

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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My Ref: TP/98/0910/K/18/107
Your Ref:

Please ask for: North Area Team

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988

Permission for Development (Conditional) (DP1)

The Borough Council hereby permit the development referred to in the under mentioned schedule subject to the conditions set out therein and in accordance with the plans submitted, save in so far as may otherwise be required by those plans or by the said conditions. Your attention is drawn to the enclosed information sheet.

SCHEDULE

- DEVELOPMENT:** Enclosure of rear yard by a glazed roof, provision of an air conditioning grille to rear elevation at upper ground floor level together with the retention of rooflight, rain water pipe and boiler flue to rear extension.
- SITE ADDRESS:** 188 WESTBOURNE GROVE, KENSINGTON, W.11
- RBK&C Drawing Nos:** TP/98/0910/A, TP/98/0910/D, TP/98/0910/E and TP/98/0910/F
- Applicant's Drawing Nos:** WG 98.2/P01, /P02, /P03A, /P04, /P05, /P06B, /P07, /P10, annotated A4 Photograph (received 12/06/98) and letter dated 06/05/99 concerning rooflight upstand
- Application Dated:** 13/05/1998
- Application Completed:** 18/05/1998
- Application Revised:** 12/06/1998, 20/10/1998, 22/03/1999 and 05/05/1999

FULL CONDITION(S), REASON(S) FOR THEIR IMPOSITION AND INFORMATIVE(S) ATTACHED OVERLEAF

CONDITIONS AND REASONS FOR THEIR IMPOSITION

1. **The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C001)**
Reason As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)

2. **The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the Local Planning Authority. (C068)**
Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)

3. **Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved:**
 - (a) the materials to be used on the external faces of the glazed roof.
(C011)
Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the local planning authority wishes to ensure that the details of the development are satisfactory. (R011)

4. **The glazed roof and rooflight hereby permitted shall be non-openable and imperforate and so maintained.**
Reason - To safeguard the amenity of neighbouring property. (R042)

5. **The air conditioning grille and boiler flue on the rear face of the back addition shall be painted to match the adjoining facing work and so maintained.**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)

6. **Not more than one restaurant shall be created pursuant to this permission, and this restaurant shall not provide more than 90 covers and there shall be no more than 110 customers on the whole premises at one time. (C051)**
Reason - To safeguard the amenity of neighbouring property. (R048)

7. **Before the use of the extension hereby permitted commences, the extension shall be insulated so as to prevent the transmission of excessive airborne and impact noise from the extension in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and the insulation shall be installed only in accordance with the details so approved and shall be so maintained. (C054)**
Reason - To safeguard the amenity of neighbouring property. (R054)

8. **The use of the extension hereby permitted shall only be carried out between the hours of 0800 and 2400 on any day. (C045).**
Reason - To safeguard the amenity of neighbouring property. (R042)
9. **No music shall be played within the extension the subject of this permission so as to be audible outside the premises. (C048)**
Reason - To safeguard the amenity of neighbouring property. (R048)
10. **Satisfactory details of blinds to the glazed roof shall be submitted to and approved in writing by the Council before the use of the extension hereby permitted is commenced, and the blinds shall be drawn by "lighting up" time and left drawn during the hours of darkness whilst this part of the building is in use.**
Reason - To safeguard the amenity of neighbouring property. (R042)
11. **The condenser unit hereby permitted shall not be operated until such time as the Executive Director, Planning and Conservation, is satisfied that it has been attenuated to ensure that during its operation it shall not operate at more than 2dB(A) above the lowest background level when measured 1 metre from the facade of the nearest residential property. This shall be confirmed in writing and such attenuation shall be maintained thereafter, and the unit shall be regularly serviced to ensure that it functions properly and does not give rise to amenity problems.**
Reason - To safeguard the amenities of neighbouring properties. (R042)
12. **The rainwater pipe and the termination of the boiler flue hereby permitted shall be painted black and so maintained. (C088)**
Reason - To preserve the character and appearance of the building and the area in which it is situated. (R086)
13. **The existing air conditioning condenser unit in the rear yard shall be removed within 2 months of the date of this permission.**
Reason - To safeguard the amenity of neighbouring property and to avoid enforcement action.
14. **The air conditioning unit hereby permitted shall only operate between the hours of 08.00 and 24.00 on any day and shall be switched off at all other times.**
Reason - To safeguard the amenities of neighbouring residential properties.

INFORMATIVE(S)

1. Your attention is drawn to the conditions of Planning Permission reference TP/95/2583 dated 21.3.96 which remain in force.
2. Your attention is drawn to the Conditions of this Permission and to the Council's

powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. (I10)

3. This property is within a Conservation Area. Building works should, therefore, be completed with great care. External facing work and detailed treatment should be finished in a manner sympathetic to the existing building. If there is any doubt about the way in which work should be carried out, you should consult the Directorate of Planning Services. (I11)
4. Your attention is drawn to the Chronically Sick and Disabled Persons Act 1970 (Section 4) and the Disabled Persons Act 1981 which place on developers and their representatives an obligation to provide easy access for the disabled; the Chronically Sick and Disabled Persons Act 1970 (Section 5) and the Disabled Persons Act 1981 which place on local authorities an obligation to provide easy access for the disabled with regard to the provision of toilets; the Chronically Sick and Disabled Persons Act 1970 (Section 8) and the Disabled Persons Act 1981 which place on developers and their representatives of educational buildings an obligation to provide easy access for the disabled. Design Guidance notes for schools can be found in the DfEE Design Note 18 - Access for Disabled People to School Buildings. (I43)
5. Demolition and building works are subject to the Environmental Protection Act, 1990, and appropriate controls over methods, screening, and protection of site, noise, or hours of work, may be imposed by the Council. You are advised to consult the Director of Environmental Health, Council Offices, 37 Pembroke Road, W8 6PW at an early stage. (I30)
6. The premises may be subject to the requirements of the Health and Safety at Work Act 1974,. You are advised to consult the Director of Environmental Health, Council Offices, 37 Pembroke Road, W8 6PW at an early stage. (I32)
7. The premises may be subject to the Food Safety (General Food Hygiene Regulations) 1995. You are advised to consult the Director of Environmental Health, Council Offices, 37 Pembroke Road, W8 at an early stage. (I33)
8. The use of the premises for public entertainment may require a licence under the London Government Act 1963, and other entertainment may require a licence under the Private Places of Entertainment (Licensing) Act 1967. Separate application should be made to the Council in this regard, and the Director of Environmental Services should be consulted at an early stage. (I36)
9. Any plant or equipment installed in or on the building must be designed so as not to cause a nuisance through noise, vibration, or fumes. The grant of planning permission does not obviate the need to comply with relevant environmental protection legislation, nor imply that these other approvals will be given. The Directorate of Environmental Services should be contacted on the detail of any such plant or equipment. Any changes to plant or equipment required to comply

with other legislation may require further planning permission.(I38)

10. Planning Permission is hereby granted for the development as shown on the approved drawings and subject to the Conditions. Any alteration to the approved scheme, resulting from the requirements of the Building Regulations or for any other reason, may require further permission. You are advised to consult the Directorate of Planning Services before commencing work. (I09)

Yours faithfully,

Michael J. French
Executive Director, Planning and Conservation

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