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Forward Planning's interpretation of the Inspector's meaning is the opposite of Mr de Lotbiniere's - if the Council had meant to say both sides of the street it would have said so.

In regard to the possibility of there being unauthorised non-retail uses within the parade (Nos. 106-172) this should be investigated. Given the workings of the *adopted* Policy S15a and in the context of 99 non-core units within the PSC then one or two unauthorised uses would be material in reaching the figure of 64% of Class A1 use in the non-core. The 2001 PSC Survey gives the total number of units in the PSC at 154 of which 99 are non-core, and 64% of the non-core in Class A1 use.

I trust you find this useful.



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4.0 PLANNING CONSIDERATIONS

4.1 The main consideration is whether the proposed change of use complies with shopping policy, and the impact on the vitality and function of the shopping centre.

4.2 The relevant planning Policies are contained in the "Shopping" Chapters of the Unitary Development Plan and Unitary Development Plan proposed Alterations. Policies STRAT6, STRAT29, STRAT29c, S6, S15 and S15a, CD48, CD49, and CD52 are of particular relevance to this application.

4.3 This property is located within the non core frontage of Notting Hill Gate Principal Shopping Centre. Within the Adopted Unitary Development Plan (1995), Policy S15 is relevant to this application:

S15 Normally to permit uses falling within Use Classes A2 and A3 in a Principal Shopping Centre unless the proposal would threaten the character or function of the centre or would result in:

- (a) Less than 75% of the total core ground floor units being in shop (A1) use; or
- (b) Less than 65% of the total non-core ground floor units being in shop (A1) use; or
- (c) Three or more non-shop uses in adjacent units at ground floor level; or
- (d) Significant increase in traffic or parking; or
- (e) Any significant reduction in an area's residential character and amenity including by smells or late night noise.

4.4 With regard to criterion (b) above, it has been calculated, that with the inclusion of this proposal, 64% of the total non-core ground floor units are in Class A1 use. Therefore the proposal does not meet this criteria of the adopted UDP.

4.5 The shops either side of the application site are in Class A1 use (both retail shops) and therefore, the proposal meets criterion (c).

4.6 In relation to (d) and (e) above, it is not considered that the proposal will result in either of these adverse impacts.

4.7 Policy 15a proposed in the UDP Proposed Alterations (April 2000) is relevant when considering this proposal and states the following:

S 15a Normally to permit uses falling within Use Classes A2 and A3 in the non-core frontage of a Principal Shopping Centre, subject to the following:

Environmental Criteria

Proposals will be resisted where they are likely to cause:

- (a) Any material increase in traffic or parking; or
- (b) Any material reduction in residential character or amenity including by smells or late night noise.

Retail Character and Function Criteria

- (a) More than one third of the ground floor units in the relevant street frontage are occupied by non-shop uses; or
- (b) There are more than three adjoining units at ground floor level in the same use class as proposed; or
- (c) There is a break in the relevant ground floor retail frontage of more than three times the average width of units in the non-core frontage of the centre

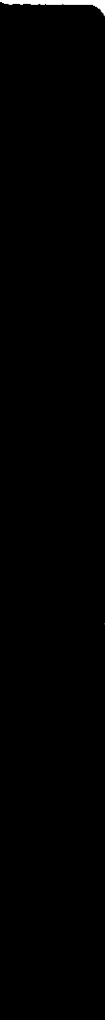
4.8 With regard to the Environmental Criteria of Policy S15a, it is considered that this proposal is in accordance with these as there will be no material increase in traffic or parking when the property is in Class A2 use. In addition, it is considered that there will be no reduction in residential character and amenity, as Class A2 uses typically have similar opening hours to that of an Class A1 use.

4.9 Criterion (a) of the Retail Character and Function Criteria specifies that permission would not normally be granted if more than one third of the ground floor units in the relevant street frontage be occupied by non-shop uses. This policy in the UDP Alterations adopts a different approach to assessing the mixture of uses within a particular shopping area. It is only the specific shopping parade local to the proposal which is assessed. Therefore a different calculation for assessing this proposal is used to that in para 4.5 above. There are twenty-six units within this frontage, of which five are currently in non-shop use, which equates to less than one third.

4.10 In relation to criterion (b) above, there are not more than three adjoining units at ground floor level in the same use class as proposed. The shops either side of the application site are in Class A1 use (both retail shops).

4.11 This proposal complies with Criterion (c) as there would not be a break in the relevant ground floor retail frontage of more than three times the average width of units in the non-core frontage of the centre.





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
FILE
FILE
FILE

Switchboard: 020-7937-5464
Direct Line: 020-7361-2771
Extension: 2771
Facsimilie: 020-7361-3463

Date: 19 December 2001

~~My Ref: DPS/DCC/PP/01/01227~~

DTLR's Reference: App/K5600/A/01/1079287

Please ask for: G. Allpress

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Notice of a Planning Appeal relating to: 110 Kensington Church Street, London, W8 4BH

A Planning Appeal has been made to the Planning Inspectorate in respect of the above property. This appeal is against the Council's decision to refuse planning permission for: Change of use of existing ground floor shop and basement unit (Class A1) to estate agency (Class A2).

This appeal may be heard at an informal hearing or public inquiry which you may attend and, at the discretion of the Inspector, make representations. In the meantime, any representations you wish to make in writing should be sent to:

The Planning Inspectorate, Room 3/07 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

Please send 3 copies, quoting the DTLR's reference given above, and indicate if you wish to speak. **The Inspectorate must receive your representations by 24/01/2002 for them to be taken into account.** Correspondence will only be acknowledged on request. Any representations will be copied to all parties including the Inspector dealing with the appeal and the Appellant. Please note that the Inspectorate will only forward a copy of the Inspector's decision letter to those who request one.

The Council's reasons for refusal and the Appellant's grounds of appeal may be inspected in the Planning Information Office at the Town Hall. When this department receives further details regarding the date and procedure by which the appeal will be heard, we will write to you again. If you have any further queries, please do not hesitate to contact the case officer on the above extension.

Yours faithfully

M. J. FRENCH

Executive Director, Planning and Conservation





1. FILE COPY

2. THE OCCUPIER
OFFICES

106 KENSINGTON CHURCH STREET
KENSINGTON
W8

3. THE OCCUPIER

SHOP
108 KENSINGTON CHURCH STREET
KENSINGTON
W8

4. THE OCCUPIER

FLAT
108 KENSINGTON CHURCH STREET
KENSINGTON
W8

5. THE OCCUPIER

110A KENSINGTON CHURCH STREET
KENSINGTON
W8

6. THE OCCUPIER

112A KENSINGTON CHURCH STREET
KENSINGTON
W8

7. THE OCCUPIER

MAISONETTE
114 KENSINGTON CHURCH STREET
KENSINGTON
W8

8. THE OCCUPIER

SHOP
107 KENSINGTON CHURCH STREET
KENSINGTON
W8

9. GARRY & JULIE ATKINS

THE FLAT
107 KENSINGTON CHURCH STREET
KENSINGTON
W8 7LN

10.- THE OCCUPIER
109 KENSINGTON CHURCH STREET
KENSINGTON
W8

12. THE OCCUPIER
SHOP
111 KENSINGTON CHURCH STREET
KENSINGTON
W8

13. ANTIQUES
SHOP
113 KENSINGTON CHURCH STREET
KENSINGTON
W8

14. THE OCCUPIER
FLAT A
113A KENSINGTON CHURCH STREET
KENSINGTON
W8

15. THE OCCUPIER
FLAT B
113 KENSINGTON CHURCH STREET
KENSINGTON
W8

16. THE OCCUPIER
FLAT C
113 KENSINGTON CHURCH STREET
KENSINGTON
W8

17. THE OCCUPIER
FLAT D
113 KENSINGTON CHURCH STREET
KENSINGTON
W8

18. THE OCCUPIER
FLAT E
113 KENSINGTON CHURCH STREET
KENSINGTON
W8

19. THE OCCUPIER
FLAT F
113 KENSINGTON CHURCH STREET
KENSINGTON
W8

20. THE OCCUPIER
SHOP
115 KENSINGTON CHURCH STREET
KENSINGTON
W8

21. THE OCCUPIER
FLAT
115 KENSINGTON CHURCH STREET
KENSINGTON
W8

22. THE OCCUPIER
FLAT
115 KENSINGTON CHURCH STREET
KENSINGTON
W8

23. THE OCCUPIER
8 BERKELEY GARDENS
KENSINGTON
W8

24. THE OCCUPIER
8A BERKELEY GARDENS
KENSINGTON
W8

25. THE OCCUPIER
8B BERKELEY GARDENS
KENSINGTON
W8

26. THE OCCUPIER
9 BERKELEY GARDENS
KENSINGTON
W8

27. THE OCCUPIER
BASEMENT
9 BERKELEY GARDENS
KENSINGTON
W8

28. THE OCCUPIER
10 BERKELEY GARDENS
KENSINGTON
W8

29. THE OCCUPIER
UNIT 1
11 BERKELEY GARDENS
KENSINGTON
W8

30. THE OCCUPIER
UNIT 2
11 BERKELEY GARDENS
KENSINGTON
W8

31. THE OCCUPIER
UNIT 3
11 BERKELEY GARDENS
KENSINGTON
W8

32. STREET ANTIQUE DEALER'S ASSOC.
YOUR REF: P.C.F. SANDBERG
150-152 KENSINGTON CHURCH STREET
KENSINGTON
W8 4BN

33. ANTIQUES
YOUR REF: MRS F. MARNO
114 KENSINGTON CHURCH STREET
KENSINGTON
W8 4BH

34. KNAPTON
133 KENSINGTON CHURCH STREET
KENSINGTON
W8 7LP

35. Richard P. Marchant
1 S. Marchant & Son,
120 Kensington Church Street,
London,
W8 4BH.

36. ART
F.F. SHIMIZU
134 KENSINGTON CHURCH STREET
KENSINGTON
W8 4BH

37. GALLERIES
117 KENSINGTON CHURCH STREET
KENSINGTON
W8 7LN

38. CALLAGHEN
FLAT 1
100 PALACE GARDENS TERRACE
KENSINGTON
W8

39. ENTERPRISE
YOUR REF: MR J. SCOTT
233-235 WESTBOURNE GROVE
LONDON
W11 2SE

40. CAMPBELL
123 KENSINGTON CHURCH STREET
KENSINGTON
W8 7LP

41. Winkworth
118 Kensington Church Street
London
W8 4BH

42. COUNCILLOR TIM AHERN J.P
5 CAMPDEN HILL SQUARE
LONDON
W8 7LB

43. COUNCILLOR CHRISTOPHER BUCKMASTER
23 KENSINGTON PLACE
LONDON
W8 7PT

44. COUNCILLOR ROBERT J FREEMAN
12 PITT STREET
LONDON
W8 4NY

45. MS SUSIE SYMES
19 DENBIGH TERRACE
LONDON
W11 2QJ

46. MR WILLOUGHBY WYNNE
CHERRY TREES RES. ASS
39 BRUNSWICK GARDENS
LONDON
W8 4AW

47. JASON LARKIN
THE BELL CORNWALL PARTNERSHIP
OAKVIEW HOUSE
STATION ROAD
HAMPSHIRE RG27 9TP

Appl

KNAPTON RASTI ASIAN ART

14th January 2002

To Whom It May Concern: *Re: 110 Kensington Church Street.*

We are writing as a company specialising in Asian Art on Kensington Church Street.

As one of a number of antique dealers in this area, I cannot stress enough how disappointed we are at the news we may have yet another estate agent on this road.

As I am sure you are aware, Kensington Church Street draws people from all over the world to buy antiques and with its diverse mixture of shops and restaurants, it is a vibrant, successful and interesting area.

We would urge you to refuse this application. I thank you in advance for your attention to this matter.

Yours faithfully

Mr. Christopher Knapton

Christopher Knapton

EX	HDC	TP	CAC	AD	CLU	AO
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K.			SE	APP	IO	REC
N		C	ARB	FPLN	DES	FEES

RECEIVED
MAY 10 1965

Dear Mr. [Name]

Thank you for your letter of [Date]

I am writing as a company specializing in Asian art and antiques.

A number of copies of your book are available in this area. I would be glad to send you a copy if you wish. Please let me know if you are interested.

As I am sure you are aware, Washington D.C. has a very diverse and interesting scene and with its diverse mixture of people and restaurants it is a most successful and interesting area.

We would appreciate your interest in this application. I thank you for your attention to this matter.

Yours faithfully,



Christopher Keston



TOWN PLANNING

- 5 JUL 2001

RECEIVED

PP011505



architects & design consultants

Spence Hurst Hogan associates

1 Veroourt place
Kavenscourt Park
Hammersmith
London
W6 9LW

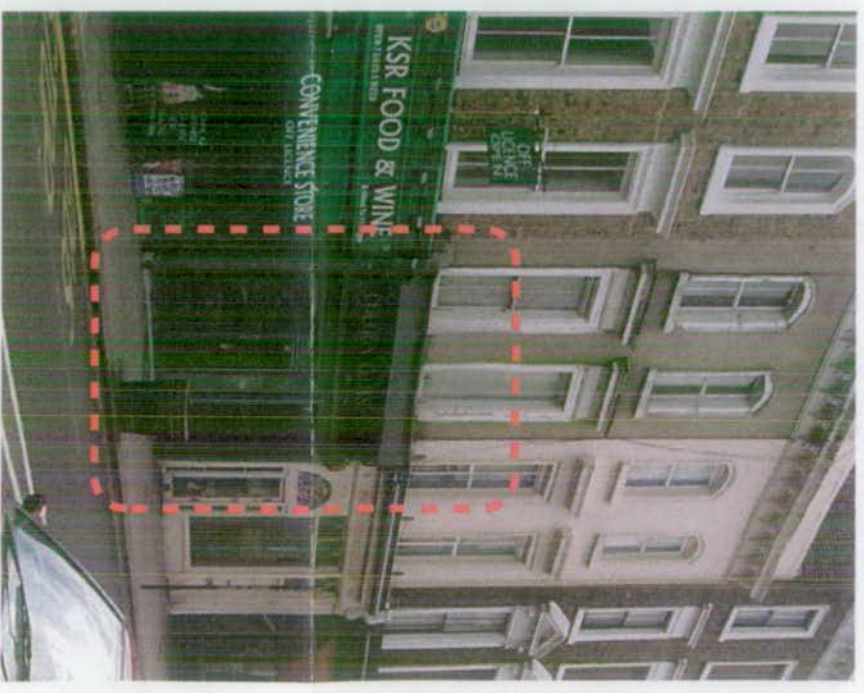
Tel: 0208 600 4171
Fax: 0208 600 4181
dan@spencehurst.co.uk

Drawing No. 005

Scale: MTS

26 - 06 - 01

Druce



10/7/01



Further down Ken Church St



Looking towards 110 Ken Church St

10/7/01



110 Ken Church St



110 Ken Church Street

10/7/01



110 Ken Church St



10/7/01



Across street looking away from
110 Ken Church St.



