised, consultation takes place with officers in the Highways Department before any report is prepared and, in this particular case, the case officer contacted the Highways Enforcement Section to see if they had received any complaints. She was advised that there

had been no complaints from members of the public and that they had inspected the site. No complaints have been received in this Department since the original permission was granted in our consultation with the Highways Department in 2002/03 and, more recently, no objections were raised.

The procedure is that when, and if, permission is granted, a copy of the report is sent to the Highways Department for the officers to pursue the highways licence. Because of the cost, applicants do not seek such a licence until such time as the planning permission is granted. Clearly,

our

procedures in this particular case were not robust enough for officers to

have regard of the fact that the use had commenced and that no licence had been agreed and was displayed.

We will of course have to strengthen our follow up procedures to ensure that when planning permission is granted, no such use commences until such time as the highways licence has been issued and is displayed in the premises.

I will discuss this further with Mr. Wilson and Mr. Cook, and seek to ensure that we are more vigilant in future.

M. J. French,
Executive Director, Planning and Conservation.
020 7361 2944

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

From: Daniel Moylan [mailto:daniel.moylan@egan-associates.com]
Sent: 04 February 2004 18:43
To: Craig Wilson; Michael J French; Norman W Cook
Cc: Peter Ramage; Michael J Stroud; Richard Walker-Arnott; Tim Ahern; David Champion; Merrick Cockell; Doreen Weatherhead; Derek Myers; Gifty Edila
Subject: All Bar One, Notting Hill Gate

Dear Mr. French, Mr. Cook and Mr. Wilson,

The All Bar One planning application for tables and chairs on the highway

(renewal of permission) is, I believe, still outstanding, following last night's deferment, and I am anxious not to interfere in that individual case, but already important lessons are to be learnt.

1. The premises have a current planning permission for tables and chairs.

2. Ward Councillors object to the renewal, alleging breach of Highway Licence conditions.

3. Nobody can tell me clearly to whom and in what form a complaint of this nature is to be made as part of the renewal objection process.

4. Highways officers, measuring rods in hand, solemnly examine the renewal

application and give Planning the all-clear: this is duly reported to Committee.

5. Nobody seems to spot until I rake about that the premises have never bothered to apply for a Highway Licence (so are hardly in breach of its conditions), despite having numerous application forms sent to them:

this
is

not reported to Planning.

6. Despite the lack of a Highway Licence, nobody takes any enforcement action over the last three years.

Now you will probably all say that I have individually and collectively misrepresented you. But does this look like joined-up government? Is a system that distributes responsibility among three separate teams, all resolutely determined not to lift their eyes to the broader picture, one that we can confidently say is working to the best advantage of the

Royal

Borough (or working at all)?

I should be grateful for comments.

Daniel Moylan

[&

The Royal Borough of Kensington and Chelsea

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

and

delete the material from your computer.

Spoke to C. Yerbury

5/2.

Will come back to me.

Discussed with C. Yerbury.

Aim for 17/3 cmtee, (report by 3/2)

Client will write to confirm wish to wd
ropes only - keep hours and nos.

SG ~~19/2~~ 16/2.

French, Michael: PC-Plan

WADT

From: French, Michael: PC-Plan
Sent: 05 February 2004 16:55
To: 'Daniel Moylan'
Cc: Ramage, Peter: ES-WasteLeis; Stroud, Mike: ES-Director; Richard Walker-Arnott; Cllr-Ahern; Cllr-Campion; Merrick Cockell; Cllr-Weatherhead; Myers, Derek: CP-ChiefExec; Edila, Gifty: CP-Legal; Wilson, Craig: ES-TransHigh; Cook, Norman: ES-WasteLeis; Taylor, Derek: PC-Plan; Wyatt-Jones, Lesley: PC-Plan
Subject: RE: All Bar One, Notting Hill Gate

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Planning permission was granted in June 2002 for tables and chairs and renewed in August 2003. The application deferred by Committee was for a variation to the number of tables and chairs and to allow them to be used between 11 a.m. and 6 p.m. Councillor Campion objected to this and spoke at Committee against it. The application is now the subject of further discussion.

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The procedure is that when, and if, permission is granted, a copy of the report is sent to the Highways Department for the officers to pursue the highways licence. Because of the cost, applicants do not seek such a licence until such time as the planning permission is granted. Clearly, our procedures in this particular case were not robust enough for officers to have regard of the fact that the use had commenced and that no licence had been agreed and was displayed.

We will of course have to strengthen our follow up procedures to ensure that when planning permission is granted, no such use commences until such time as the highways licence has been issued and is displayed in the premises.

I will discuss this further with Mr. Wilson and Mr. Cook, and seek to ensure that we are more vigilant in future.

M. J. French,
Executive Director, Planning and Conservation.
020 7361 2944

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From: Daniel Moylan [mailto:daniel.moylan@egan-associates.com]
Sent: 04 February 2004 18:43
To: Craig Wilson; Michael J French; Norman W Cook
Cc: Peter Ramage; Michael J Stroud; Richard Walker-Arnott; Tim Ahern; David Campion; Merrick Cockell; Doreen Weatherhead; Derek Myers; Gifty Edila
Subject: All Bar One, Notting Hill Gate

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6. Despite the lack of a Highway Licence, nobody takes any enforcement action over the last three years.

Now you will probably all say that I have individually and collectively misrepresented you. But does this look like joined-up government? Is a system that distributes responsibility among three separate teams, all resolutely determined not to lift their eyes to the broader picture, one that we can confidently say is working to the best advantage of the Royal Borough (or working at all)?

I should be grateful for comments.

Daniel Moylan

DC PR BC EC LF DS GR NY LB TM IP CE LT SN net

Card Index

Programs

Interested Parties

Contact Details Contact List Contact History

Only use this section if selecting from / adding to contacts database.

Rec: Contact Type: End Contact...

Ent: Contact Code: C. Smith Add to Contacts/Addresses

Loc No: Type Of Interest: Complainant Prime Contact:

Contact Status: Date Sent: 04/02/2000 Reference:

Ass Organisation Name: <input type="text"/>	Personal Contact: Title/Initials: <input type="text"/> C
<input checked="" type="checkbox"/> Address: <input type="text"/> 22 Ivy Lodge	Surname: <input type="text"/> Smith
<input type="checkbox"/> Ptn: <input type="text"/> 122 Notting Hill Gate	Position: <input type="text"/>
<input type="checkbox"/> Int: <input type="text"/> London	Salutation: <input type="text"/>
<input type="checkbox"/> Are: <input type="text"/> W11	Phone No: <input type="text"/>
<input type="checkbox"/> Pla: <input type="text"/>	Mobile No: <input type="text"/>
<input type="checkbox"/> Postcode: <input type="text"/>	Email: <input type="text"/>
<input type="checkbox"/> Phone No: <input type="text"/>	Preferred Communication Method: <input type="text"/>
<input type="checkbox"/> Fax No: <input type="text"/>	Document Selection: <input type="text"/>
<input type="checkbox"/> DK No: <input type="text"/>	

Loc: Comment:

OK Cancel Help

Start (A) Acolaid 12:40

Site visit on 16/3/00 to establish compliance with an outstanding matter relating to air-conditioning units. All the unauthorised air-extract plant has been removed from the rear and only the 6 authorised units remain in place. A letter of objection relating to the most recent planning application PP/99/2285 for open shopfront was sent to Ian Hooper on 2 December 1999 for observation on noise output in the event of an open frontage being installed. That report was considered satisfactory although it was determined that should this proposal be granted, the existing constraints relating to noise could not be met and the proposal was subsequently refused. I have not received a response to my connect sent Ian Hooper on 23/2/00 requesting confirmation of the number of complaints, if any, received in connection with the bar.

Although IH has not responded to me I called the customer services unit at Env. Health on 22/3/00 and Linda Carr confirmed to me that they have not received any complaints relating to noise emanating from the bar. It would seem, therefore, that there is no problem existing in relation to the activities at the bar or from the existing units at the rear of the premises. Accordingly, it is unlikely that a breach of the conditions has occurred at this time and I don't consider this matter to warrant further action.

Taylor, Derek: PC-Plan

From: DavidCampion@aol.com
Sent: 26 January 2004 16:10
To: Derek.Taylor@rbkc.gov.uk
Subject: Re: All Bar One 126 Notting Hill Gate,
Mr Taylor

Many thanks for your draft report which is in fact pretty well clear of any typos!

Can I point out that by allowing a roped off area you are condoning less pavement available under the canopy for pedestrians when it is raining? I pointed out to you previously that 2M was excessive for the chairs and tables that have been in use - the tables are only about a metre in dimension in terms of projection and the chairs have been almost without exception not placed on the outer ends of the tables to project beyond the tables.

I would have thought if you must recommend approval then two tables and four chairs either side of the entrance is quite enough.

It is also pretty nonsensical to say that the fact that there is nothing recorded on the files in terms of objections means that the managers have been sticking to the conditions - they have not as I note when I go to Notting Hill Gate almost every day when the chairs and tables are in use. They signally failed to keep the pavement under the chairs and tables clean and this was to the detriment of the environment which the Notting Hill Gate Improvements Group is attempting to improve.

The original 1997 A3 change of use made it a clear condition that tables and chairs would not be permitted so why on earth has the planning department departed from this?

Cllr David Campion
Pembridge Ward
Tel: 020 7229 3931
Fax: 020 7681 2758
Mob: 07889 855153
Email: Cllr.Campion@rbkc.gov.uk



Royal Borough of Kensington and Chelsea

Councillor David Campion BA(Arch) DipTP FRIBA MBCS
13 Rodney House, 12/13 Pembridge Crescent, London W11 3DY
Tel: 020 7229 3931 Fax/VoiceMail: 020 7681 2758
E-mail: Cllr.Campion@rbkc.gov.uk

04/02/2004

All Bar One, 126/128 Notting Hill Gate, W11
Variation of Planning Permission PP/03/1169 01/08/2003
Planning Services Committee 03/02/2004

Request to Committee:

1. Stick to original hours approved, i.e.: 18:00 – 23:00

The principal objection is to use during the day when the pavement is in most use by members of the public shopping along this frontage. Notting Hill Gate takes on a different and livelier character at night when there is less pedestrian traffic.

2. Allow one additional table making 5 in total

The shop front consists of 5 bays, 2 to the East and 3 to the West of the entrance door.

3. Limit extension away from the shop front to depth of tables

The original permission of 2M is unnecessary as the tables are only about 1M in size and inspection shows that seating has always been on the sides of the tables and not on the end away from the shop front. This will limit the space not available to the public when tables are in use.

4. Do not permit roping off of seating

This merely extends the area of the pavement not available to the public and gives the impression that it is a private forecourt; which it is not and should not be, and it also reduces the canopy cover available to the public in the case of inclement weather.

5. Stick to the temporary permission until 1st October 2004

The whole point of the temporary permission is to enable the Council to monitor whether the use is acceptable and that the conditions are observed by the applicant. Following the previous temporary approval the use was carried out with flagrant disregard for the conditions set by the committee and this alone should have resulted in a termination of the permission.

Comments:

The Notting Hill Gate Improvements Group has been attempting, since 1993, to improve the appearance of Notting Hill Gate.

There is usually a high wind, as a result of the height of Campden Hill Towers, and any rubbish deposited on the pavement just gets blown around to the detriment of amenity.

Based on experience it is virtually impossible to have people eating and drinking on the pavement without them leaving rubbish, including serviettes and cigarette ends etc, on the ground. It also appears to be pretty impossible to get the management to keep the place clear of rubbish whatever good intentions they may express to the committee.

Experience both at All Bar One and the coffee bar further to the West show very clearly that the conditions set are not sustainable.

The original A3 permission made it a condition that there should be no chairs and tables outside the premises and the trial periods granted to date clearly demonstrate that this was a wise condition. There was no appeal against the original decision and if the applicants are unable to stick to the conditions made by the committee it is my view that the use should be terminated for good in October. The premises has quite adequate space internally to hold the clientele and there is no real justification for the extension of the use on to the public pavement to the detriment of the amenity of Notting Hill Gate.

The committee has so far lent over backwards to give the applicants a chance and they have not reciprocated by sticking to the rules.

Cllr David Campion
Ward Councillor
03/02/2004

Taylor, Derek: PC-Plan

From: Le Masurier, Lindsey: CP-Legal
Sent: 03 February 2004 14:53
To: Wilson, Craig: ES-TransHigh
Cc: Taylor, Derek: PC-Plan
Subject: All Bar One - 126/128 Notting Hill Gate

Craig

Thanks for copying me into your earlier e-mails on this matter. For your information I have spoken with Derek Taylor in Planning and have advised that if committee were minded to grant planning permission for this application then the informative advising of the need for highways consent should be amended to say something along the lines that - the council notes the previous non-compliance with this informative, stresses the need to obtain highways consent and that failure to do so may result in enforcement action being taken under the Highways Act 1980.

Non-compliance with an informative to obtain highways consent is not a material planning consideration. Indeed PPG1 Annex C states that planning legislation should not be used to secure objectives achievable under other legislation. The Council could ultimately bring proceedings for wilful obstruction of the highway (S.137 Highways Act 1980) by way of a prosecution or a Fixed Penalty Notice under the TfL & London Local Authorities Act 2003 (in respect of the latter, the charges are currently being set).

Regards

Lindsey

*Lindsey Le Masurier
Solicitor, Planning and Property Team
Ext. 2118*

(Secretary - Sue Billington - ext 2610)

Why breaches? pressure from customers
the reason - not enforced
yet

Chlr. Whead - licence displayed?

Chairman has been in to speak to manager
told to "mind his own business" rather
foolish! Do they have any understanding
of the rules or regulations?

Chlr. Whead allow 5 but no ropes + same
hours

Chlr. Cunningham 5, no ropes, all day
+ log of complaints when come back

Chlr. O'Neal grant

Chlr. Cobbet - Singleton as Chlr. Whead

DT - add info. on Ent
+ Highways Bureau

MDF - Can't park appraise - must
defer for app. to amend
accordingly

Mr. Campian

- Report + introduction by DS gives every season to reset these tables and chairs
- Not a good neighbour for keeping NAAFAce kids
- Could allow additional tables if placed in front of and flush with shopfront... [only (max)?]
- Roping off of any area of pavement must be unacceptable in principle

agrees it's a wide pavement here

(ans. to Mr. Atkinson) "a romantic view to see table + chairs as part of the street character of the area"

Ms. Corbett of RPS

No obj's etc - agrees certain breaches commercial decision to set up tables + chairs in this area
ropes are to ensure good spatial mgmt
— take culture in character in area
voices Starbucks by Holland Ph [also temp. and also reduced, not under canopy]

OPC
@SG

Fairwater House, 1 High Street, Wroughton, Swindon, Wiltshire SN4 9JX
 T 01793 814800 F 01793 814818 E rpsn@rpsplc.co.uk W www.rpsplc.co.uk/planning

Yn.
27/2.

Our Ref: CY/JWM.0807
Your Ref:

E-mail: yerburyc@rpsplc.co.uk
Direct Dial: 01793 816968
Date: 26 February 2004

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

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	27 FEB 2004			PLANNING		
N/C	SW	SE	APP	IO	REC	
		ARB	FPLN	DES	FEES	

FB

FAO Sarah Gentry

Dear Ms Gentry

**All Bar One, Notting Hill Gate, W11
 PP/03/02569**

I write in respect to the above application following the recent decision by the Committee asking for further amendments and our subsequent telephone conversation on 16th February 2004.

As discussed my clients are happy to amend the application and remove the 2 portable posts from the description and plan. As such please find enclosed 5 copies of the amended plan to be considered by yourself and the Committee, dated 26th February 2004.

Due to the extant planning consent for 3 tables and 12 chairs during the hours of 6pm-11pm my clients do not wish to alter the hours sought as part of this application. I will ask therefore that this application is considered against the merits of the external seating area operating in conjunction with the opening hours of the All Bar One unit, namely 11am till 11pm.

I understand the Committee may wish to permit a temporary consent until October 2004 in order to monitor the situation as opposed to the full 3 years. My clients are happy to accept such a condition on the assumption that, if the area is properly managed over the preceding months a subsequent application will be submitted seeking a more permanent consent. This of course will then be decided upon its own merits

Please also find enclosed correspondence to yourself from the Estate Manager of Mitchells and Butlers. This covers a number of other issues raised by Members of the Committee including the adherence to conditions and the seeking of a Highway License. If you feel it beneficial please feel free to circulate this to Members.

DT

**COPY OF PLANS
 FOR INFORMATION
 ONLY PLEASE**

I trust that the above and enclosed is satisfactory to amend the application in order to satisfy the Committee. If I can be of any further assistance please do not hesitate to contact me.

I look forward to receiving details of the Committee in due course.

Yours sincerely



CAMILLA YERBURY
Planner

Enc.

Cc. Colin Rawcliffe Mitchells & Butlers

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.		K.C.		27 FEB 2004		PLANNING
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEE

England | Wales | Scotland | Northern Ireland | Ireland | Netherlands

RPS Group Plc
The Companies Act 2006, No. 02062027

RPS Planning, Transport
and Environment

Doc - One

Camilla Yerbury
BSc(Hons) DipTP(Dist)
Planner

Fairwater House, 1 High Street
Wroughton, Swindon, Wiltshire SN4 9JX

T 01793 814800
T 01793 816968 (Direct)
F 01793 814818
E yerburyc@rpsplc.co.uk
W www.rpsplc.co.uk/planning
a member of the RPS Group plc

Called 18/3
Explained - need
(another) letter re
Highways licence!

(6/4/4 Centre)

Derek - Pl. ring Camilla
Yerbury this morning
Re: All bar one Application
She came from Swindon for P.S.C
last night & was not amused!!
I explained it was really a last -
minute pull.

Vicky 18/3/04

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

PLANNING SERVICES COMMITTEE 17th March 2004

The Planning Services Committee is asked to note and agree the following amendments to the Committee reports for the **NORTH** area.

PP/03/1700 Ashdown Lodge, Chepstow Villas W11

Agenda A2 **Withdrawn from agenda** and deferred to future Planning Services Committee.

MESSAGE FORM

To Desak

WHILE YOU WERE OUT

M Camila Yerbury
of

Tel. No 01793-816968

CALLED TO SEE YOU		PLEASE RING	<input checked="" type="checkbox"/>
TELEPHONED		PLEASE VISIT	<input type="checkbox"/>
WANTS TO SEE YOU		WILL RING YOU	<input type="checkbox"/>
URGENT		WILL CALL AGAIN	<input type="checkbox"/>

re (26) 126 NHC
Message

.....
.....
.....

Signed

Date Time

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

DT

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Ms. Camilla Yerbury,
RPS,
Fairwater House, 1 High Street,
WROUGHTON,
Swindon, Wilts. SN4 9JX.

Switchboard: 020 7937 5464
Extension: 2944
Direct Line: 020 7361-2944
Facsimile: 020 7361 3463
Web: www.rbkc.gov.uk

29 March 2004

My reference: EDPC/MJF/PP/
03/2569

Your reference:

Please ask for: Mr. French

Dear Ms. Yerbury,

126/128 Notting Hill Gate

I write with refernce to your letter of 24 March and must express my surprise at the contents therein. Your clients have implemented the planning permission granted without the necessary Highways licence, and there is considerable evidence that they have not adhered to the approved times for the tables and chairs to be on the highway. To now claim that you did not know of this is rather surprising as a representative of the company attended the Planning Services Committee and was advised that there had been breaches of the conditions and that the necessary Highways licence had not been obtained.

To seek to extend that permission without legalising the existing situation is expecting too much of the Council. Your clients have a valid planning permission and until the necessary Highways licence is sought, I do not intend to report the new application to Committee.

Should your clients wish to appeal against this failure, I am happy to defend such an appeal, and given the breaches of the conditions and lack of a licence, I see no reason why the Council should not be successful, and for costs to be awarded against your clients.

Yours sincerely,

M. J. French,
Executive Director, Planning and Conservation.

c.c. Mr. C. Wilson, Director of Transportation and Highways
Mr. N. Cook, Director of Waste Management and Leisure



INVESTOR IN PEOPLE

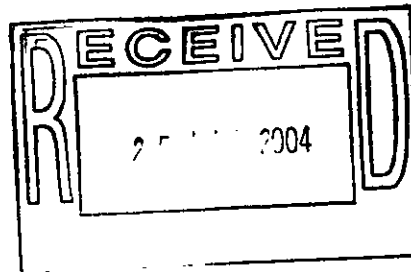
EX/DIR	HDC	TP	CAC	AD	CLU	AC/AK
P.B. K.C.		26 MAR 2004			PLANNING	
N	C	SW	SE	APP	IO	REC
		ARB	FPLN	DES	FEF	

Our Ref: CY/RB/JWM.0807
Your Ref:

E-mail: yerburyc@rpsplc.co.uk
Direct Dial: 01793 816968
Date: 24 March 2004

Cyril (circled)
 34

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



FAO Mr M French

Dear Mr French

**All Bar One, 126-128 Notting Hill Gate
 Application PP/03/02569**

I write with reference to the above application following the Planning Committee of the 17th March. Firstly may I convey our utter disappointment following the removal of the application at the eleventh hour. This application had been previously deferred for amendments and further explanation which were duly submitted. To make matters worse I myself travelled to the Council offices to attend the meeting and was informed that the application was not be heard yet no-one could give me an explanation as to why. A complete waste of my clients and my time and, we feel, totally unnecessary and unprofessional.

This application was first submitted on the 3rd December 2003 with a decision due by the 2nd February 2004. Now some 15 weeks later the application has been deferred once and removed at Committee and as such my clients still have no decision on what one would assume is a fairly straight forward application.

We acknowledge due to the requirement to go to Committee, that there would be some necessary delays in the decision making process but this seems over zealous. We are aware of our right to appeal against non-determination at this time but due to the nature of the application we would deem this to be unnecessary. Should there be any further delays, however, we will have to consider an appeal and the option of a procedure which would allow, in consultation with Counsel, submission of an application for costs against the Council. Obviously we would wish to avoid this situation but will advise our clients to give it serious consideration.

Having spoken to Derek Taylor on the 18th March it is understood that the application was withdrawn from the agenda due to the Chairman's concerns in respect of a highways licence. Why this concern was raised at such a time and not previously in the intervening weeks between Committee's is not known. Nevertheless we

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	26 MAR 2004				PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEF

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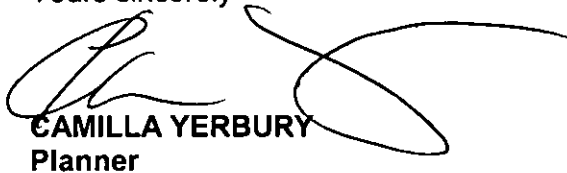
- The absence of a highways licence to accompany the outstanding planning consent was a regrettable omission due to the lack of knowledge by the operators in respect of the need for and the application process to obtain a licence.
- Notwithstanding this the Highways Authority has specific enforcement teams to deal with such contraventions, similar to planning, and as such the Royal Borough of Kensington and Chelsea has the procedures in place to control the situation. To date no official highway enforcement action has taken place.
- The absence of the licence to accompany the outstanding consent is not an issue at the present time as the tables and chairs are not currently in place and as such no contravention of the Highways Act 1980 is being caused.
- As you know our clients have submitted the application currently before the Committee in order to increase the number of covers and the operation hours from a commercial standing. A highways licence, like a planning consent, is specific to an area and a set number of tables and chairs, as such it is unnecessary and not in our clients best interests to apply for a licence at the present time to cover the outstanding consent. If the current application is favourably decided, in line with Officer recommendation, a new licence will be required.
- One of the pre-requisites for applying for a licence is that planning permission is secured. On speaking to your Highways Department they are becoming more flexible in respect of this and operators can now submit a simultaneous application. In light of this our clients have now taken the decision to submit an application for a highways licence to accompany the currently un-determined planning application. This is being prepared presently and will be submitted shortly. Due to the stringent promise by the Committee of constant monitoring of the site in the future it would not be in my clients interest to proceed to operate without such a licence in any case.
- Notwithstanding the above within the confines of Section 54A of the Town and Country Planning Act 1990 the absence of highways licence is not a material consideration in determining an application for planning consent and cannot be used as a reason for refusal. Although the term material consideration is undefined in planning law, within Section 54A it refers to planning matters which are material to the making of a decision on a planning application.
- A highways licence is required under Section 115E of the Highways Act 1980 and is a separate entity to the Planning Act and as such not a consideration within planning. The requirement for a highways licence also provides the Royal Borough of Kensington and Chelsea a second procedure under which to consider the use of the highway and the operation of the external seating area.

I hope that the above meets your concerns and that the Committee are duly satisfied. I would be grateful if the planning application you have before you is now decided upon with the upmost attention to avoid further delays.

For your information I will be attending the Committee on the 6th April in order to take note of discussions and hopefully relay a successful consent to my client. Should the Committee feel it necessary I will be happy to answer any further planning questions which they may have, although I feel that they now all the information they require before them.

I look forward to hearing from you and the eagerly anticipated outcome at Committee.

Yours sincerely



CAMILLA YERBURY
Planner

Cc. Derek Taylor
Sarah Gentry

RBKC, Planning Dept.
RBKC, Planning Dept.

EX DIR	HDC	TP	CAC	AD	CLU A:	
R.B. K.C.	26 MAR 2004			PLANNING		
N	C	SW	SE	IAPP	IO	RE
			ARB	FPLN	DES	FEED

Our Ref: CY/RB/JWM.0807
Your Ref:

E-mail: yerburyc@rpsplc.co.uk
Direct Dial: 01793 816968
Date: 23 March 2004

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

FAO Mr M French

Dear Mr French

**All Bar One, 126-128 Notting Hill Gate
Application PP/03/02569**

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CAMILLA YERBURY
Planner

Cc. Derek Taylor RBKC, Planning Dept.
Sarah Gentry RBKC, Planning Dept.



Fairwater House, 1 High Street, Wroughton, Swindon, Wiltshire SN4 9JX
T 01793 814800 F 01793 814818 E rpssn@rpsplc.co.uk W www.rpsplc.co.uk/planning

Our Ref: CY/RB/JWM.0807
Your Ref:

E-mail: yerburyc@rpsplc.co.uk
Direct Dial: 01793 816968
Date: 24 March 2004

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

FAO Mr M French

Dear Mr French

**All Bar One, 126-128 Notting Hill Gate
Application PP/03/02569**

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.	25 MAR 2004				PLANNING	
K.C.	N	C	SW	SE	PP	IO REC
			ARB	FPLN	DES	FEES

10

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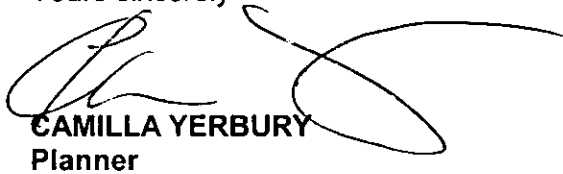
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Yours sincerely



CAMILLA YERBURY
Planner

Cc. Derek Taylor
Sarah Gentry

RBKC, Planning Dept.
RBKC, Planning Dept.

Taylor, Derek: PC-Plan

From: DavidCampion@aol.com
Sent: 04 March 2004 12:10
To: Derek.Taylor@rbkc.gov.uk
Subject: Re: All Bar One Addendum
Mr Taylor

Thank you for sending me the copy of the addendum report on the above.

I do just wonder whether you could reconsider the wording of condition 5 to change from:
...inspected, swept and cleaned regularly so as to be free of litter at all times

to:
...inspected, swept and cleaned so as to be free of litter at all times

I think that there is contradiction in that if we really do require the pavement to be kept free of litter at all times we should not give them the chance to say that they are cleaning it regularly, without any time interval specified, and that there will inevitably be litter between these regular cleanings. Surely what we mean is that they have a responsibility to clean up immediately any litter that is dropped by their customers. In addition the use of the word litter seems not to cover the spilling of drinks on to the pavement which can also degrade the quality of the area by staining etc.

You have still not responded to my view that 2M is more than is required with the tables that they have been using and that the chairs should be on either side of the tables, as has been the case, and not placed on the outer ends of the tables where this will inevitably start to encroach on the area used by pedestrians when there is inclement weather. If they have submitted a dimensioned drawing showing the layout of the tables and chairs why cannot this be used as the condition?

One of the points that I made to the committee was that they needed to keep the tables and chairs as close as possible to the shopfront to avoid spread out into the pedestrian area.

I am still very unhappy about the increase in the hours of use over what was approved previously; however, I suppose that this gives them even more rope to fail to meet the conditions!

Cllr David Champion
Pembroke Ward
Tel: 020 7229 3931
Fax: 020 7681 2758
Mob: 07889 855153
Email: Cllr.Campion@rbkc.gov.uk

I am - Note + file (for Cmtee)

Taylor, Derek: PC-Plan

To: Camilla Yerbury
Subject: RE: All Bar One Notting Hill Gate[Scanned]

Dear Camilla,

Thanks for that. We will do an Addendum Report for the Committee of 20th April as discussed.

I spoke with Mike French yesterday afternoon who welcomed the news of the forthcoming application but did say that it would be better still if we could actually confirm to the Committee that it had been granted - If you could let me know as soon as you make the application I will encourage the Highways dept. to determine it quickly for you.

Derek Taylor
Area Planning Officer

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

From: Camilla Yerbury [mailto:YerburyC@rpsplc.co.uk]
Sent: 25 March 2004 10:01
To: derek.taylor@rbkc.gov.uk
Subject: RE: All Bar One Notting Hill Gate[Scanned]

Further to your conversation with my colleague, Gary Llewellyn, yesterday I was wanting to confirm that the application will now be heard on the 20th April committee agenda and prior to that we will forward a copy of the Highways Licence application.

In my absence yesterday I understand that the correspondence which I forwarded to you via e-mail was sent out in the post in error, apologies for this.

Kind Regards

Camilla Yerbury
Planner
RPS Planning, Transport & Environment

Direct Line Tel: 01793 816968

This message has been sent to you by an employee of RPS Group Plc, Europe's leading environmental consultancy. It is sent in confidence for the attention of the addressee only. It may contain privileged information. The contents are not to be disclosed to anyone other than the addressee. Unauthorised recipients are requested to preserve this confidentiality and to advise the sender immediately of any error in transmission. If you experience difficulty with opening any attachments to this message, or with sending a reply by email, please telephone on +44-(0)1793 814800 or fax on +44-(0)1793 814818

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RPS Group Plc web link: <http://www.rpsplc.co.uk>

Memorandum

The Royal Borough of Kensington and Chelsea - Planning Services

To: PRINCIPAL ADMINISTRATIVE OFFICER From: EXECUTIVE DIRECTOR,
PLANNING & CONSERVATION

Ext. 2004 Room 324A

cc: CHIEF EXECUTIVE AND TOWN CLERK Date: 18th March 2004
(Attention Ali Khan)

PLANNING SERVICES COMMITTEE 17th March, 2004

Please note the following amendments, which were approved by the Planning Services Committee in making its decisions, in addition to those in the Addendum Report circulated and approved at the meeting.

NORTH

No items.

CENTRAL

04/00298 64 Bedford Gardens,
2023 W8

Amended Condition

10. Prior to the commencement of development, a scheme designed to prevent the structural transmission of vibration and regenerated noise within the adjacent or adjoining premises shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be installed prior to the bringing into use of the proposed development and thereafter maintained.

Additional Condition

14. No work shall commence on site in connection with the provision of the basement until details of a method statement for the construction of the basement and details of all the completed Party Wall Awards have been submitted to and approved in writing by the Executive Director, Planning and Conservation.

Reason - *To safeguard the amenity of adjoining residents.*

03/2664 134/136 Cromwell Road, Withdrawn
2024 SW7

SOUTH-WEST

No changes.

SOUTH-EAST

03/1594 38/62 Yeoman's Row, Amended Condition
4016 SW3 2d. Any proposed walls, fences, railings
and entrance door canopies.

03/1935 13 Brompton Place, Amended Condition
4018 SW3 11. The roof terraces, pergola structure,
and timber balcony divides at second
floor level as shown on drawings
1186/240B and 1186/250B are not
hereby approved. The planters are
second floor level and shall be retained
and permanently planted. The whole of
the flat roof area at second floor level
shall not at any time be used for
recreational purposes without a further
planning permission. The door from
the communal corridor onto this flat
roof shall be kept locked other than
when required for access to the roof
area for maintenance purposes.

File

03/2508
4020

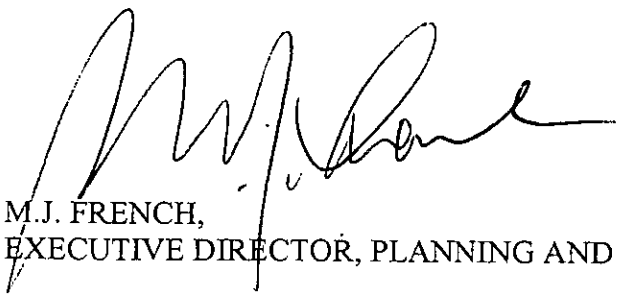
43 Oakley Street,

Withdrawn from Committee

A3
03/2569

126/128 Notting Hill Gate,
W11 /

Withdrawn from Committee



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

Taylor, Derek: PC-Plan

From: French, Michael: PC-Plan
Sent: 20 February 2004 16:58
To: 'Daniel Moylan'
Cc: Ramage, Peter: ES-WasteLeis; whatnots@lineone.net; Cllr-Ahern; Cllr-Campion; abingdoncockell@hotmail.com; Cllr-Weatherhead; Stroud, Mike: ES-Director; Myers, Derek: CP-ChiefExec; Edila, Gifty: CP-Legal; Wilson, Craig: ES-TransHigh; Cook, Norman: ES-WasteLeis; Taylor, Derek: PC-Plan; Wyatt-Jones, Lesley: PC-Plan
Subject: RE: All Bar One, Notting Hill Gate

Dear Councillor Moylan,

The admission by Mr. Wilson that there are a number of permissions for tables and chairs on the highway which have not been licenced is a matter of some concern; I had assumed that by consulting with Highways and Traffic before going to Committee, and then sending them a copy of the decision, when an application is granted, would have been sufficient. Clearly, there is some breakdown in the line of communication, and Mr. Cook, Mr. Wilson and I are meeting next week to try and tighten up procedures.

In your e-mail, you raised additional concerns, and I have to say that with regard to (a), I did not specifically mention Mr. Cook because he was of course consulted, but the person who provided the advice who was a member of his Highways Enforcement Team.

With regard to (b), members of the public and Councillors can, if course, contact my Department to check whether or not there is, firstly, a valid planning permission, and, secondly, whether there are any breaches of the conditions. Any such enquiry will of course be dealt with and the complainant informed.

Finally, you expect something by mid-March, and I would hope that following our meeting next week, we will be able to give you some assurance that arrangements have been tightened up, and that the new procedures will be effective.

M. J. French,
Executive Director, Planning and Conservation.
020 7361 2944

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

From: Daniel Moylan [mailto:daniel.moylan@egan-associates.com]
Sent: 06 February 2004 18:15
To: Michael.French@rbkc.gov.uk; Mike:Stroud@rbkc.gov.uk
Cc: Peter.Ramage@rbkc.gov.uk; whatnots@lineone.net; Cllr.Ahern@rbkc.gov.uk; Cllr.Campion@rbkc.gov.uk; abingdoncockell@hotmail.com; Cllr.Weatherhead@rbkc.gov.uk; Derek.Myers@rbkc.gov.uk; Gifty.Edila@rbkc.gov.uk; Craig.Wilson@rbkc.gov.uk; Norman.Cook@rbkc.gov.uk; Derek.Taylor@rbkc.gov.uk; Lesley.Wyatt-Jones@rbkc.gov.uk
Subject: Re: All Bar One, Notting Hill Gate

Dear Mr. Stroud and Mr. French,

A degree of urgency is added to my request below by my discovery from Miss Weatherhead that she understands that as many as thirty premises in the Royal Borough may be currently deploying tables and chairs on the highway with planning permission but without a Highway Licence: this represents a loss of income to the Council of perhaps £20,000 p.a. So, even if we employed a junior officer full-time to work on this (which I am not suggesting), the exercise would be practically self-funding. We would also have the environmental benefit of a properly regulated streetscene.

This leads me to ask you to include in your proposals consideration of the level of fee for a Highway Licence. Although recently raised substantially (to over £600), this still only covers, as I understand it, the cost of issuance and does not cover enforcement costs. If the latter may be

included, then a further review of fees would be merited.

Daniel Moylan

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

From: "Daniel Moylan" <daniel.moylan@egan-associates.com>
To: <Michael.French@rbkc.gov.uk>
Cc: <Peter.Ramage@rbkc.gov.uk>; <Mike.Stroud@rbkc.gov.uk>;
<whatnots@lineone.net>; <Cllr.Ahern@rbkc.gov.uk>;
<Cllr.Campion@rbkc.gov.uk>; <abingdoncockell@hotmail.com>;
<Cllr.Weatherhead@rbkc.gov.uk>; <Derek.Myers@rbkc.gov.uk>;
<Gifty.Edila@rbkc.gov.uk>; <Craig.Wilson@rbkc.gov.uk>;
<Norman.Cook@rbkc.gov.uk>; <Derek.Taylor@rbkc.gov.uk>;
<Lesley.Wyatt-Jones@rbkc.gov.uk>
Sent: Friday, February 06, 2004 8:48 AM
Subject: Re: All Bar One, Notting Hill Gate

| Dear Mr. French,

| You have seen the response of a ward Councillor to your e-mail below and I
| agree with him that it is not robust enough. There seems to me to be a
| failure (not "in this particular case" only, as you say) by the Council to
| have a coherent corporate responsibility for this area.

| Even in your account below, the following weaknesses are apparent:

| a) you say that your officers ask Highways if there have been any
| complaints: how would they know, since complaints are presumably handled
| by
| Mr. Cook, whom you do not mention?

| b) you still do not tell me clearly to whom and by what means a Member or
| another person should make representations in the event of a breach of
| conditions in order for it to affect the renewal/variation process.

| We need, not a promise to stick to existing procedures but do it better,
| as

| you offer: we need a review of those procedures. As members of the
| Management Board, you and Mr. Stroud should, in my view, come up with
| proposals for me and Cllr. Walker-Arnott: these will encompass methods of
| preventing the failure of enforcement that accompanied this case.

| You should also take account of the suggestions for improvement made by
| Cllr. Champion.

| Can we please expect something by mid-March?

| I am sorry that I referred to this as a renewal application and I
| acknowledge that it was a variation application.

| Daniel Moylan

| ----- Original Message -----

| From: <Michael.French@rbkc.gov.uk>
| To: <daniel.moylan@egan-associates.com>
| Cc: <Peter.Ramage@rbkc.gov.uk>; <Mike.Stroud@rbkc.gov.uk>;
| <whatnots@lineone.net>; <Cllr.Ahern@rbkc.gov.uk>;
| <Cllr.Campion@rbkc.gov.uk>; <abingdoncockell@hotmail.com>;
| <Cllr.Weatherhead@rbkc.gov.uk>; <Derek.Myers@rbkc.gov.uk>;
| <Gifty.Edila@rbkc.gov.uk>; <Craig.Wilson@rbkc.gov.uk>;
| <Norman.Cook@rbkc.gov.uk>; <Derek.Taylor@rbkc.gov.uk>;
| <Lesley.Wyatt-Jones@rbkc.gov.uk>
| Sent: Thursday, February 05, 2004 4:54 PM
| Subject: RE: All Bar One, Notting Hill Gate

| | Dear Councillor Moylan,

| | Planning permission was granted in June 2002 for tables and chairs and
| renewed in August 2003. The application deferred by Committee was for a

| variation to the number of tables and chairs and to allow them to be used
| between 11 a.m. and 6 p.m. Councillor Campion objected to this and spoke
at

| | Committee against it. The application is now the subject of further
| discussion.

| | With regard to the other points raised, consultation takes place with
| officers in the Highways Department before any report is prepared and, in
| this particular case, the case officer contacted the Highways Enforcement
| Section to see if they had received any complaints. She was advised that
| there

| | had been no complaints from members of the public and that they had
| inspected the site. No complaints have been received in this Department
| since the original permission was granted in our consultation with the
| Highways Department in 2002/03 and, more recently, no objections were
| raised.

| | The procedure is that when, and if, permission is granted, a copy of the
| report is sent to the Highways Department for the officers to pursue the
| highways licence. Because of the cost, applicants do not seek such a
| licence until such time as the planning permission is granted. Clearly,
our

| | procedures in this particular case were not robust enough for officers
to
| have regard of the fact that the use had commenced and that no licence had
| been agreed and was displayed.

| | We will of course have to strengthen our follow up procedures to ensure
| that when planning permission is granted, no such use commences until such
| time as the highways licence has been issued and is displayed in the
| premises.

| | I will discuss this further with Mr. Wilson and Mr. Cook, and seek to
| ensure that we are more vigilant in future.

| | M. J. French,
| | Executive Director, Planning and Conservation.
| | 020 7361 2944

| | -----Original Message-----

| | From: Daniel Moylan [mailto:daniel.moylan@egan-associates.com]
| | Sent: 04 February 2004 18:43
| | To: Craig Wilson; Michael J French; Norman W Cook
| | Cc: Peter Ramage; Michael J Stroud; Richard Walker-Arnott; Tim Ahern;
| | David Campion; Merrick Cockell; Doreen Weatherhead; Derek Myers; Gifty
| | Edila
| | Subject: All Bar One, Notting Hill Gate

| | Dear Mr. French, Mr. Cook and Mr. Wilson,

| | The All Bar One planning application for tables and chairs on the
highway
| | (renewal of permission) is, I believe, still outstanding, following last
| | night's deferment, and I am anxious not to interfere in that individual
| | case, but already important lessons are to be learnt.

- | | 1. The premises have a current planning permission for tables and
chairs.
- | | 2. Ward Councillors object to the renewal, alleging breach of Highway
| | Licence conditions.
- | | 3. Nobody can tell me clearly to whom and in what form a complaint of
this
| | nature is to be made as part of the renewal objection process.
- | | 4. Highways officers, measuring rods in hand, solemnly examine the
renewal

| | application and give Planning the all-clear: this is duly reported to
| | Committee.

| | 5. Nobody seems to spot until I rake about that the premises have never
| | bothered to apply for a Highway Licence (so are hardly in breach of its
| | conditions), despite having numerous application forms sent to them:

this

| is

| | not reported to Planning.

| | 6. Despite the lack of a Highway Licence, nobody takes any enforcement
| | action over the last three years.

| | Now you will probably all say that I have individually and collectively
| | misrepresented you. But does this look like joined-up government? Is a
| | system that distributes responsibility among three separate teams, all
| | resolutely determined not to lift their eyes to the broader picture, one
| | that we can confidently say is working to the best advantage of the

Royal

| | Borough (or working at all)?

| | I should be grateful for comments.

| | Daniel Moylan

| | [&

| | *****

| | The Royal Borough of Kensington and Chelsea

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| | privileged and/or copyright protected. This e-mail is intended for the
| | addressee only. If you receive this in error, please contact the sender

and

| delete the material from your computer.

| | *****

Gentry, Sarah: PC-Plan

To: Camilla Yerbury
Subject: RE: ABO Notting Hill Gate

Camilla,

I have spoken to Highways and explained that I can not put your application back to Planning Committee until you have your Highways Licence. Alex Hogg said that she will process it as quickly as she can, but the consultation period for the Licence is 28 days and so this will not expire until end May/beginning of June.

If they can process the Licence by the 8th June, we could put your application to the 22nd June Cmttee. The next committee after that is 13th July.

Sarah Gentry
Planning Officer
RBKC

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

From: Camilla Yerbury [mailto:YerburyC@rpsplc.co.uk]
Sent: 27 April 2004 15:04
To: Sarah.Gentry@rbkc.gov.uk
Cc: colin.rawcliffe@mbplc.com
Subject: ABO Notting Hill Gate

Sarah,

I have just been informed that both the Highway Licence applications have been registered and the consultation periods have started. The site notices are to be put up immediately. Have you managed to speak to your colleagues in Highways in order to brief them on the planning situation and the timescales?

If not I was wondering whether you would be able to speak to the case officer Alexandra Hogg in order to make it known to her of the situation as I am sure you are aware how keen my client is to finally put this issue to bed!

Once you have been able to speak to her and know a little more about deadlines and the like please can you contact me to discuss likely planning committee dates.

I look forward to hearing from you and thank you for your help.

Kind regards
Camilla

Taylor, Derek: PC-Plan

From: Daniel Moylan [daniel.moylan@egan-associates.com]
Sent: 20 February 2004 18:18
To: Cllr.Campion@rbkc.gov.uk
Cc: leader@rbkc.gov.uk; Cllr.Weatherhead@rbkc.gov.uk; Cllr.Ahern@rbkc.gov.uk; Cllr.Moylan@rbkc.gov.uk; Peter.Ramage@rbkc.gov.uk; Norman.Cook@rbkc.gov.uk; Michael.French@rbkc.gov.uk; Craig.Wilson@rbkc.gov.uk; Lesley.Wyatt-Jones@rbkc.gov.uk; Mike.Stroud@rbkc.gov.uk; Derek.Taylor@rbkc.gov.uk; Derek.Myers@rbkc.gov.uk; Gifty.Edila@rbkc.gov.uk
Subject: Re: All Bar One, Notting Hill Gate,

Dear David,

There is only one thing to add to that - and Mr. French and Mr. Wilson will correct me if I am wrong - and that is that the Planning permission, if granted, cannot be legally put into effect by the applicant without the grant of a Highways Licence.

It would be akin to my getting Planning permission to build an extension to your house and then going ahead and building it without bothering to buy the house from you or ask your permission. It might not offend Planning legislation to do that, but it is still not a lawful thing to do.

Ever,

Daniel

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

From: <Michael.French@rbkc.gov.uk>
To: <Cllr.Campion@rbkc.gov.uk>
Cc: <leader@rbkc.gov.uk>; <Cllr.Weatherhead@rbkc.gov.uk>; <Cllr.Ahern@rbkc.gov.uk>; <Cllr.Moylan@rbkc.gov.uk>; <Peter.Ramage@rbkc.gov.uk>; <Norman.Cook@rbkc.gov.uk>; <Craig.Wilson@rbkc.gov.uk>; <Lesley.Wyatt-Jones@rbkc.gov.uk>; <Mike.Stroud@rbkc.gov.uk>; <Derek.Taylor@rbkc.gov.uk>; <Derek.Myers@rbkc.gov.uk>; <Gifty.Edila@rbkc.gov.uk>
Sent: Friday, February 20, 2004 5:26 PM
Subject: All Bar One, Notting Hill Gate,

| Dear Councillor Campion,

|
| With regard to the three questions you raised in your e-mail of 6 February, I would advise you as follows:

| 1. It would not be lawful to withhold the issue of a planning permission once granted until the Highways licence has been issued. Neither can we refuse to deal with or register a planning application until the Highways application has also been received. As you know, the Highways licence costs considerably more than the planning application, so applicants seek planning permission prior to making an application for a Highways licence; however, the planning application is not approved without the agreement of the Highways officers who deal with the licence application. Once the Planning

| Committee has determined the application, no decision is technically made until the decision notice is signed and despatched. Any delay in issuing the notice could result in a writ of specific performance and would not help the Council's attempts to meet the Government's Best Value Indicators.

| 2. Clearly, I think this is something we will have to commence. I am meeting with Mr. Cook and Mr. Wilson next week and, therefore, I suspect we will be sending a copy of the decision to both Transportation and Highways Enforcement Officers.

| 3. Any issue of prosecution under the Highways Act will fall to Mr. Cook for consideration, and any breach of planning control would be dealt with under the Planning Act. Government advice on the use of conditions is quite

clear that conditions on planning permission must relate solely to planning matters and should they seek to impose controls which are dealt with under other primary legislation, such as the Highways Act, they will be overturned on appeal. Because of the difference in costs, the planning permission precedes the Highways licence. The absence of the Highways licence is not a material planning consideration and it would have been wrong of the Committee to reach a decision taking this into account. Had we known that the Highways licence had not in fact been issued for this property, then my officers would have taken this up with Mr. Cook's team before bringing the application before Committee.

I will of course copy you into my response to Councillor Moylan after my meeting next week.

M. J. French,
Executive Director, Planning and Conservation.
020 7361 2944

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Taylor, Derek: PC-Plan

From: French, Michael: PC-Plan
Sent: 20 February 2004 17:27
To: Cllr-Campion
Cc: Cllr-Cockell; Cllr-Weatherhead; Cllr-Ahern; Cllr-Moylan; Ramage, Peter: ES-WasteLeis; Cook, Norman: ES-WasteLeis; Wilson, Craig: ES-TransHigh; Wyatt-Jones, Lesley: PC-Plan; Stroud, Mike: ES-Director; Taylor, Derek: PC-Plan; Myers, Derek: CP-ChiefExec; Edila, Gifty: CP-Legal
Subject: All Bar One, Notting Hill Gate,

Dear Councillor Campion,

With regard to the three questions you raised in your e-mail of 6 February, I would advise you as follows:

1. It would not be lawful to withhold the issue of a planning permission once granted until the Highways licence has been issued. Neither can we refuse to deal with or register a planning application until the Highways application has also been received. As you know, the Highways licence costs considerably more than the planning application, so applicants seek planning permission prior to making an application for a Highways licence; however, the planning application is not approved without the agreement of the Highways officers who deal with the licence application. Once the Planning Committee has determined the application, no decision is technically made until the decision notice is signed and despatched. Any delay in issuing the notice could result in a writ of specific proof and would not help the Council's attempts to meet the Government's Best Value Indicators.

2. Clearly, I think this is something we will have to commence. I am meeting with Mr. Cook and Mr. Wilson next week and, therefore, I suspect we will be sending a copy of the decision to both Transportation and Highways Enforcement Officers.

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I will of course copy you into my response to Councillor Moylan after my meeting next week.

M. J. French,
Executive Director, Planning and Conservation.
020 7361 2944

Gentry, Sarah: PC-Plan

From: Brown, Dennis: ES-HwayTraf
Sent: 29 June 2004 09:42
To: Gentry, Sarah: PC-Plan
Subject: RE: All Bar One, 126-8 Notting Hill Gate

Hi Sarah

The issue date for the tables and chairs licence for All Bar One, 126-128 Notting Hill Gate is 22 June 2004 and expires on 23 July 2004.

Thanks

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

From: Gentry, Sarah: PC-Plan
Sent: 28 June 2004 12:26
To: Brown, Dennis: ES-HwayTraf
Subject: All Bar One, 126-8 Notting Hill Gate

Dennis,

Could you confirm the date that the recent highways licence for tables and chairs at this property was issued. Was it dated 23rd? (is a copy on its way to us)

Thanks.

Sarah Gentry

Gentry, Sarah: PC-Plan

To: Camilla Yerbury
Subject: RE: ABO Notting Hill Gate[Scanned]

Camilla,

It would be helpful if you could you send me a copy of the Licence when it reaches you. I will write my report for the Committee of the 13th and once the agenda is confirmed let you know.

Sarah.

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

From: Camilla Yerbury [mailto:YerburyC@rpsplc.co.uk]
Sent: 22 June 2004 10:43
To: Sarah.Gentry@rbkc.gov.uk
Subject: RE: ABO Notting Hill Gate[Scanned]

Sarah,

I understand you were on site this morning so I thought it easier to drop you an e-mail.

I have just spoken to Dennis Brown in Traffic and the Highway License for the current planning consent has been issued and will be posted out tonight. The Licence for the scheme, the subject of the current application, cannot be issued until planning consent has been granted.

As such I trust that you are able to take the application to the committee of the 13th July.

I would be grateful if you could confirm this to me as soon as possible and let me know if you need a copy of the license or anything else from me prior to the committee.

KR
Camilla

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

From: Sarah.Gentry@rbkc.gov.uk [mailto:Sarah.Gentry@rbkc.gov.uk]
Sent: 27 May 2004 10:40 AM
To: Camilla Yerbury
Subject: RE: ABO Notting Hill Gate[Scanned]

Camilla,

I appreciate that there has been a delay with the processing of your Highways Licence, but my Executive Director's (Mr French) instructions were that the planning application should not be put to Planning Services Committee until the Highways Licence has been issued. Let me know as soon as you receive it.

Regards,

Sarah.

Sarah Gentry
Planning Officer, RBKC

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

From: Camilla Yerbury [mailto:YerburyC@rpsplc.co.uk]
Sent: 26 May 2004 17:20
To: Sarah.Gentry@rbkc.gov.uk
Cc: Rawcliffe, Colin (MAB)
Subject: RE: ABO Notting Hill Gate [Scanned]

Hello Sarah,

The plot and spiders web on this gets worse!

I have just spoken to Alexandra Hogg and Richard Case in Highways and apparently the consultation periods on both applications have only just started (even though I was informed that they had started on the 27th April) due to a months delay in getting the deeds on the property. As you can imagine I and my clients are disappointed as this seems to look like things are now being unnecessarily delayed on the planning application as the license is not 'officially' required, although I understand that it is 'preferred' in this case.

I would appreciate if you could discuss the issue once again with your colleagues in light of this delay and see if you will reconsider taking the application to committee in the knowledge that the highways applications have now been in over a month and the planning application originally submitted in December Last year. As you are aware, and as Mr Case just reiterated to me, that there has been no Highways objection to the planning application also.

Interestingly enough Mr Case was under the impression that the License applications were required to be submitted and registered prior to the committee, as we originally were, as opposed to license in the hands of the committee members.

I would be grateful for your comments.

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

From: Sarah.Gentry@rbkc.gov.uk [mailto:Sarah.Gentry@rbkc.gov.uk]
Sent: 29 April 2004 10:49 AM
To: Camilla Yerbury
Subject: RE: ABO Notting Hill Gate [Scanned]

Camilla,

I have spoken to Highways and explained that I can not put your application back to Planning Committee until you have your Highways Licence. Alex Hogg said that she will process it as quickly as she can, but the consultation period for the Licence is 28 days and so this will not expire until end May/beginning of June.

If they can process the Licence by the 8th June, we could put your application to the 22nd June Cmttee. The next committee after that is 13th July.

Sarah Gentry
Planning Officer
RBKC

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

From: Camilla Yerbury [mailto:YerburyC@rpsplc.co.uk]
Sent: 27 April 2004 15:04
To: Sarah.Gentry@rbkc.gov.uk
Cc: colin.rawcliffe@mbplc.com
Subject: ABO Notting Hill Gate

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Once you have been able to speak to her and know a little more about deadlines and the like please can you contact me to discuss likely planning committee dates.

I look forward to hearing from you and thank you for your help.

Kind regards
Camilla

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PLANNING SERVICES APPLICATION

CONSULTATION SHEET

APPLICANT:

Camilla Yerbury, RPS.,
Fairwater House,
1 High Street,
Wroughton, Swindon,
SN4 9JX

APPLICATION NO: PP/03/02569

APPLICATION DATED: 03/12/2003

DATE ACKNOWLEDGED: 10 December 2003

APPLICATION COMPLETE: 08/12/2003

DATE TO BE DECIDED BY: 02/02/2004

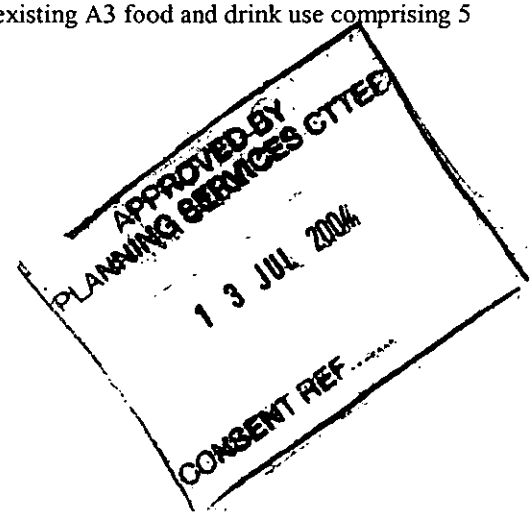
SITE: 126/128 Notting Hill Gate, London, W11 3QG

PROPOSAL: Provision of external seating area associated with existing A3 food and drink use comprising 5 tables and 20 chairs with 2 portable planters and 2 retaining ropes.

ADDRESSES TO BE CONSULTED

- 1.
- 2. Same as PP/01/2375
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

✓
y
11/12
X
29



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 ...

y
11/12.

ADJOINING OWNERS CONSULTED PP/03/02569 **NUMBER SENT OUT 0**

1. The Occupier / Owner

Flat 1 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

2. The Occupier / Owner

Flat 2 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

3. The Occupier / Owner

Flat 3 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

4. The Occupier / Owner

Flat 4 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

5. The Occupier / Owner

Flat 5 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

6. The Occupier / Owner

Flat 6 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

7. The Occupier / Owner

Flat 7 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

8. The Occupier / Owner

Flat 8 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

9. The Occupier / Owner

Flat 9 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

10. The Occupier / Owner

Flat 10 Ivy Lodge,

134 Notting Hill Gate,
W11 3QS

11. The Occupier / Owner
Flat 11 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

12. The Occupier / Owner
Flat 12 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

13. The Occupier / Owner
Flat 13 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

14. The Occupier / Owner
Flat 14 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

15. The Occupier / Owner
Flat 15 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

16. The Occupier / Owner
Flat 16 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

17. The Occupier / Owner
Flat 17 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

18. The Occupier / Owner
Flat 18 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

19. The Occupier / Owner
Flat 19 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

20. The Occupier / Owner
Flat 20 Ivy Lodge,

134 Notting Hill Gate,
W11 3QS

21. The Occupier / Owner
Flat 21 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

22. The Occupier / Owner
Flat 22 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

23. The Occupier / Owner
Flat 23 Ivy Lodge,
134 Notting Hill Gate,
W11 3QS

24. The Occupier / Owner
132 Notting Hill Gate,
W11 3QG.

25. The Occupier / Owner
130 Notting Hill Gate,
W11 3QG.

26. The Occupier / Owner
128 Notting Hill Gate,
W11 3QG.

27. The Occupier / Owner
124 Notting Hill Gate,
W11 3QG.

28. The Occupier / Owner
126 Notting Hill Gate,
W11 3QG.

29. The Occupier / Owner
114/120 Notting Hill Gate,
W11 3QE.

30. File Copy
1