

DEVELOPMENT CONTROL TECHNICAL INFORMATION

THE ROYAL
BOROUGH OF



M.L.
KENSINGTON
AND CHELSEA

ADDRESS 114-120 Nottinghill Gate

POLLING DISTRICT PEA ✓

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

Conservation Area	HB	CPO	TPO	AMI	MDO	MOL	SBA	Unsuitable for Diplomatic Use	PSC		LSC	AI	SV	SNCI	REG 7	ART IV	
									C	N							
								✓	✓								

	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:

pp 142306

8th October 2004

FAO: Mr I Williams
 Planning and Conservation Dept.
 Royal Borough of Kensington & Chelsea
 3rd Floor
 Town Hall
 Horton Street
 LONDON W8 7NX



architects

28-30 KIRBY STREET, LONDON EC1N 8TE

TEL: 020 7242 3433 FAX: 020 7242 6598

EMAIL: post@ttgarchitects.co.uk

Dear Sirs,

**RE: TESCO METRO - 114-120 NOTTING HILL GATE,
 LONDON W11 3QE PROPOSED ATM'S**

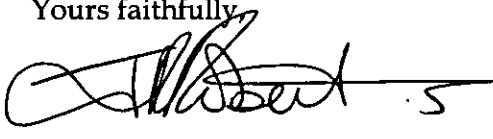
Please find enclosed our planning application for siting 2 no. ATM's and associated signage at the above premises.

Our planning application consists of:

1. 6 no. copies of drawing no.
 3364-08 Location Plan
 3364-11 Proposed Elevations and Plans showing ATM's
2. 4 no. copies of Planning Application Forms, Certificates and Notices.
3. 1 no. cheque for £110.00 made payable to Royal Borough of Kensington and Chelsea.

We hope this is sufficient information for you to process this application, however should you require further information please do not hesitate to contact us.

Yours faithfully,

pp  s

ALUN CHARLES
 For ttg architects
 Direct Tel: 01570 481 252

cc Mr R Whiskin - Tesco (letter only)
 Mr M Winters - Dudleys (letter only)
 Mr S Cox - Gleaves (letter only)

encs.

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.	11 OCT 2004				PLANNING	
K.C.						
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

ttg architects

DIRECTORS
 P. E. TUNWELL BA Dip.Arch RIBA (Managing)
 D. H. P. BRADY MA Dip.Arch RIBA
 P. J. STONE BSc BA Arch RIBA
 I. WHITTINGTON BSc (Arch) Dip.Arch
 D. SUTTON-TUOHY BSc ACA

TTG ARCHITECTS LTD
 REG. OFFICE: 28-30 KIRBY STREET, LONDON EC1N 8TE
 REG. IN ENGLAND No. 2148983

PLANNING SERVICES APPLICATION

CONSULTATION SHEET

APPLICANT:

TTG Architects,
28-30 Kirby Street,
London
EC1N 8TE

APPLICATION NO: PP/04/02306

CASE OFFICER: Mr.I. Williams

APPLICATION DATED: 08/10/2004

DATE ACKNOWLEDGED: 12 October 2004

APPLICATION COMPLETE: 11/10/2004

DATE TO BE DECIDED BY: 06/12/2004

SITE: 114-120 Notting Hill Gate, London, W11 3QE

PROPOSAL: Installation of two cash dispensing machines within shopfront to front ground floor street elevation.

ADDRESSES TO BE CONSULTED

- 1.
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AS 04/1974 objections

JA
13/b
X
(93)

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
Transco National Gas Pipelines

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
Wind Turbines/Farms

JA
13/12

ADJOINING OWNERS CONSULTED PP/04/02306 NUMBER SENT OUT 0

1. File Copy

2. The Owner/Occupier
Flat 1 Campden Hill Towers
108/110 Notting Hill Gate
London W11

3. The Owner/Occupier
Flat 2 Campden Hill Towers
108/110 Notting Hill Gate
London W11

4. The Owner/Occupier
Flat 3 Campden Hill Towers
108/110 Notting Hill Gate
London W11

5. The Owner/Occupier
Flat 4 Campden Hill Towers
108/110 Notting Hill Gate
London W11

6. The Owner/Occupier
Flat 5 Campden Hill Towers
108/110 Notting Hill Gate
London W11

7. The Owner/Occupier
Flat 6 Campden Hill Towers
108/110 Notting Hill Gate
London W11

8. The Owner/Occupier
Flat 7 Campden Hill Towers
108/110 Notting Hill Gate
London W11

9. Outtrim
Flat 8 Campden Hill Towers
108/110 Notting Hill Gate
London W11 3QW

10. The Owner/Occupier
Flat 9 Campden Hill Towers

108/110 Notting Hill Gate
London W11

11. Ebberson
Flat 10 Campden Hill Towers
108/110 Notting Hill Gate
London W11

12. The Owner/Occupier
Flat 20 Campden Hill Towers
108/110 Notting Hill Gate
London W11

13. The Owner/Occupier
Flat 21 Campden Hill Towers
108/110 Notting Hill Gate
London W11

14. The Owner/Occupier
Flat 22 Campden Hill Towers
108/110 Notting Hill Gate
London W11

15. The Owner/Occupier
Flat 23 Campden Hill Towers
108/110 Notting Hill Gate
London W11

16. The Owner/Occupier
Flat 24 Campden Hill Towers
108/110 Notting Hill Gate
London W11

17. The Owner/Occupier
Flat 25 Campden Hill Towers
108/110 Notting Hill Gate
London W11

18. The Owner/Occupier
Flat 26 Campden Hill Towers
108/110 Notting Hill Gate
London W11

19. The Owner/Occupier
Flat 27 Campden Hill Towers
108/110 Notting Hill Gate
London W11

20. The Owner/Occupier
Flat 28 Campden Hill Towers

108/110 Notting Hill Gate
London W11

21. The Owner/Occupier
124 Notting Hill Gate
London W11

22. The Owner/Occupier
126 Notting Hill Gate
London W11

23. The Owner/Occupier
Flat 11 Campden Hill Towers
108/110 Notting Hill Gate
London W11

24. The Owner/Occupier
Flat 12 Campden Hill Towers
108/110 Notting Hill Gate
London W11

25. The Owner/Occupier
Flat 13 Campden Hill Towers
108/110 Notting Hill Gate
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26. The Owner/Occupier
Flat 14 Campden Hill Towers
108/110 Notting Hill Gate
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27. The Owner/Occupier
Flat 15 Campden Hill Towers
108/110 Notting Hill Gate
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28. The Owner/Occupier
Flat 16 Campden Hill Towers
108/110 Notting Hill Gate
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29. The Owner/Occupier
Flat 17 Campden Hill Towers
108/110 Notting Hill Gate
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30. The Owner/Occupier
Flat 18 Campden Hill Towers

108/110 Notting Hill Gate
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31. The Owner/Occupier
Flat 19 Campden Hill Towers
108/110 Notting Hill Gate
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32. The Owner/Occupier
Flat 29 Campden Hill Towers
108/110 Notting Hill Gate
London W11

33. The Owner/Occupier
Flat 30 Campden Hill Towers
108/110 Notting Hill Gate
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34. The Owner/Occupier
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35. The Owner/Occupier
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36. The Owner/Occupier
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37. The Owner/Occupier
Flat 34 Campden Hill Towers
108/110 Notting Hill Gate
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38. The Owner/Occupier
Flat 35 Campden Hill Towers
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39. The Owner/Occupier
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40. The Owner/Occupier
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108/110 Notting Hill Gate
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41. The Owner/Occupier
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42. The Owner/Occupier
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43. The Owner/Occupier
Flat 40 Campden Hill Towers
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44. The Owner/Occupier
Flat 41 Campden Hill Towers
108/110 Notting Hill Gate
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45. The Owner/Occupier
Flat 42 Campden Hill Towers
108/110 Notting Hill Gate
London W11

46. The Owner/Occupier
Flat 43 Campden Hill Towers
108/110 Notting Hill Gate
London W11

47. L. Goldberg
Flat 44 Campden Hill Towers
108/110 Notting Hill Gate
London W11 3QW

48. The Owner/Occupier
Flat 45 Campden Hill Towers
108/110 Notting Hill Gate
London W11

49. The Owner/Occupier
Flat 46 Campden Hill Towers
108/110 Notting Hill Gate
London W11

50. The Owner/Occupier
Flat 47 Campden Hill Towers

108/110 Notting Hill Gate
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51. The Owner/Occupier
Flat 48 Campden Hill Towers
108/110 Notting Hill Gate
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52. The Owner/Occupier
Flat 49 Campden Hill Towers
108/110 Notting Hill Gate
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53. The Owner/Occupier
Flat 50 Campden Hill Towers
108/110 Notting Hill Gate
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54. The Owner/Occupier
Flat 51 Campden Hill Towers
108/110 Notting Hill Gate
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55. The Owner/Occupier
Flat 52 Campden Hill Towers
108/110 Notting Hill Gate
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56. The Owner/Occupier
Flat 53 Campden Hill Towers
108/110 Notting Hill Gate
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57. The Owner/Occupier
Flat 76 Campden Hill Towers
108/110 Notting Hill Gate
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58. The Owner/Occupier
Flat 77 Campden Hill Towers
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59. The Owner/Occupier
Flat 78 Campden Hill Towers
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60. The Owner/Occupier
Flat 79 Campden Hill Towers

108/110 Notting Hill Gate
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61. The Owner/Occupier
Flat 80 Campden Hill Towers
108/110 Notting Hill Gate
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62. The Owner/Occupier
Flat 81 Campden Hill Towers
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63. The Owner/Occupier
Flat 82 Campden Hill Towers
108/110 Notting Hill Gate
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64. The Owner/Occupier
Flat 83 Campden Hill Towers
108/110 Notting Hill Gate
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65. The Owner/Occupier
Flat 84 Campden Hill Towers
108/110 Notting Hill Gate
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66. The Owner/Occupier
Flat 85 Campden Hill Towers
108/110 Notting Hill Gate
London W11

67. The Owner/Occupier
Flat 86 Campden Hill Towers
108/110 Notting Hill Gate
London W11

68. The Owner/Occupier
Flat 87 Campden Hill Towers
108/110 Notting Hill Gate
London W11

69. The Owner/Occupier
Flat 88 Campden Hill Towers
108/110 Notting Hill Gate
London W11

70. The Owner/Occupier
112 Notting Hill Gate

London W11

71. The Owner/Occupier
114/120 Notting Hill Gate
London W11

72. The Owner/Occupier
Flat 54 Campden Hill Towers
108/110 Notting Hill Gate
London W11

73. The Owner/Occupier
Flat 55 Campden Hill Towers
108/110 Notting Hill Gate
London W11

74. The Owner/Occupier
Flat 56 Campden Hill Towers
108/110 Notting Hill Gate
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75. The Owner/Occupier
Flat 57 Campden Hill Towers
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London W11

76. The Owner/Occupier
Flat 58 Campden Hill Towers
108/110 Notting Hill Gate
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77. The Owner/Occupier
Flat 59 Campden Hill Towers
108/110 Notting Hill Gate
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78. The Owner/Occupier
Flat 60 Campden Hill Towers
108/110 Notting Hill Gate
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79. The Owner/Occupier
Flat 61 Campden Hill Towers
108/110 Notting Hill Gate
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80. The Owner/Occupier
Flat 62 Campden Hill Towers

108/110 Notting Hill Gate
London W11

81. The Owner/Occupier
Flat 63 Campden Hill Towers
108/110 Notting Hill Gate
London W11

82. The Owner/Occupier
Flat 64 Campden Hill Towers
108/110 Notting Hill Gate
London W11

83. The Owner/Occupier
Flat 65 Campden Hill Towers
108/110 Notting Hill Gate
London W11

84. The Owner/Occupier
Flat 66 Campden Hill Towers
108/110 Notting Hill Gate
London W11

85. Residents of Campden Hill Towers
C/O Mrs J.E. Outttrim
8 Campden Hill Towers
112 Notting Hill Gate
London W11 3QW

86. The Owner/Occupier
Flat 67 Campden Hill Towers
108/110 Notting Hill Gate
London W11

87. The Owner/Occupier
Flat 68 Campden Hill Towers
108/110 Notting Hill Gate
London W11

88. The Owner/Occupier
Flat 69 Campden Hill Towers
108/110 Notting Hill Gate
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89. The Owner/Occupier
Flat 70 Campden Hill Towers
108/110 Notting Hill Gate
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90. The Owner/Occupier
Flat 71 Campden Hill Towers

108/110 Notting Hill Gate
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91. The Owner/Occupier
Flat 72 Campden Hill Towers
108/110 Notting Hill Gate
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92. The Owner/Occupier
Flat 73 Campden Hill Towers
108/110 Notting Hill Gate
London W11

93. The Owner/Occupier
Flat 74 Campden Hill Towers
108/110 Notting Hill Gate
London W11

94. The Owner/Occupier
Flat 75 Campden Hill Towers
108/110 Notting Hill Gate
London W11

PP 742306

8th October 2004

FAO: Mr I Williams
Planning and Conservation Dept.
Royal Borough of Kensington & Chelsea
3rd Floor
Town Hall
Horton Street
LONDON W8 7NX



Dear Sirs,

**RE: TESCO METRO - 114-120 NOTTING HILL GATE,
LONDON W11 3QE PROPOSED ATM'S**

Please find enclosed our planning application for siting 2 no. ATM's and associated signage at the above premises.

Our planning application consists of:

1. 6 no. copies of drawing no.
3364-08 Location Plan
3364-11 Proposed Elevations and Plans showing ATM's
2. 4 no. copies of Planning Application Forms, Certificates and Notices.
3. 1 no. cheque for £110.00 made payable to Royal Borough of Kensington and Chelsea.

We hope this is sufficient information for you to process this application, however should you require further information please do not hesitate to contact us.

Yours faithfully,

PP

ALUN CHARLES
For **ttg** architects
Direct Tel: 01570 481 252

EX DIR	HDC	TP	CAC	AD	CLU	AO	AK
R.B.		11 OCT 2004			PLANNING		
K.C.							
N	C	SW	SE	APP	IO	REC	
HBS			ARB	FPLN	DES	FEES	

- cc Mr R Whiskin - Tesco (letter only)
Mr M Winters - Dudleys (letter only)
Mr S Cox - Gleaves (letter only)

encs.

ttg architects

DIRECTORS
P. E. TUNWELL BA Dip.Arch RIBA (Managing)
D. H. P. BRADY MA Dip.Arch RIBA
P. J. STONE BSc BA Arch RIBA
I. WHITTINGTON BSc (Arch) Dip.Arch
D. SUTTON-TUOHY BSc ACA

TTG ARCHITECTS LTD
REG. OFFICE: 28-30 KIRBY STREET, LONDON EC1N 8TE
REG. IN ENGLAND No. 2148983

French, Michael: PC-Plan

From: French, Michael: PC-Plan
Sent: 26 May 2005 16:43
To: 'Katrince.Sporle@pins.gsi.gov.uk'
Cc: Wyatt-Jones, Lesley: PC-Plan; Taylor, Derek: PC-Plan
Subject: 114/120 Notting Hill Gate Appeal Decision: PP/04/2306 APP/K5600/A/05/1172723

Dear Katrine,

You will recall that last year we exchanged e-mails about the weight which your Inspectors were giving to Supplementary Planning Guidance. I thought this had now been resolved to everyone's satisfaction; however, I now have another decision which states, "the status of these documents has not been made clear to me". How could this happen? We included the cover of the SPG to confirm that it was SPG assuming that the Inspector would be aware that all SPGs have to go through a rigorous consultation process before adoption.

We will now include in all reports which relate to SPGS or Conservation Proposals Statements a rider to the effect that they have been widely consulted upon before adoption.

I would be grateful if you could remind your Inspectors that SPGs have to be consulted upon and must be given significant weight.

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

French, Michael: PC-Plan

From: Daniel Moylan [daniel.moylan@egan-associates.com]
Sent: 24 May 2005 17:28
To: Michael.French@rbkc.gov.uk
Cc: Lesley.Wyatt-Jones@rbkc.gov.uk;
Subject: Re: 114-120, Notting Hill Gate - appeal decision

Dear Mr. French,

Please do. We should not let this go. It is pure laziness on Inspectors' behalf.

Daniel Moylan

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

From: Michael.French@rbkc.gov.uk
To: daniel.moylan@egan-associates.com
Cc: Lesley.Wyatt-Jones@rbkc.gov.uk ; Derek.Taylor@rbkc.gov.uk
Sent: Tuesday, May 24, 2005 4:57 PM
Subject: RE: 114-120, Notting Hill Gate - appeal decision

Dear Councillor Moylan,

I too was taken aback by this comment from the Inspector. As you will recall, I wrote to the Planning Inspectorate when a previous Inspector stated that he did not give weight to one of our Conservation Area Proposals Statements because he did not know if it were Supplementary Planning Guidance. Since then, we have made the status of Proposals Statements clear in our appeal statements. This case was different in that the "Design and Conservation of Shop fronts and Shopping Streets" document was referred to by us in our statement as Supplementary Planning Guidance and a copy of the cover and extract of the document were included for the Inspector. To my mind, he should have given it weight because all SPGs have to go through a rigorous consultation process before adoption, and we should not have to spell it out in any further detail.

I shall write to the Chief Executive of the Planning Inspectorate again and include a more detailed rider to all descriptions of SPGs and Proposals Statements in the future.

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

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

From: Daniel Moylan [mailto:daniel.moylan@egan-associates.com]
Sent: 20 May 2005 21:54
To: Michael J French
Cc: lesley.wyatt-jones@rbkc.gov.uk
Subject: 114-120, Notting Hill Gate - appeal decision

Dear Mr. French,

Please explain how the Inspector for the above appeal came to say: "I have had regard to the Council's SPG ... However, as the status of these documents has not been made clear to me, I have attached limited weight to them"?

If the status was made clear, please can we take this up with the Planning



Appeal Decision

Site visit made on 10 May 2005

by **P A Davies** BSc(Econ) MCD Dip.URS MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

16 MAY 2005

Appeal Ref: APP/K5600/A/05/1172723

114 – 120 Notting Hill Gate, London W11 3QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Tesco Stores Ltd against the decision of the Council of the Royal Borough of Kensington and Chelsea.
- The application ref: PP/04/02306/A dated 8 October 2004, was refused by notice dated 17 November 2004.
- The development proposed is described as “2 no. ATM’s within shopfront”

Summary of Decision: The appeal is allowed and planning permission is granted subject to the conditions set out in the Formal Decision below.

Procedural Matters

1. Although the application form described the development as set out in the summary above, it is evident that the proposal was subsequently amended to reduce the number of proposed ATMs from two to one. The Council has described the development as “installation of one cash dispensing machine within shopfront to front ground floor street elevation”. This description has been adopted by the appellant and I have therefore determined the appeal on the basis of the revised description.

Main Issue

2. I consider the main issues in this case to be the effects of the proposal on firstly, the character and appearance of the area; and secondly, the living conditions of neighbouring residents, with particular reference to noise and disturbance, crime and anti-social behaviour.

Planning Policy

3. The development plan includes the Royal Borough of Kensington and Chelsea Unitary Development Plan (UDP), adopted in 2002. A number of policies in the plan have been drawn to my attention, but I consider the following to be most pertinent to my consideration of this appeal. Policy CD27 seeks to ensure that all development is to a high standard of design, and is sensitive to and compatible with its surroundings. Policies CD50 and CD51 aim to prevent unsympathetic alterations and small-scale developments that would be harmful to the external appearance of buildings or the surrounding area.
4. I have also had regard to the Council’s Supplementary Planning Guidance on the Design and Conservation of Shopfronts and Shopping Streets, and Notting Hill Shopfront Improvements. However, as the status of these documents has not been

made clear to me, I have attached limited weight to them.

Reasons

Character and Appearance

5. The appeal premises comprise a retail foodstore situated in the Core Frontage of the Notting Hill Shopping Centre. The modern two storey building and those which adjoin it are, in my opinion, are of no special architectural merit.
6. The proposed cash dispensing machine would be installed at the eastern end of the store's long shop front, and would occupy only a small proportion of the total frontage. Having regard to its limited size and projection, I consider that the proposed development would represent a relatively modest alteration. It would be compatible with the commercial character of the building and, in my judgement, would not unduly affect the proportions or rhythm of the shop front. For these reasons, I consider that the proposal would not be harmful to the external appearance of the building or the local townscape. As such, it would have no material effect on the character or appearance of the nearby Kensington Conservation Area.
7. Accordingly, I conclude that the proposal would not adversely affect the character and appearance of the area and accords with the policies of the UDP referred to above.

Neighbours' Living Conditions

8. The proposed cash dispensing machine would be sited adjacent to the entrance to Camden Hill Towers, a large residential block. I have given careful consideration to the concerns expressed by objectors that the proposed development would result in persons loitering outside the entrance to these flats, leading to increased noise and disturbance, crime and other forms of anti-social behaviour. However, the proposed facility would be located on a busy commercial thoroughfare close to a bus stop and several cafes and fast food outlets. In the circumstances, I consider that the proposal would be unlikely to result in a significant difference in the numbers of persons congregating in the area. For this reason, I conclude, on balance, that the proposal would not have an unduly adverse effect on the living conditions of neighbouring residents.

Other Considerations

9. Although some objectors have questioned the need for an additional cash dispensing facility, it is not normally necessary for appellants to demonstrate need for such facilities in primary shopping areas. I therefore do not regard this issue as a material planning consideration in this case.

Conditions

10. In my view, no conditions other than the standard time limit condition are necessary.

Conclusion

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

12. I allow the appeal and grant planning permission for the installation of one cash dispensing machine within shop front to front ground floor street elevation at 114 – 120 Notting Hill Gate, London W11 3QE in accordance with the terms of the application ref: PP/04/02306/A, dated 8 October 2004, and the plans submitted therewith, subject to the following conditions:
13. The development hereby permitted shall begin before the expiration of five years from the date of this decision.

Palanis

INSPECTOR



The Planning Inspectorate

1W

3/19 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0117-3728715
Switchboard 0117-3728000
Fax No 0117-3728443
GTN 1371-8715

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

Mrs R Townley
Kensington And Chelsea R B C
Planning Services Department
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: pp/04/02306/MINR
Our Ref: APP/K.5600/A/05/1172723
Date: 1 April 2005

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY TESCO STORES LTD
SITE AT 114/120 NOTTING HILL GATE, LONDON, W11 3QE**

I enclose for your information a copy of the appellant's final comments on the above appeal. Normally, no further comments, from any party, will now be taken into consideration.

Yours faithfully

Mrs Annette Dixon

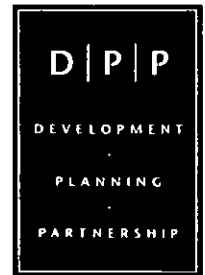
217L(BPR)

EX DIR	HDC	TP	340	AD	CLU	AO AK
R.B. K.C.	4 APR 2005		PLANNING			
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19

21st March 2005

Mrs Annette Dixon
The Planning Inspectorate
3/19 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN



1 Fitzroy Square
London
W1T 5HE
Tel 020 7388 9559
Fax 020 7383 7068

Dear Mrs Dixon

**APPEAL REFERENCE: APP/K5600/A/05/1172723
114-120 NOTTING HILL GATE, LONDON, W11 3QE.**

In response to the LPA's statement and third party letters relating to the above appeal.

It is noted that the Council accepts 'that the parent building to which this appeal relates is not a building of architectural importance and is not within a designated Conservation Area'.

In relation to the Council's concerns over crime from the installation of a cash machine at this location, it is noted that Circular 5/94 has been cancelled with the publication of PPS1 'Delivering Sustainable Development'. This site is not or is not close to a known crime 'hot spot', it is not in an area that is characterised by high levels of unemployment or drug abuse, which are frequently associated with such 'hot spots' and the existing layout of the built environment surrounding this appeal site does not welcome crime. Therefore we do not accept that there will be a growth in crime or any adverse affects in the character and level of amenity for surrounding nearby residents in attracting vagrants, litter and crime.

We disagree with the Council's view in relation to 'The Design and Conservation of Shopfronts and Shopping Streets' Supplementary Planning Guidance, where it is stated that 'it is important that transient retail fashions do not disrupt the character of a building to achieve short term requirements'. The installation of a cash point to the premises is not viewed as disrupting the character of the building and this can be viewed from the photos submitted with the Statement of Case to the Inspectorate. It is evident that Tesco's, unlike many smaller food chains or stores is not

BEDFORD · CARDIFF · DUBLIN · GLASGOW · LEEDS · LONDON · MANCHESTER

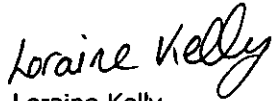
PARTNERS · RJ Flack MRTPI · JS Riley MRTPI · SCT Arnold MRTPI MRICS · RJ Robinson MRTPI
JD Francis MRTPI · G Armstrong MRTPI · MB Dodds MRTPI · SJ Mackay MRTPI · GE Sutton MRTPI
MC Bath MRTPI · JRE Mills MRTPI

ASSOCIATE PARTNERS · EJM Cussen MRTPI · JJ Williams MRTPI · A Bamford MRTPI · LE Rigg MRTPI
DT Coleby MRTPI · AD Hughes MRTPI · EC Pickles MRTPI · MN Buxton MRTPI · D Innes MRTPI



likely to be a short term investment or indeed 'transient' and this would also be the case for the installation of a cash machine at these premises.

Yours Sincerely



Loraine Kelly

Loraine.Kelly@devplanning.com

DEVELOPMENT PLANNING PARTNERSHIP



The Planning Inspectorate

10W

3/19 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0117-3728715
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<http://www.planning-inspectorate.gov.uk>

Mrs R Townley
Kensington And Chelsea R B C
Planning Services Department
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: pp/04/02306/MINR
Our Ref: APP/K5600/A/05/1172723
Date: 8 March 2005

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY TESCO STORES LTD
SITE AT 114/120 NOTTING HILL GATE, LONDON, W11 3QE**

I enclose a copy of the appellants statement and third party letters relating to the above appeal.

If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. You should comment solely on the representations enclosed with this letter.

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

Comments submitted after the 9-week deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours faithfully

Mrs Annette Dixon
211AL(BPR)

EX DIR	HDC	TP	CAC	AD	CLU	AO
R.B.	10 MAR 2005		FILED			
K.C.						
N	C	SW	SE	AR	IS	REC
HBS			ARB	PPLN	DES	FEES

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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

Extension: 2734
Direct Line: 020 7361 2734
Email: Ian.Williams@RBKC.gov.uk
Web: www.rbkc.gov.uk



**KENSINGTON
AND CHELSEA**

23 February 2005

My reference: DPS/DCN/IW/PP /04/2306/N. Your reference: APP/K5600/A/05/ 1172723 Please ask for: Mr Ian Williams

Dear Sir,

Town and Country Planning Act 1990.

Re: Tesco stores Ltd, 114/120, Notting Hill Gate, Kensington, London W11.

I write with reference to the appeal made by 'Tesco Stores Limited' under Section 174 (2)(a) of the Town and Country Planning Act 1990 against the Council's decision on 17th November 2004, to refuse planning permission for the installation of one cash dispensing machine within the shopfront to front ground floor street elevation at 114-120, Notting Hill Gate, Kensington, London W11 (Ref: DPS/DCN/IW/PP/04/2306).

The Council's reason for refusing this permission is as follows:

'The proposed cash machine is an insensitive and unsympathetic addition to the existing parent building and is not in keeping with the style, character, scale, bulk, proportion and rhythm and would have a detrimental impact on the amenity for the surrounding properties and as such, would not preserve or enhance but would spoil and harm the front elevation, the terrace of properties of which this one forms a part and the surrounding area and are therefore contrary to the Council's Policies which seek to preserve and enhance the character and appearance of the Borough as stated in the Council's Unitary Development Plan, in particular, Policies CD27, CD50 and CD51'.

A referral to the planning department's records has confirmed that on 17th November 2004, planning permission was granted for the erection of a new shopfront and fascia panel (Ref:PP/04/2307). A further consent was granted on the 2nd December 2004 for replacement of the existing roof mounted plant and a glass canopy to the rear (PP/04/2398). These alterations relate to the existing use of these premises as a retail outlet within Use Class A1.

The appeal to the Secretary of State by the appellant against the refusal to grant planning permission dated 17th November 2004, for the installation of one cash dispensing machine within the shopfront to front ground floor street elevation at 114-120, Notting Hill Gate, Kensington, London W11, now forms the subject of this written representation. The Council considers that, with additional information and Statutory Plans and Policies, the Council's Unitary Development Plan 2002 (UDP), the following documents together with this letter, constitute the Royal Borough's written statement and clearly sets out the Council's reasons for refusing planning permission.



INVESTOR IN PEOPLE

With reference to the above appeal, please find enclosed the following:

- A1 Location Plan of 114-120, Notting Hill Gate, Kensington, London W11.
- A2 Delegated Report, accompanying plans and Decision letter dated 11th November 2004 and 17th November 2004 respectively, recommending the refusal of planning permission for the installation of a single cash-dispensing machine within the Notting Hill Gate elevation (PP/04/2306).
- A3 Copy of the relevant section of Chapter 4 of the Unitary Development Plan dated May 2002.
- A4 Copy of the 'Notting Hill Gate Shopfront Improvements' leaflet and the relevant pages of the 'Design and Conservation of Shopfronts and Shopping Streets, Supplementary Planning Guidance'.

Statutory Plans and Policies.

In May 2002, the modifications to the Council's Unitary Development Plan (UDP) were formally adopted and are the Statutory Plan for the Borough. The Council has reviewed its UDP to keep it up to date and relevant, in line with Government Policy. Other relevant documents to be considered are the Town and Country Planning Act 1990 and Planning Policy Guidance Notes 1 (PPG 1) – General Policy and Principles. Section 54A of the Town and Country Planning Act 1990 (as amended) states:

'Where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

PPG 1 outlines the general policies and principles under which the planning system is to operate which reiterates the emphasis that is to be placed upon the Unitary Development Plan. Paragraph 40 states:

'....an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise.....Those deciding such planning applications or appeals should always take into account whether the proposed development would cause demonstrable harm to the interests of acknowledged importance. In all cases where the development plan is relevant, it will be necessary to decide whether the proposal is in accordance with the plan and then to take into account other material considerations'.

I would like to add further to paragraph 4.4 of the delegated report of the Executive Director of Planning and Conservation dated 11th November 2004 and comment on the appellant's grounds of appeal. The appellant has appealed on the grounds that planning permission should be granted and that *'the proposed one cash point at the proposed site will not cause any harm to any interest of acknowledged importance...the proposed development does not appear to impact on the character and appearance of the Conservation Area....will have no detrimental impact on the amenity for the residents of surrounding properties and would not spoil or harm the front elevation.....this cash machine at the appeal premises would provide an important service for visitors'.*

The Council accepts that the parent building to which this appeal relates is not a building of architectural importance and is not within a designated Conservation Area, however this site is immediately adjacent and opposite the Kensington Conservation Area which is of importance. The addition of a cash machine within the external shopfront elevation is considered to be insensitive and unsympathetic, adding clutter to the shopfront, being harmful to the surrounding Kensington Conservation Area and as a result would have a detrimental impact on the amenity for the surrounding properties, in particular the residents of Campden Hill Towers, the entrance to which is immediately adjacent to the proposal site. The addition of a cash machine within this location will lead to additional

noise and disturbance to residents entering and leaving this block and a perceived risk of crime for the residents that can only be exacerbated by individuals standing around the cash machine. As part of the consultation on this application, the Council consulted ninety-three neighbours within the vicinity and six letters and one petition with 46 signatures were received objecting to this application. The objections were on the basis that these additions would adversely affect the character and level of amenity for surrounding nearby residents attracting vagrants, litter and crime.

Circular 5/94 issued by the Department of the Environment acknowledges that crime prevention is capable of being a material consideration when planning applications are considered (paragraph 4).

'The causes of crime and vandalism are complex but it is widely accepted that environmental factors can play a part. Desolate, sterile and featureless surroundings can engender feelings of hostility, anonymity and alienation....'.

The Council disagrees with the appellant's view that this addition will provide an important service for visitors. As identified within paragraph 4.3 of the Council's delegated report, there are already a number of existing banks with internal and externally positioned cash machines within Notting Hill Gate and the surrounding immediate area, namely 'The Royal Bank of Scotland', 78, Notting Hill Gate, 'The Woolwich', 83/85, Notting Hill Gate, 'Barclays', 35, Notting Hill Gate, 'HSBC', 25/27, Notting Hill Gate, 'Natwest', 46/48, Notting Hill Gate, 'Lloyds', 50, Notting Hill Gate and 'Abbey National', 88, Notting Hill Gate. These are all within 150m of this site and as such, it is evident that any need within the Notting Hill Gate area for cash machines has been met.

The 'Design and Conservation of Shopfronts and Shopping Streets, Supplementary Planning Guidance' (page 8 - Alterations) identifies that '*The introduction of large retail units which combine more than one shopfront can have a damaging impact on the rhythm of details which contribute so much to the character of the townscape...It is important that transient retail fashions do not disrupt do not disrupt the character of a building to achieve short term requirements. As a result, corporate 'house styles' may have to be adapted to fit in with the age and character of the building in which the shopfront is situated irrespective of the size of the organisation*'. The proposed addition of a cash machine forms part of the 'house style' adopted by 'Tesco Stores Limited' for this premises, which ultimately is considered to be detrimental to the parade of shop units of which this property forms a part setting an unwelcome precedent for others to emulate.

Policies CD27, CD50 and CD51 seek to ensure that all development in any part of the borough is to a high standard of design and is sensitive to and compatible with the scale, height, bulk, materials and character of the surroundings, whilst ensuring that unsympathetic small scale developments, such as the introduction of cash point machines, which in themselves cause harm to the character of the area are resisted. The Council therefore maintains that the proposal is unsympathetic to the existing parent building and is not in keeping with the style, character, scale, bulk and proportion of the main building and as such, does not preserve or enhance but harms the front elevation of this property, the terrace as a whole and the adjoining Kensington Conservation Area and is therefore contrary to the Council's Policies which seek to preserve and enhance the character and appearance of the Borough as stated in the Council's Unitary Development Plan, in particular, Policies CD27, CD50 and CD51.

It is respectfully requested that the Inspector dismisses the appeal.

Yours sincerely,

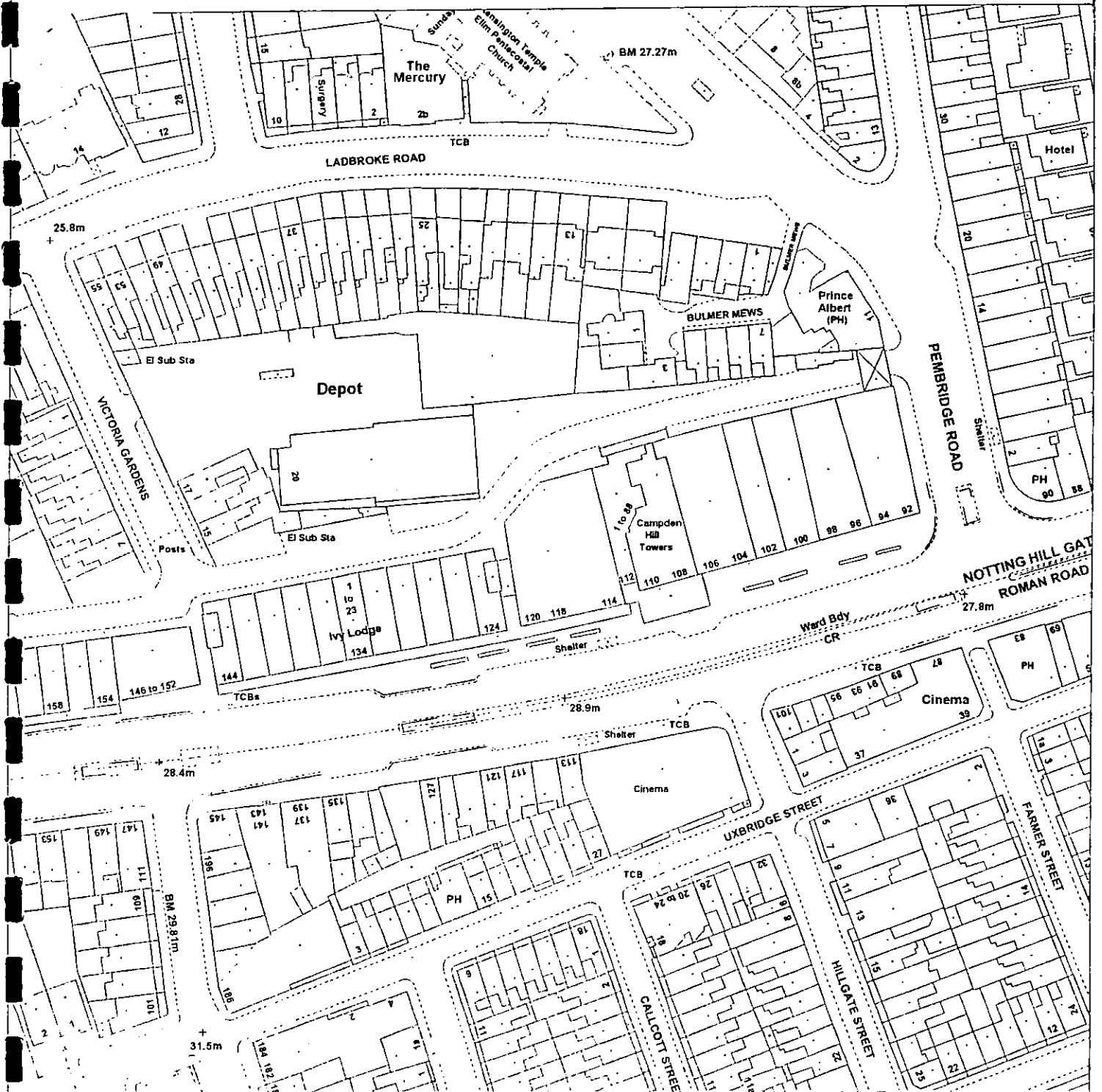


Derek Taylor,
Area Team Leader,
For the Executive Director, Planning and Conservation.

APPENDIX ONE

RBKC - Planning and Conservation - Card Index - Site Map

114 - 120, Notting Hill Gate



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

QuickMap(23/02/2005)

Map width : 243.74m

Scale 1 : 1250

APPENDIX TWO

Ae

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

Date: 11/11/2004

DELEGATED

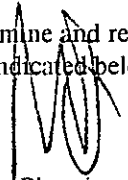

APP NO. PP/04/02306/MINR

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

Class - 8th Schedule development

RECOMMENDED DECISION: Refuse planning permission

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

 Exec. Director, Planning and Conservation	<i>hdwy</i> Head of Development Control	 Area Planning Officer	<i>15/11/04</i>
	<i>16/11/04</i>		

ADDRESS OF SITE:
114-120 Notting Hill Gate,
London, W11 3QE

APPLICATION DATED 08/10/2004

APPLICATION COMPLETE 11/10/2004

APPLICANT/AGENT ADDRESS:
TTG Architects,
28-30 Kirby Street,
London
EC1N 8TE

APPLICATION REVISED 11/11/2004

APPLICANT: Tesco Stores Ltd.,

DELEGATED
17 NOV 2004
REFUSAL

CONS AREA N/A CAPS No ART No WARD Pembridge

LISTED BUILDING No ENG. HERITAGE

CONSULTED 95 OBJ. 6 SUP. 0 PET. 1

PROPOSAL: Installation of one cash dispensing machine within shopfront to front ground floor street elevation.

RBK&C Drawing No(s): PP/04/02306 and PP/04/02306/A
Applicant's Drawing No(s) 11/A.

REASONS FOR REFUSAL

1. The proposed cash machine is an insensitive and unsympathetic addition to the existing parent building and is not in keeping with the style, character, scale, bulk, proportion and rhythm and would have a detrimental impact on the amenity for the surrounding properties and as such, would not preserve or enhance but would spoil and harm the front elevation, the terrace of properties of which this one forms a part and the surrounding area and are therefore contrary to the Council's Policies which seek to preserve and enhance the character and appearance of the Borough as stated in the Council's Unitary Development Plan, in particular, Policies CD27, CD50 and CD51.

INFORMATIVE(S)

1. You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies CD27, CD50 & CD51. (I51)

1.0 THE SITE

- 1.1 The property is located on the north side of Notting Hill Gate, between its junctions with Pembridge Road and Ladbroke Terrace.
- 1.2 The property is a retail unit within Class A1 and is located within the Core Frontage of the Notting Hill Gate Principal Shopping Centre.
- 1.3 The property is not a listed building and is not within a Conservation Area, although this site borders the Kensington Conservation Area.

2.0 RELEVANT PLANNING HISTORY

- 2.1 On 6th September 1985 (Ref:TP/85/1216) and 19th August 1996 (Ref:TP/96/1462), planning permission was granted for the insertion of new shopfront at this premises.
- 2.2 During October 2004, Advertisement consent was granted for replacement shopfront and fascia advertisements (Ref:CA/04/1973).
- 2.3 On 11th October 2004, a planning application was submitted for alterations to the shopfront and fascia (Ref:PP/04/2307).

3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the installation of one cash-point machine within the most eastern end of the shopfront.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations in the determination of this application is the effect of this proposal on the character and appearance of the front elevation of this property, the effect on the terrace of which this property forms a part and the surrounding area as a whole.
- 4.2 The relevant Policies are contained within the Unitary Development Plan 2002. Policies CD27, CD50 and CD51 are of particular relevance to this application. Also for consideration is 'The London Plan, Spatial Development Strategy for Greater London', February 2004.
- 4.3 Within the Notting Hill Gate Principle Shopping Center there are ten existing cash machines, within approximately 150 metres of the site.

- 4.4 In terms of the design, the proposed cash point machine is considered to be an insensitive harmful addition which neither preserves nor enhances but harms the front elevation of this property and the simply dignity of the shopfront as a whole. The cash point is an un-sympathetic addition which individually spoils the appearance of the building and would be collectively detrimental to the streetscene, and the residential character and amenity for the surrounding area. In view of this, the proposal is considered to conflict with Policies CD27, CD50 and CD51.

5.0 CONSULTATION

- 5.1 Ninety three letters of notification were sent out to properties within Notting Hill Gate and a site notice was displayed outside this property.

- 5.2 To date, six letters and one petition with 46 signatures have been received in response to this application. The letters and petition object to the application on the grounds that these additions would adversely affect the character and level of amenity for surrounding nearby residents attracting vagrants and will attract litter and crime. The petition has been signed by residents of the adjoining residential block 'Campden Hill Towers'.

- 5.2.1 The prayer of the 46 signature petition is as follows;

'We believe that these cash dispensers are inappropriately positioned and will cause unwanted litter and loitering in our doorway. These ATM's should not be installed. If however, RBK&C should decide to approve the installation in principle, we petition that the machines should be located within the store or in the shopfront at the furthest possible point from the front entrance of Campden Hill Towers.

- 5.3 The objections relating to litter, crime and the attraction of vagrants are not valid planning objections. It is considered that the objections relating to the effect on the character and amenity has been considered in the body of this report.

6.0 RECOMMENDATION

- 6.1 Refuse planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of file PP/04/02306 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: LW

Report Approved By: DT/LAWJ *LAWJ*

Date Report Approved: *16/11/02*

PLANNING AND CONSERVATION

~~THE TOWN HALL HORNTON STREET LONDON W8 7NX~~

Executive Director MJ FRENCH FRICS Dip TP MRTPI Cert TS

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

TTG Architects,
28-30 Kirby Street,
London
EC1N 8TE

Switchboard: 020-7937-5464
Direct Line: 020-7361-2734
Extension: 2734
Facsimile: 020-7361-3463

17 NOV 2004

My Ref: PP/04/02306/MINR /
Your Ref: 3364/4.1

Please ask for: North Area Team

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990

**TOWN AND COUNTRY PLANNING GENERAL PERMITTED DEVELOPMENT
ORDER, 1995**

REFUSAL OF PERMISSION TO DEVELOP (DP2)

The Borough Council in pursuance of its powers under the above-mentioned Act and Order, hereby REFUSE to permit the development referred to in the under-mentioned Schedule as shown in the plans submitted. Your attention is drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT: Installation of one cash dispensing machine within shopfront to front ground floor street elevation.

SITE ADDRESS: 114-120 Notting Hill Gate, London, W11 3QE

RBK&C Drawing Nos: PP/04/02306/A

Applicant's Drawing Nos: 11/A.

Application Dated: 08/10/2004

Application Completed: 11/10/2004

Application Revised: 11/11/2004

REASON(S) FOR REFUSAL OF PERMISSION ATTACHED OVERLEAF




REASON(S) FOR REFUSAL:

1. The proposed cash machine is an insensitive and unsympathetic addition to the existing parent building and is not in keeping with the style, character, scale, bulk, proportion and rhythm and would have a detrimental impact on the amenity for the surrounding properties and as such, would not preserve or enhance but would spoil and harm the front elevation, the terrace of properties of which this one forms a part and the surrounding area and are therefore contrary to the Council's Policies which seek to preserve and enhance the character and appearance of the Borough as stated in the Council's Unitary Development Plan, in particular, Policies CD27, CD50 and CD51.

INFORMATIVE(S)

1. You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies CD27, CD50 & CD51. (151)

Yours faithfully,



Michael J. French
Executive Director, Planning and Conservation

APPENDIX THREE

- 4.2.35 However, the Council will have regard also to the value to the community of those activities, often small-scale, generally service or craft orientated, whose economic existence depends on a pool of low-cost property. (See Offices and Industry Chapter).

4.3 CONTROL OF DEVELOPMENT

- 4.3.1 The policies below apply in all parts of the Borough.

Standards of Design

- 4.3.2 The Council is concerned that the quality of architectural design of development in all areas of the Borough should be of a high standard. Development may also provide opportunities for environmental benefits such as sitting-out, sports or landscaped areas.

CD27 To ensure that all development in any part of the Borough is to a high standard of design and is sensitive to and compatible with the scale, height, bulk, materials and character of the surroundings.

Urban Design

- 4.3.3 Quality in urban design is an essential component in the control of development. It includes the relationship between different buildings; the relationship between buildings and the streets, squares, parks, trees and other vegetation, waterways and other spaces which make up the public domain; the nature and quality of the public domain itself; the relationship of one part of a city with other parts; and the patterns of movement and activity which are thereby established.

- 4.3.4 The policy below is intended to reinforce and enhance the traditional urban pattern of the Royal Borough in a number of ways:

- By maintaining free movement, particularly of pedestrians, through the streets of the Borough (permeability);
- By preserving and creating features which contribute in a positive way to the legibility of the built environment (that is, the way the urban environment is recognised and understood) including landmarks, building lines, open spaces, views, vistas and key locations such as important cross roads, shopping centres or public gathering places;
- By ensuring visually interesting and secure streets by the provision of active frontages in appropriate locations, the maintenance of defensible space, and the provision of appropriate uses and design of upper floors to ensure informal surveillance of the public realm;

- By preserving and creating those features which contribute to the special character of the Royal Borough.

CD28 To require development to be physically and visually integrated into its surroundings by:

- a) **preserving existing public routes, creating new routes where appropriate, and extending links to maintain a high level of accessibility, (see Transportation Chapter)**
- b) **ensuring that the appearance of buildings form a pattern which reflects the traditional urban form of the Borough, by maintaining and creating new building lines and giving a coherent form to the spaces enclosed by new buildings. Buildings and features should also be designed to emphasise the relative importance of main routes, and of key locations such as important cross-roads, shopping centres, or other public gathering places;**
- c) **maintaining a clear distinction between private and public space, and ensuring the provision of active building frontages, particularly at ground floor level in appropriate locations, and the incorporation of doors and windows to provide physical and visual links between buildings and the public domain;**
- d) **preserving and creating those aspects of architecture and urban form which contribute to local distinctiveness and character such as plot widths, building lines, roofscape and open space.**

Energy Efficient Design

4.3.5

One of the objectives of sustainable development in the Borough is to promote energy conservation through building design where appropriate. Technology is rapidly changing in this area of building construction, and includes improvements in insulation and the use of devices such as solar panels. However, energy efficient buildings are more difficult to design in a densely built-up area such as the Royal Borough, because there is more overshadowing and orientation is less flexible. Conservation area and listed building policies may also restrict the use of some energy saving proposals. The re-use and up-grading of existing buildings rather than redevelopment should always be considered as an option where appropriate. (See paragraph 2.5.13 of

CD49 To resist side extensions to buildings if:

- (a) **the architectural symmetry of a building, terrace or group of buildings would be impaired;**
- (b) **the original architectural features on a formal flank elevation would be obscured;**
- (c) **access to the rear of the property or of those adjoining would be lost or reduced.**

4.4.12 Single storey side extensions at garden level may be permitted where they would not conflict with the above policy, are in a style sympathetic to the original building, and are set back from the original front and rear building lines.

Other Alterations

4.4.13 Alterations and extensions are often necessary to modernise, adapt or extend the life of a building. If unsympathetically carried out they may individually spoil the appearance of buildings or collectively be detrimental to the townscape.

CD50 To permit alterations only where the external appearance of buildings or the surrounding area would not be harmed.

4.4.14 Such alterations may include the following: the replacement of windows or glazing patterns; the replacement of panelled front entrance doors; the repair or replacement of stucco other than to the original design; the permanent removal of projecting mouldings; balustrades, chimneys or other architectural details; the permanent fixing of any form of equipment or structure to the facade; the rendering or painting of a brick-faced building; security works including alarms and cameras; shutters or grilles; ventilation/extract ducts and plant; front walls and railings; and signs which are not advertisements.

4.4.15 The Council will pay particular regard to those unsympathetic small-scale developments and extensions which may cause harm to the street scene, and the residential character or amenity. The significance of these lies in the incremental and cumulative effects which can so easily be detrimental to the local environment.

CD51 To resist unsympathetic small-scale developments which in themselves cause harm and where the cumulative effect of a number of similar proposals would be detrimental to the character of the area.

Plant and Equipment

4.4.16 Increasingly buildings are incorporating air conditioning, and ventilation equipment, both on new buildings and as alterations to existing buildings. Not only can this equipment be unsightly, but it can cause harm to nearby residents by reason of noise and odours. It is important that all new plant and equipment is incorporated in a sympathetic manner. Ideally they should be incorporated inside the building, and any vents should be located so that they do not cause problems to residents or other occupiers of nearby buildings. Where plant and equipment is to be added to existing buildings, they should be sympathetically located so that they do not cause material harm to the building, or to the amenity of nearby residents. Where appropriate, planning conditions/obligations will be used to control the noise levels of new plant and equipment. (See also paragraph 4.3.37 of this chapter).

CD52 To resist the installation of plant and equipment where:-

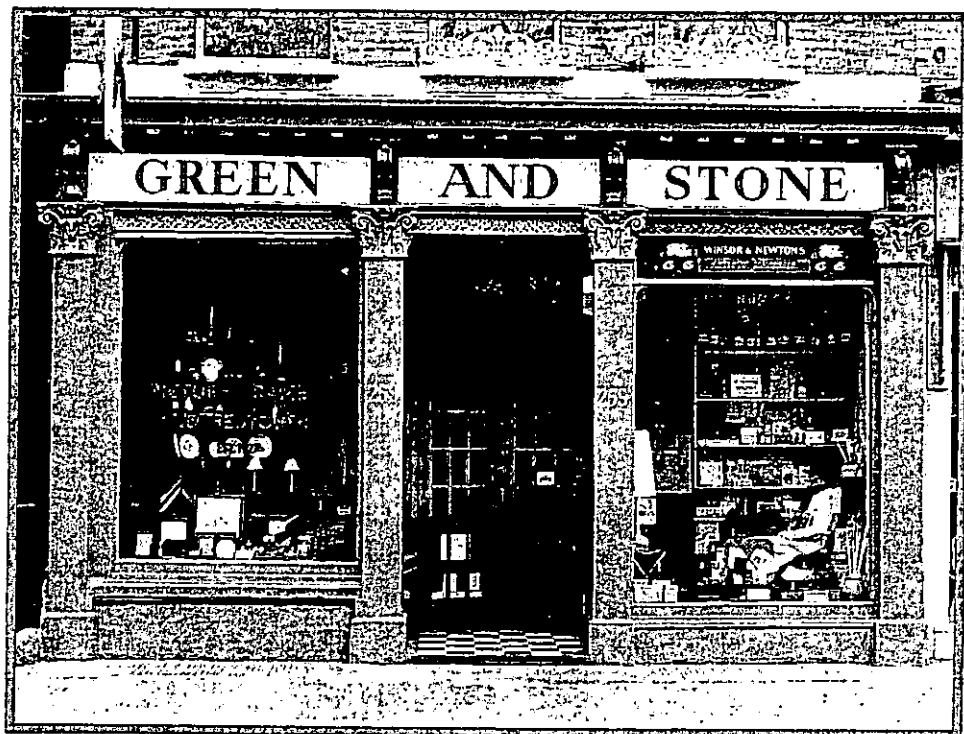
- a) they would cause material harm to the appearance of the building or the character of the area, or
- b) noise or vibration generated would cause material disturbance or nuisance to occupiers of surrounding properties, or
- c) odours would cause material disturbance or nuisance to occupiers of surrounding properties.

Telecommunications Apparatus

4.4.17 Developments in telecommunications have led to changes in the way telephone and television systems operate. Both broadcasting and reception create demands for various forms of antenna (including satellite dishes). The General Permitted Development Order and Telecommunications Code Systems Operators' Licences allow certain telecommunications developments to take place without the need for planning permission, but in some cases allow the planning authority to require changes to siting and appearance with the aim of protecting amenity. The Council will use these powers to minimise the impact of telecommunications development and follow the advice contained in Planning Policy Guidance Note 8. The Council will encourage the use of communal satellite dishes on blocks of flats. Some domestic satellite dishes may be installed as permitted development under the General Permitted Development Order. Where permission is required, the following policy will apply.

APPENDIX FOUR

DESIGN AND CONSERVATION OF SHOPFRONTS AND SHOPPING STREETS



Supplementary Planning Guidance
The Royal Borough of Kensington and Chelsea



11 31 Abingdon Road. A finely detailed corner shop in a predominantly residential area. This is a typical example of the use of pilasters to support the cornice, without corbel brackets.

Alterations

In old buildings the original fascia and pilasters or columns which form the frame of the shopfront should always be retained; where they have been damaged in the past by poor alterations the opportunity to reinstate them should be taken. Often the original lines of the fascia will have been lost, introducing an excessively heavy fascia sign, with a relatively squat window below. Reinstatement of the original proportions restores an element of elegance which is so lacking in many of the streets of the Borough today, and is often crucial to the character of the townscape.

All shopfront alterations must respect the building's original structural framework. Where large fascias have been introduced in the past the original proportions of shopfronts should be restored wherever possible. (ref. UDP CD63)

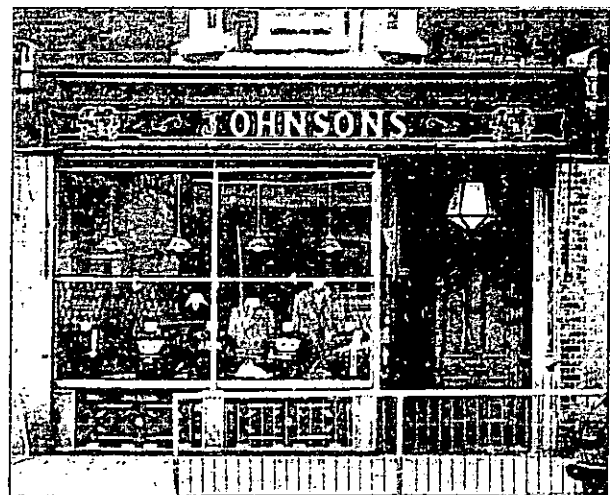
It is usually possible to determine the original size from such surviving features as the cornice, capitals and corbels. Within the classical vocabulary used for all pre-1914 shopfronts in the Borough and many later examples, the upper edge of the fascia aligns with the top of the corbel and abuts the underside of the cornice. The lower edge usually aligns with a small moulding near the bottom of

the console bracket or, in the case of scrolled console brackets, with the centre of the lower scroll. The shop window and the transom light over the door terminate at the underside of the fascia.

Restoration of the original proportions can be carried out even where a false ceiling has been introduced, since the ceiling can usually be realigned at, or close to, the window. Where this is not possible, due, for example, to the introduction of a new lintel to support the original bressumer, the new ceiling can be obscured by opaque glass, thus restoring the proportions of the original design and contributing to the overall appearance of the street.

The introduction of large retail units which combine more than one shopfront can have a damaging impact on the rhythm of details which contribute so much to the character of the townscape. The removal of the original pilasters and corbel brackets to construct a unified fascia is particularly damaging.

Where shop units are combined, new shopfronts and signage will be required to be installed within the original surrounds and not to obscure them. (ref. UDP CD64)



12 Johnsons, 406 The King's Road: A typical late 19th century example with a glass fascia sign. Note the narrow depth of fascia, which is contained within the depth of the corbel brackets, and the sunblind hidden within the cornice.

Unauthorised Works

There is a tendency for retailers to require the introduction of new shopfronts quickly, sometimes before planning permission is obtained. Where advice is required regarding the suitability of a design, the applicant should contact the Planning Department to arrange a preliminary meeting to discuss the design proposed.

The installation of shopfronts, signs and other features before planning permission has been obtained will be discouraged by vigorous enforcement action.

Corporate 'House' Styles

Shopfronts are often temporary street features adapting constantly to changing retail demands. It is important that transient retail fashions do not disrupt the character of a building to achieve short-term requirements. As a result, corporate 'house styles' may have to be adapted to fit in with the age and character of the building in which the shopfront is situated irrespective of the size of the organisation.

Original Shopfronts and Conservation

Shopfronts of quality should be retained where original to the building or later and of historic value. In those exceptional cases where the fabric is beyond repair, the replacement should be designed as a scholarly replica of the existing shopfront in respect of its design, form, detailing and materials. (ref. UDP CD62)

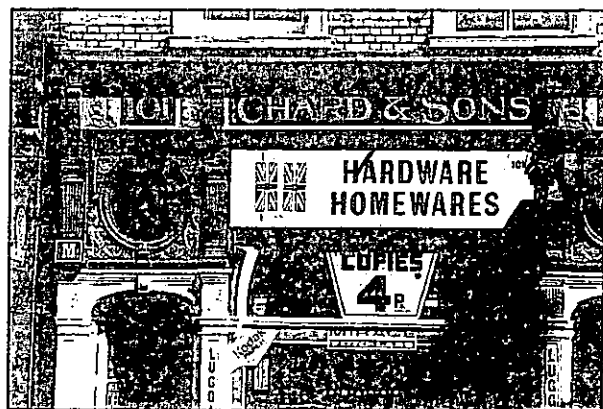
Old and original shopfronts are of particular importance to the character of all urban centres, wherever they occur. The corner shop in a residential area, for example, is just as important to the character and interest of the neighbourhood as is a larger store in a principal shopping centre. While some of the best examples are often listed or within conservation areas, this policy applies equally to all shopfronts throughout the Borough, irrespective of age or originality. Later designs may

be of considerable importance, particularly where they are early or relate well to the original architecture of the building or the street within which they are situated.

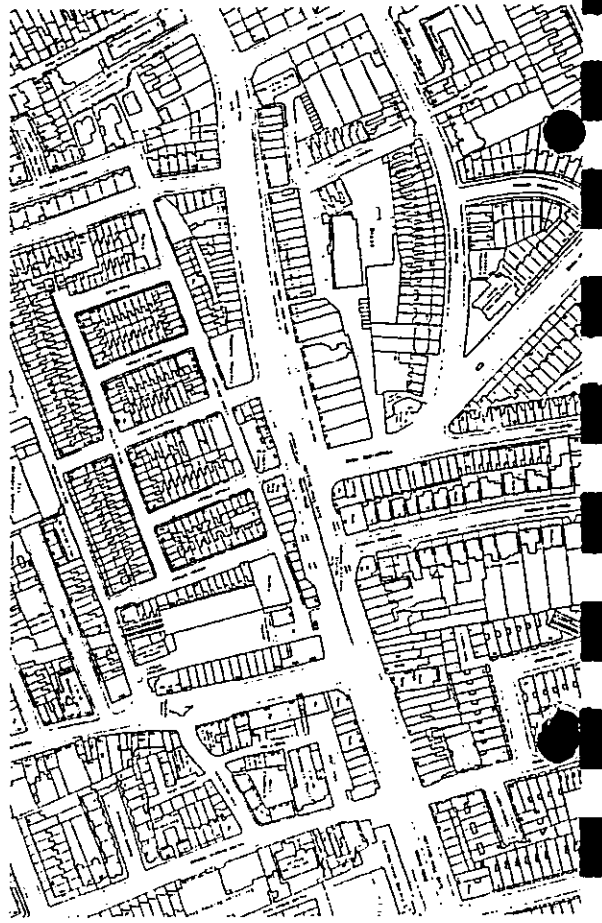
Often original and early shopfronts will have been badly altered or partially obscured by later additions, but may not be beyond repair. Where it is clear that the surviving elements are sufficient to enable reinstatement, these elements should be retained and repaired.

The original fabric of the shopfront and its related features should be retained and restored wherever possible, as original details add character and interest to the townscape. These include all joinery, stucco, terracotta, brick, tile and stone detailing and masonry features, transom lights and decorative or early glazing, fanlights, blind boxes, timber shutters, glass and timber fascia signs, door furniture, sign brackets and other ironmongery. New work and additional features should always be designed in sympathy with the original, including sun-blinds, signage and security features.

(ref. UDP CD44)



- 13** Chards, 101 Gloucester Road:
A once spectacular example of glazed terracotta, mutilated by excessive signage and poor alterations. Part of the arch over the shop window has been removed, and mechanical vents crudely inserted through the original ventilation grilles over the door.



NOTTING HILL GATE IMPROVEMENTS

For further information, contact
 DEVELOPMENT CONTROL TEAM (NORTH)
 Department of Planning Services
 Town Hall, Kensington: 071-937 5464

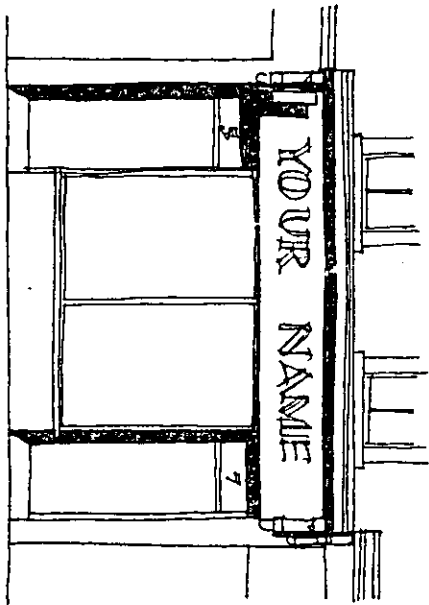


THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

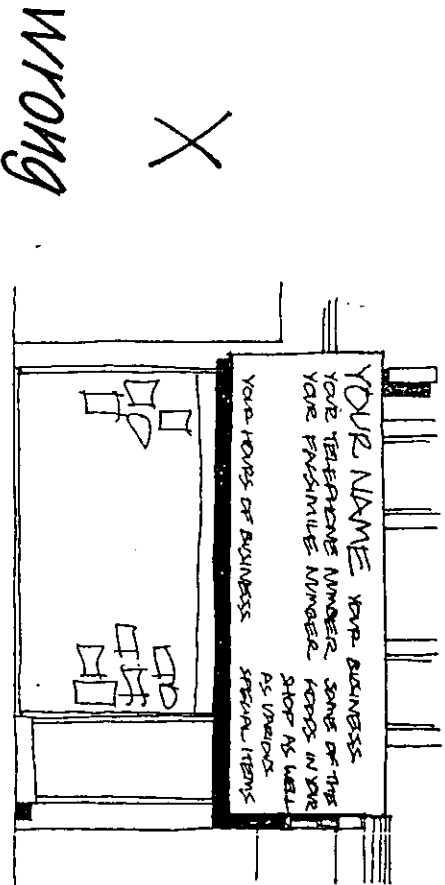
- in association with:
- LAND SECURITIES PROPERTIES LIMITED
 - THE CAMPDEN HILL RESIDENTS ASSOCIATION
 - CAMPDEN HILL TOWERS MANAGEMENT LIMITED
 - THE CHERRY TREE RESIDENTS ASSOCIATION
 - THE LADBROKE ASSOCIATION
 - THE OSSINGTON STREET ASSOCIATION
 - THE PEMBRIDGE ASSOCIATION
 - THE PEMBRIDGE ROAD ASSOCIATION

NOTTING HILL

Shopfront Improvements



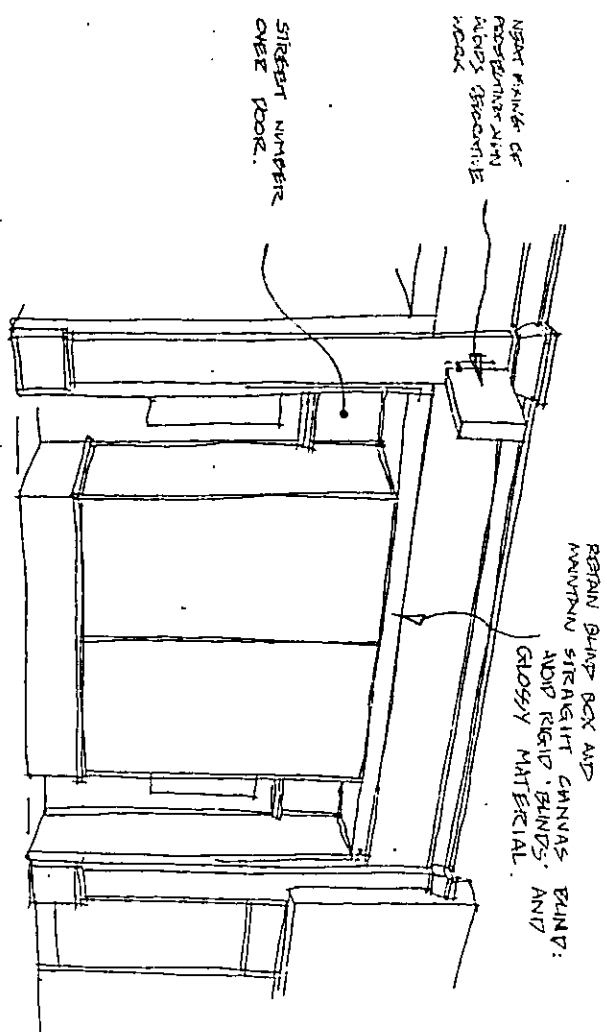
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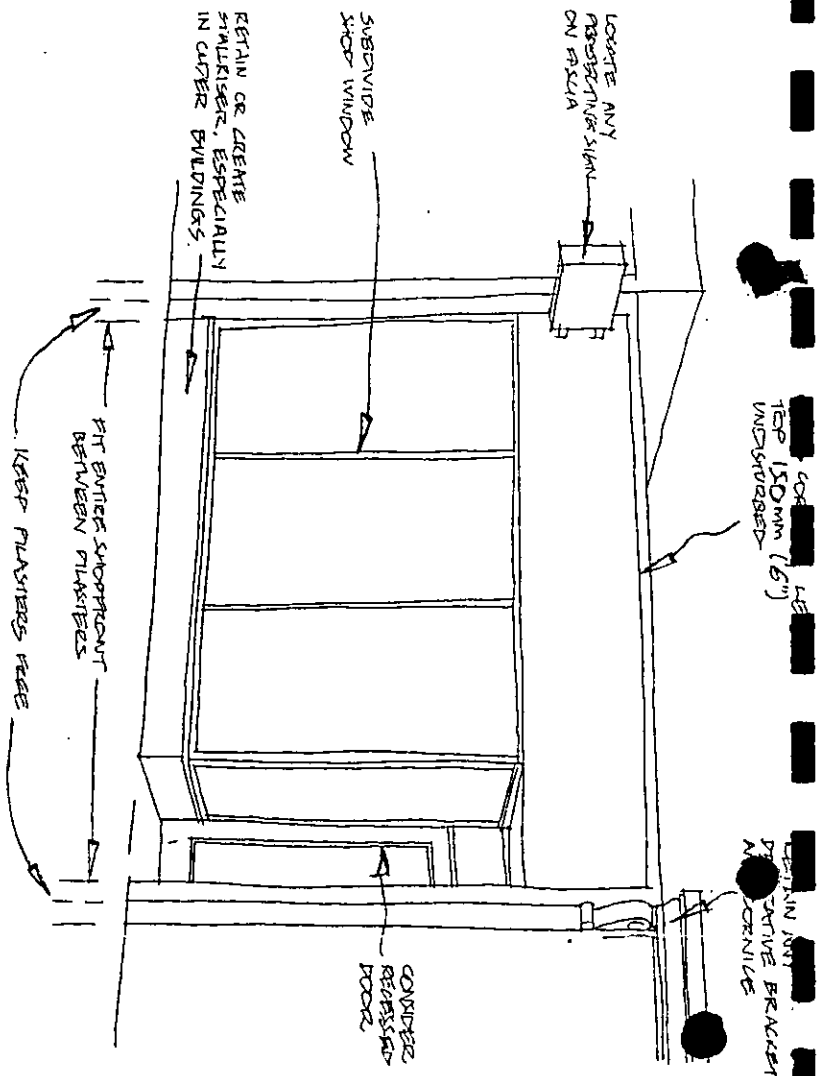
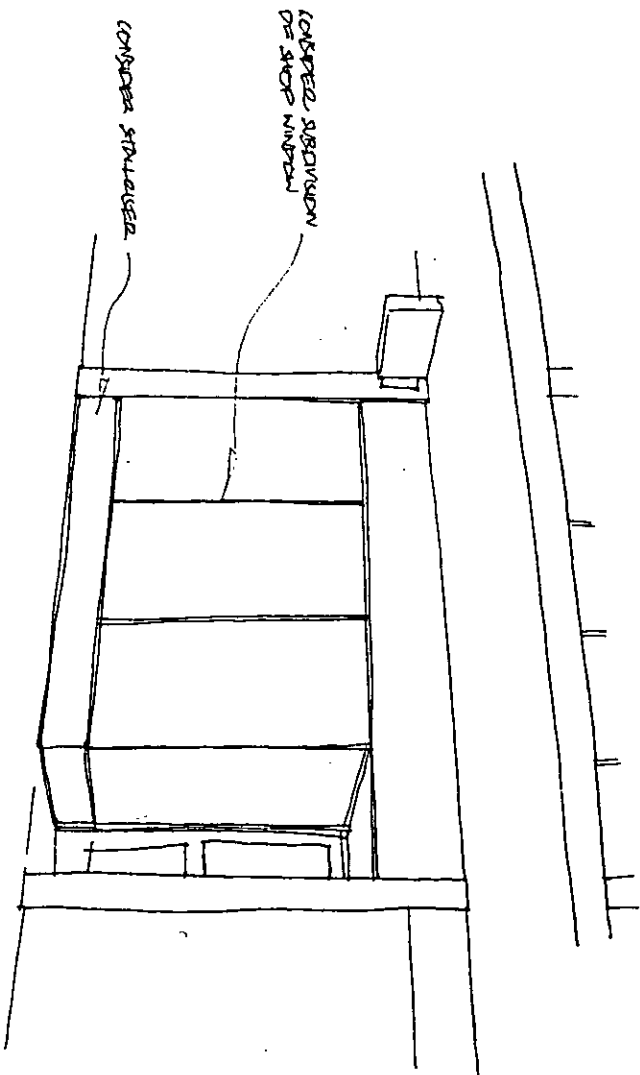
WRONG

SHOPFRONTS IN NOTTING HILL

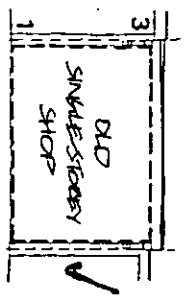
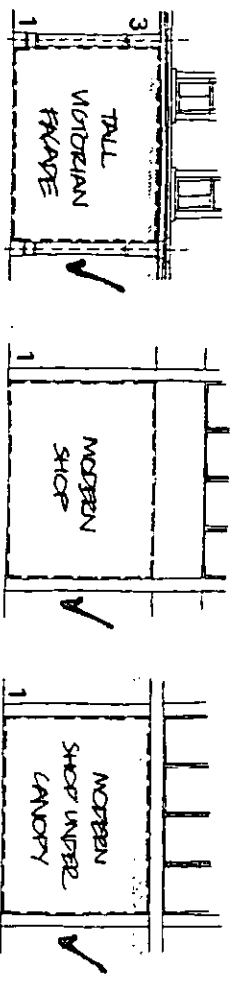
- Special Considerations



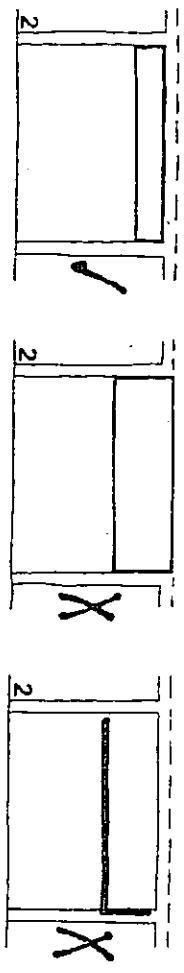
PAINTED SIGNS AND FASCIAS
ARE PARTICULARLY WELCOMED.
SOLID ROLLER SHUTTERS
ARE UNACCEPTABLE: BOXES
FOR SECURITY GRILLES MUST
NOT PROTECT BEYOND THE
FASCIA.



GENERAL PRINCIPLES for shopfronts

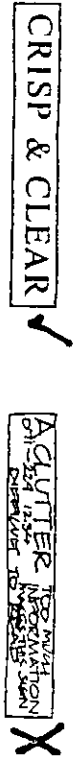


1 SHOPFRONTS SHOULD BE SET WITHIN THE FRAMEWORK, VICTORIAN OR MODERN, GENERATED BY THE EXISTING BUILDING.



2 FRASINGS SHOULD BE IN PROPORTION WITH SHOPFRONTS PROPORTIONING FRASINGS ARE UNACCEPTABLE.

GENERAL PRINCIPLES for signs

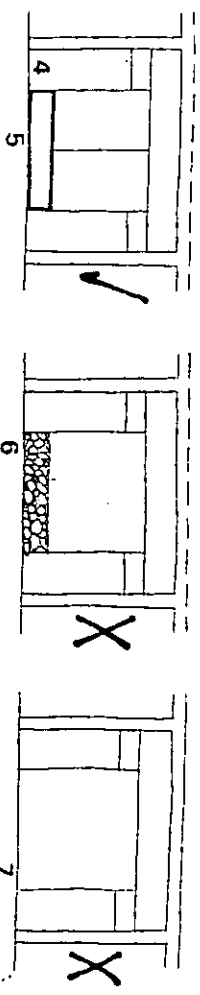


FRASING LETTERING SHOULD BE CRISP, CLEAR AND UNCLUTTERED THE MINIMUM NECESSARY TO IDENTIFY YOUR BUSINESS.

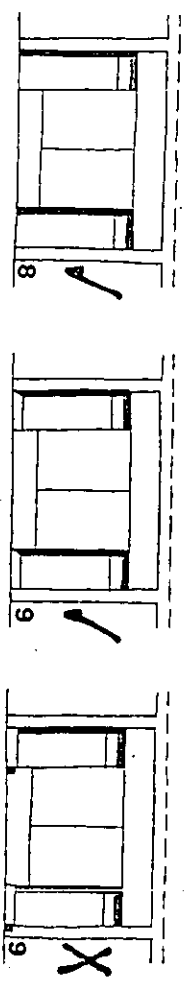


FRASING SIGNAGE SHOULD RELATE TO THE SIZE AND PROPORTIONS AVAILABLE.

3 EXISTING DECORATIVE WORK, PARTICULARLY COATINGS, CORNICES AND CORNICE BRACKETS, SHOULD NOT BE COVERED OR DESTROYED. DON'T DESTROY HISTORIC SHOPFRONTS: REPAIRING THEM CREATES A SENSE OF QUALITY.



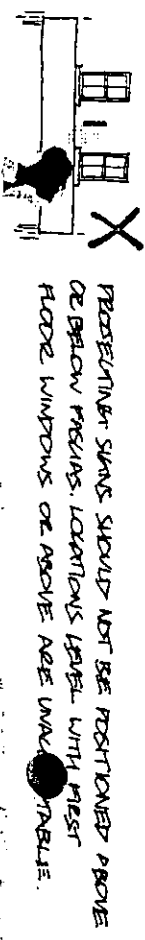
- 4 DOORS TO UPPER FLOORS MUST BE RETAINED.
- 5 SPURLSERS SHOULD BE RETAINED, OR INSERTED WHERE THEY HAVE BEEN REMOVED. REINFORCED SPURLSERS CAN ASSIST SHOP SECURITY.
- 6 SPURLSERS FINISHED IN UNUSUAL MATERIALS JUST LOOK CDD.
- 7 THE SUBDIVISION OF SHOP WINDOWS WITH VERTICAL GLAZING BARS IMPROVES APPEARANCE AND MAKES MAINTENANCE MORE EASY.
- 8 RECESSED DOORWAYS AND RECESSED WINDOWS SHOULD BE RETAINED AND NOT REPLACED WITH FLUSH SHOPFRONTS.



9 CONSIDERATION MUST BE GIVEN TO THE ACCESS REQUIREMENTS OF THOSE WITH DISABILITIES. THE NUMBER OF THE PROPERTY MUST BE DISPLAYED.



PROPORTION SIGNAGE WHERE APPROPRIATE, SHOULD BE ATTACHED TO FRASINGS OR BE LEVEL WITH THEM, UNLESS THIS WOULD CONCEAL A DECORATIVE ARCHITECTURAL FEATURE.



PROPORTION SIGNAGE SHOULD NOT BE POSITIONED ABOVE OR BELOW FRASINGS. LOCATIONS LEVEL WITH FIRST FLOOR WINDOWS OR ABOVE ARE UNACCEPTABLE.

Though once a typical High Street the Notting Hill Gate we know today has an individuality and striking character established by the roadworks and major redevelopment of the late 1950s.

The architecture of the new buildings has a consistency and a simplicity which produces quite a powerful visual effect, while the climb from Holland Park Avenue into Notting Hill Gate has been enhanced by the judicious placing of the blocks of shops and flats.

The Borough's shops play an important part in defining and retaining the character of the Borough. They generate the bustle, variety and colour synonymous with London. They provide goods and services to support the Borough's residents and its workforce. And they combine to generate shopping areas of all kinds and all sizes that promote a "sense of place" and a local character by which the Borough's districts are defined, and which add immeasurably to their attractiveness.

The visual attractiveness of this area however has declined in recent years. The Council do not want commercial attractiveness to decline also. Clutter and poor design quality at shopfronts are harmful in both respects: there are instances of planning controls having apparently been ignored. Some shopfronts fall far short of what is appropriate for a prime area in one of the world's great cities.

Through its planning, licensing and other powers the Council controls the form and appearance of shopping streets. But no shopping area is immune from the social and economic forces which make places more or less attractive or successful over the years. A shopping centre can find itself in a position where its appearance and character is not in keeping with its importance, when special action is required.

The Council's principal planning aim is to maintain and enhance the Borough's function as a residential area and

to ensure continues to be an attractive place in which to live and work. This involves a determination to secure the highest quality in the character and appearance of the Borough's shopping centres. There must be very few occupiers of shops who do not share this aim: all are urged to review their own frontage and take a positive role in visually upgrading the area.

The Council is assisted in this initiative by the Notting Hill Gate Improvements Group (NHIG) which represents local associations and others with an interest in the attractiveness of the area. The Group has the support of Land Securities Properties Limited, and other landowners who welcome the principle of improvement through partnership.

A start has been made on the following objectives:

- Higher quality paving materials.
- Higher quality street furniture, including seats, lighting and pedestrian barriers.
- Additional tree planting.
- Removal of unnecessary street signs.
- Rationalisation and improvement of shopfronts.

This leaflet has been produced to assist with the last of these objectives, to support a campaign of persuasion and encouragement to raise standards. Where there are breaches of planning controls the Council will not hesitate to commence the necessary enforcement action.

The guidance encourages quality: it advises against thoughtless use of plastic or aluminium in place of hardwood. Painted signs would be welcome: signwriters are not extinct and the Planning Department have names of a number working in the locality. Style, quality and identity are as much of benefit to the area as to the individual trader.

Together all concerned must strive to avoid shabbiness and shoddiness: Notting Hill Gate deserves to be so much better than it now is and improved shopfronts together with the tree-planting and improvements to street furniture which is under way will transform it.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Office of the Deputy Prime Minister,
3/07 KiteWing,
Temple Quay House,
2 The Square, Temple Quay,
Bristol, BS1 6PN

Switchboard: 020-7937-5464

Direct Line: 020-7361-2081

Extension: 2081

Facsimile: 020-7361-3463

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Date: 28 February 2005

My Ref: DPS/DCN/PP/04/02306/IW

ODPM's Reference: App/K5600/A/05/1172723 Please ask for: Rebecca Townley

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 114-120 Notting Hill Gate, London, W11 3QE

With reference to the Appeal on the above premises, I attach 2 copies of this Council's statement.

Yours faithfully

Michael J. French
Executive Director, Planning and Conservation

Enc.



INVESTOR IN PEOPLE

① Ack [unclear]
② IW.
JA
23/2

Copy Planning Insp 23/2
JA

63, CAMPDEN HILL TOWERS
LONDON W11 3QP
0207 229 6557

Thursday, 17 February 2005

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

EX DIR	HDC	TP	DC	AD	CLU	AO AK
R.B. K.C.		18 FEB 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

26

For the attention of Mr I Williams

Dear Sirs,

Your Ref DPS/DCN/PP/04/02306 – 114-120 Notting Hill Gate – Tesco Stores Cash Machines

As close neighbours, in the same development as the Appellant to your decision referenced above, my wife Caroline Cator and I, Council Tax payers at the above address, are both opposed to allowing Tesco to site its cash dispensing machines directly onto the street.

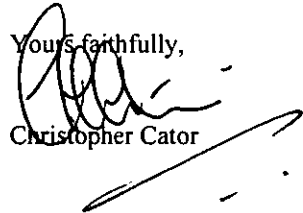
Whilst obviously we have no objections to such machines being available to the shopping public inside the store the proposed shopfront machine, accessible from the street pavement on a 24 hour basis, is unacceptable to us.

Tesco's planned opening hours include late evening opening as a convenience store to which we have no objection either but we feel it quite unnecessary to allow cash machine access as well. There are plenty of clearing bank cash machine facilities near the Underground Station in Notting Hill Gate which is where all people are used to going who need emergency cash late at night.

Were the Tesco appeal to succeed we would soon have another competitive point in Notting Hill Gate "high street" where people would loiter, meet, encash and litter the street with a fair chance of resultant violence. Please can we let that happen out of the residential environment in the existing area of the "high street" where everything is set up for it.

This letter has also been sent to the address in Bristol mentioned in your letter.

Yours faithfully,


Christopher Cator

63, CAMPDEN HILL TOWERS
LONDON W11 3QP
0207 229 6557

Thursday, 17 February 2005

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

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	18 FEB 2005				PLANNING	
N	C	S.W.	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEEs

Dear Sirs,

RBKC Ref DPS/DCN/PP/04/02306 – 114-120 Notting Hill Gate – Tesco Stores Cash Machines

As close neighbours, in the same development as the Appellant to the Royal Borough of Kensington & Chelsea's decision referenced above, my wife Caroline Cator and I, Council Tax payers at the above address, are both opposed to allowing Tesco to site its cash dispensing machines directly onto the street.

Whilst obviously we have no objections to such machines being available to Tesco customers inside the store the proposed shopfront machine, accessible from the street pavement on a 24 hour basis, is unacceptable to us.

Tesco's planned opening hours include late evening opening as a convenience store to which we have no objection either but we feel it quite unnecessary to allow street cash machine access as well. There are plenty of clearing bank cash machine facilities near the Underground Station in Notting Hill Gate which is where all people are used to going who need emergency cash late at night.

Were the Tesco appeal to succeed we would soon have another competitive point in Notting Hill Gate "high street" where people would loiter, meet, encash and litter the street with a fair chance of resultant violence and the probability of machines becoming available in other premises. Please can we let that happen out of the residential environment in the existing commercial area of the "high street" where the systems and CCTV security coverage are set up for it.

This letter has also been sent to the Royal Borough under the above reference.

Yours faithfully,

Christopher Cator

cc RBKC. ✓

① PC
 ② W
 ③ Copy -
 Planning Insp.
 YH
 WZ

92 Holland Park Avenue,
 London W11 3RB
 17th February, 2005

Mr Williams
 Planning, RBKC,
 Town Hall, Hornton St.
 W8 7NX

Dear Mr Williams,

RE TESCO - 84 TO 90 HOLLAND PARK AVENUE, W11

May I add to my neighbour's, [Andrew and Michele Rowan], letter of objection to the inappropriate Tesco shop front and its litter creating cash dispenser? To site a cash machine less than 3 yards from the communal doorway to the residential part of our building puts the residents here at risk of attack. It is an accepted fact that cash machines attract a criminal element, such persons will appear to have a legitimate right to loiter near our doorway at any time of the day or night. I am in my 60's, suffer from a heart condition and due to arthritis have impaired mobility. I do not need this extra worry. Would you please ensure that planning permission for the shop front is only granted if the cash machine is re-sited away from our doorway?

Yours sincerely,



Roger Penman

37

EX DIR	FDC	TP	CAC	AD	CLU	AO
						AK
R.B.	21 FEB 2005				PLANNING	
K.C.						
X	C	S.W.	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

① PC → IW
② Copy P. Inspect.

JA
WZ

**Ground Floor Flat
92 Holland Park Avenue,
London W11 3RB
16/2/2005**

40

EX DIR	RDC	TP	CAC	AD	CLU	AC AK
R.B. K.C.		21 FEB 2005			PLANNING	
X	C	SW	SE	APP	IO	REC
FBS			RB	FPLN	DES	FES

**Mr Williams
Planning Dept
RBKC
Town Hall
Hornton St.
W8 7NX**

Dear Mr Williams,

TESCO CASH MACHINE AT TESCO EXPRESS HOLLAND PARK AVENUE

I object to the cash dispenser Tesco have installed in their shop front. When it is raining people shelter in our recessed doorway as they wait to use the cash machine and cause an obstruction as I try to get in and out of my front door,

Yours sincerely,

J Shrimpton

Mr J Shrimpton

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

File Copy

Direct Line: 020-7361-2734

Extension: 2734

Facsimilie:

Switchboard: 020-7937-5464

020-7361-3463

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Date: 10 February 2005

My Ref: DPS/DCN/PP/04/02306 Please ask for: Mr.I. Williams

ODPM's Reference: App/K5600/A/05/117273

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Notice of a Planning Appeal relating to: 114-120 Notting Hill Gate, London, W11 3QE

Appellant: Tesco Stores Ltd., Agent: Development Planning Partnership

A Planning Appeal has been made by Tesco Stores Ltd., to the Planning Inspectorate in respect of the above property. This appeal is against the Council's decision to refuse planning permission for : Installation of one cash dispensing machine within shopfront to front ground floor street elevation.. This appeal will proceed by way of **WRITTEN REPRESENTATIONS**. Any representations you wish to make should be sent to: **The Planning Inspectorate, Room 3/07 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN**. Please note that any representations already made at application stage will be forwarded to the Inspectorate.

Please send 3 copies and quote the ODPM's reference given above. **The Inspectorate must receive your representations by 07/03/2005 for them to be taken into account.** (Representations made in respect of the planning application have already been copied to the Inspectorate, and these will be considered when determining the appeal unless they are withdrawn before 07/03/2005). 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.

I attach a copy of the Council's reasons for refusal and the Appellant's grounds of appeal. The Appellant's and Council's written statements may be inspected in the Planning Information Office after 07/03/2005 (**please telephone ahead in order to ensure that these are available**). 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



INVESTOR IN PEOPLE

NOTICE OF A PLANNING APPEAL

Reasons for Refusal

1. The proposed cash machine is an insensitive and unsympathetic addition to the existing parent building and is not in keeping with the style, character, scale, bulk, proportion and rhythm and would have a detrimental impact on the amenity for the surrounding properties and as such, would not preserve or enhance but would spoil and harm the front elevation, the terrace of properties of which this one forms a part and the surrounding area and are therefore contrary to the Council's Policies which seek to preserve and enhance the character and appearance of the Borough as stated in the Council's Unitary Development Plan, in particular, Policies CD27, CD50 and CD51.

GROUNDS OF APPEAL

The proposal of one cash point at the proposal site in Notting Hill Gate will not cause any harm to any interest of acknowledged importance in this case.

The proposal is entirely in keeping with the commercial location within which the building sits.

The existing building has no particular architectural merit and the proposed development does not appear to impact on the character and appearance of the conservation area.

Indeed the modern concrete buildings on either side of the appeal premises emphasises that this is not a sensitive location.

Furthermore the insertion of a cash point at this location will have no detrimental impact on the amenity for the residents of surrounding properties and would not spoil and harm the appearance of the front elevation, the terrace of properties of which the appeal premises forms a part or the surrounding area.

In addition, the insertion of this cash machine at the appeal premises would provide an important service for visitors to the appeal site and neighbouring stores, as well as the surrounding area, by making it more convenient for visitors in the proposal area.

Similar facilities exist close by in Notting Hill Gate, where cash machines are not viewed as an insensitive addition to the surrounding area and their parent buildings.

Therefore the insertion of the cash machine at the appeal premises would be in keeping with the style, character, scale and proportion of the surrounding area.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mrs J Outtrim
8, Campden Hill Towers
112, Notting Hill Gate
London
W11 3QW

Switchboard: 020-7937-5464
Extension: 2734
Direct Line: 020-7361-2734
Facsimile: 020-7361-3463
Email: ian.williams@rbkc.gov.uk
Web: www.rbkc.gov.uk

09 February 2005

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: DPS/DCN/IW/N Your reference:

Please ask for: Mr Ian Williams

Dear Madam,

Town and Country Planning Act 1990.
Re: Tesco's, 114-120, Notting Hill Gate, London W11.

I write in response to your recent letter received by this department on 8th February in relation to the alterations to the shopfront and the signage at the above-mentioned property.

As you are aware, on 17th November 2004, planning permission was granted for the erection of a replacement shopfront and fascia at 114-120, Notting Hill Gate W11 (ref:PP/04/2307). The approved shopfront elevation drawing ref:09/C was annotated to include "flat white aluminium fascia panels with red vinyl infills and blue underscore". There has been a great deal of discussion recently about the chosen house style and advertising form of Tesco's, which many locally find to be crude and inappropriate for their chosen premises, and indeed such discussion continues. However, whilst we can all hold out own views as to how tasteful or appropriate they may be, we need to accept the reality that stickers, posters and coloured film inside the windows do not require consent under the Advertisement Regulations - nearby outfits such as Burger King, W H Smith and Clinton Cards all do this and can do so without any formal control. Even where advertisements require consent, such as with illuminated signs and fascias, matters such as colour or content cannot be taken into account and consideration must be restricted primarily to size, position and brightness.

Having said this, Tesco have been asked to meet with Council representatives at a high level to discuss their overall approach to signage in the Royal Borough, and it is to be hoped that they agree to a more sympathetic approach to both shopfronts and signage.

As yet, no consent exists for new signage at Tesco's, and none has been applied for. All that has been approved is a shopfront. An ATM machine was refused, and is now the subject of an appeal. If they do wish to have illuminated fascia signs, then a formal Advertisement Consent application will be necessary and in view of this, I will ensure you are notified.

I hope this information is of assistance to you.

Yours faithfully,

M J French,
Executive Director, Planning and Conservation.



INVESTOR IN PEOPLE

8 CAMPDEN HILL TOWERS
112 NOTTING HILL GATE, LONDON, W11 3QW
020 7229 2312

① PC + UB
② IW for
9/2 reply

4th February 2005

M.J. French, Esq.
Executive Director, Planning and Conservation
The Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street
LONDON, W8 7NX

50

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	8 FEB 2005				PLANNING	
✓	C	S:	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEE

Dear Sir,

Development 114-120 Notting Hill Gate, London W11 3QE
Tesco Stores

I refer to correspondence on the above development. On enquiry at your offices earlier this week, there would seem to be no record of Tesco having applied for approval to have outside-hanging illuminated signage attached to the above store. There are now two illuminated hanging signs in place which were never illustrated in the original plans, either, to enable us to comment. Admittedly these signs are not huge, but one is so close to Campden Hill Towers, it appears that our doorway is part of Tesco. I object strongly to the proximity of this illuminated advertising sign. It is less than six inches from our entrance, intrusive to us, and I can't see that there is any necessity for it to be so close. Overall, too, all the lighting emanating from the store is unnecessarily excessive, adding to the waste of natural resources.

I thank you for your support and ask that you use your good offices to at least have the illuminated sign moved away from our immediate view, or for it not to be illuminated.

At the same time, the western end of the store advertising is intruding upon Ivy Lodge and I support protest against this signage.

Yours faithfully,

J Outtrim
(Mrs J.E. Outtrim)

APPEAL NOTIFICATIONS

Re 114-120 Notting Hill Gate, London, W11 3QE

Please complete the list of those to notify of the appeal and return with the file(s) to the Appeal Section within 24 hours. Thank You.

€ *Pembroke - PEA.*
WARD COUNCILLORS:
1. *Mr B. Campbell.* ✓ *X 98*
2. *Mr D. Champion.* ✓
3. *Mr D. Weatherhead.*

€ KENSINGTON SOCIETY
Mrs. Ethne Rudd, 15 Kensington Square, W8 5HH ✓

€ CHELSEA SOCIETY (Mr. Terence Bendixson, 39 Elm Park Gardens, London, SW10 9QF)

€ RESIDENT ASSOCIATIONS AND AMENITY SOCIETIES:
1.
2.
3.

€ ALL 3RD PARTIES ORIGINALLY NOTIFIED ✓

€ ALL OBJECTORS/SUPPORTERS ✓

€ STATUTORY BODIES ORIGINALLY NOTIFIED

€ ENGLISH HERITAGE

€ OTHERS

GROUNDS OF APPEAL

The proposal of one cash point at the proposal site in Notting Hill Gate will not cause any harm to any interest of acknowledged importance in this case.

The proposal is entirely in keeping with the commercial location within which the building sits.

The existing building has no particular architectural merit and the proposed development does not appear to impact on the character and appearance of the conservation area.

Indeed the modern concrete buildings on either side of the appeal premises emphasises that this is not a sensitive location.

Furthermore the insertion of a cash point at this location will have no detrimental impact on the amenity for the residents of surrounding properties and would not spoil and harm the appearance of the front elevation, the terrace of properties of which the appeal premises forms a part or the surrounding area.

In addition, the insertion of this cash machine at the appeal premises would provide an important service for visitors to the appeal site and neighbouring stores, as well as the surrounding area, by making it more convenient for visitors in the proposal area.

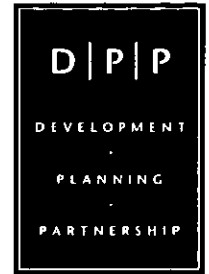
Similar facilities exist close by in Notting Hill Gate, where cash machines are not viewed as an insensitive addition to the surrounding area and their parent buildings.

Therefore the insertion of the cash machine at the appeal premises would be in keeping with the style, character, scale and proportion of the surrounding area.

78 RBS. 2
 Wulwich 1. 83/85.
 Barclays 2 35 North.
 HSBC 27/25 1
 Natwest 46/48 2.
 Lloyds 50 2
 Abbey National 88 2

624404/L0001LK

17th January 2005



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

1 Fitzroy Square
London
W1T 5HE
Tel 020 7388 9559
Fax 020 7383 7068

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		1.9 JAN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEEs

71

Dear Sir/Madam

PLANNING APPEAL WITH RESPECT OF THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA'S DECISION TO REFUSE PLANNING APPLICATION REFERENCE PP/04/02306/MINR FOR A PROPOSED DEVELOPMENT AT THE TESCO, NOTTING HILL GATE, LONDON.

Please find enclosed, on behalf of my client at Tesco Stores Limited, a planning appeal lodged against The Royal Borough of Kensington and Chelsea's decision to refuse my client's planning application for the proposal of 1 ATM within a shopfront at Notting Hill Gate, London.

A copy of the full planning application submission is enclosed, a completed set of appeal forms and you will also find a statement of the grounds for appeal attached to this letter.

I can confirm that a copy of this planning appeal has been sent to the Inspectorate.

Yours Sincerely

Mark Dodds

THE DEVELOPMENT PLANNING PARTNERSHIP

BEDFORD . CARDIFF . DUBLIN . GLASGOW . LEEDS . LONDON . MANCHESTER

PARTNERS . RJ Flack MRTPI . JS Riley MRTPI . SCT Arnold MRTPI MRICS . RJ Robinson MRTPI
JD Francis MRTPI . G Armstrong MRTPI . MB Dodds MRTPI . SJ Mackay MRTPI . GE Sutton MRTPI
MC Bath MRTPI . JRE Mills MRTPI

ASSOCIATE PARTNERS . EJM Cussen MRTPI . JJ Williams MRTPI . A Bamford MRTPI . LE Rigg MRTPI
DT Coleby MRTPI . AD Hughes MRTPI . EC Pickles MRTPI . MN Buxton MRTPI . D Innes MRTPI



To: Policy, Transportation,
Conservation & Design

From: Lesley Jones
Date: 25 January 2005

NEW APPEAL
ADVANCE WARNING

YOU OR YOUR SECTION MAY BE INVOLVED IN
THE PREPARATION OF A STATEMENT OR EVIDENCE

ADDRESS: 114-120 Notting Hill Gate, London, W11 3QE

OUR REF: PP/04/02306 ODPM REF: App/K5600/A/

DEVELOPMENT: Installation of one cash dispensing machine within
shopfront to front ground floor street elevation.

TYPE OF APPEAL: Refusal of Permission

REASONS FOR REFUSAL: See attached sheet

D.C. CASE OFFICER: Mr.I. Williams **D.C. AREA:** North Area Team

It is anticipated at this stage that input will be required from the following sections:-

Design	Transportation
Policy	R & I
Trees	Environmental Health – Noise (Ian Hooper)
Housing	Housing (Stanley Logan)

Please contact the Case Officer for further details.

Thank you.

Lesley Jones
Head of Development Control

REASON(S) FOR REFUSAL:

1. The proposed cash machine is an insensitive and unsympathetic addition to the existing parent building and is not in keeping with the style, character, scale, bulk, proportion and rhythm and would have a detrimental impact on the amenity for the surrounding properties and as such, would not preserve or enhance but would spoil and harm the front elevation, the terrace of properties of which this one forms a part and the surrounding area and are therefore contrary to the Council's Policies which seek to preserve and enhance the character and appearance of the Borough as stated in the Council's Unitary Development Plan, in particular, Policies CD27, CD50 and CD51.

The Planning Inspectorate



Further information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk



For official use only
Date Received

PLANNING APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice or, for 'failure' appeals, within 6 months of the date by which they should have decided the application.

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name **TESCO STORES LIMITED**

Organisation Name (if applicable)

Address **CO AGENT**

Postcode

Daytime Tel

Fax

Email

I prefer to be contacted by Email Post

B. AGENT DETAILS (if any) FOR THE APPEAL

Name **MARK DODDS**

Organisation Name (if applicable) **DEVELOPMENT PLANNING PARTNERSHIP**

Address **1 FITZROY SQUARE
LONDON**

Postcode **W1T 5HE**

Your Ref

Daytime Tel **02073889559**

Fax **02073837968**

Email **London@devplanning.com**

I prefer to be contacted by Email Post

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA **LONDON BOROUGH OF KENSINGTON AND CHELSEA**

LPA's application reference no. **PP/04/02306/MINR**

Date of the planning application **081004**

Date of LPA's decision notice (if issued) **171104**

The Planning Inspectorate - Planning Appeal

D. APPEAL SITE ADDRESS

Address 114-120 NOTTING HILL GATE
LONDON

Postcode W11 3QE **Note: Failure to provide the full postcode may delay the processing of your appeal.**

Is the appeal site within a Green Belt? YES NO

E. DESCRIPTION OF THE DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised (and agreed) while it was with the local planning authority for consideration, you may enter a description of the revised scheme.

INSTALLATION OF ONE CASH DISPENSING
MACHINE WITHIN SHOP FRONT TO
FRONT GROUND FLOOR STREET ELEVATION

Size of the whole appeal site (in hectares) 0.07

Area of floor space of proposed development (in square metres) N/A

Has the description of the development changed from that entered on the application form? YES NO

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

Please tick **ONE** box only

- 1 Refuse planning permission for the development described in Section E.
 - 2 Grant planning permission for the development subject to conditions to which you object.
 - 3 Refuse approval of the matters reserved under an outline planning permission.
 - 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.
 - 5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).
- OR**
- 6 The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.

G. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine planning appeals. In short there are 3 possible methods: - written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views.

1 WRITTEN REPRESENTATIONS

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and changes of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

- a) If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? YES NO
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES NO

If the answer to **1b** is 'YES' please explain

2 HEARINGS

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). The Planning Inspectorate will then arrange a hearing at which the Local Planning Authority and the appellant(s) will be represented. Members of the public, interested bodies (e.g. Parish/Town Councils) and the press may also attend. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

3 INQUIRIES

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are suggested for appeals that:

- are complex and particularly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

H. GROUNDS OF APPEAL

If you have requested the written procedure, please provide your **FULL** grounds of appeal.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

PLEASE REFER TO ATTACHED
STATEMENT OF LETTER

H. GROUNDS OF APPEAL (continued)

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. **YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.**

Please read the enclosed *Guidance Notes* if in doubt.

Please tick **ONE** box only ✓

If you are the sole owner of the whole appeal site, certificate A will apply:

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates:

OR

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see *Guidance Notes*) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's Name	Address at which the notice was served	Date the notice was served
LAND SECURITIES	5 THE STRAND, LONDON WC2N 5AF	171004
PROPERTIES		

CERTIFICATES C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b).

If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.

a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

Tenant's Name	Address at which the notice was served	Date the notice was served

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1-6 below, **must** be sent with your appeal form; 7-11 must also be sent if appropriate. If we do not receive **all** your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

- 1 A copy of the original **planning application** sent to the LPA. 1
- 2 A copy of the **site ownership certificate and ownership details** submitted to the LPA at application stage (this is usually part of the LPA's planning application form). 2
- 3 A copy of the **LPA's decision notice** (if issued). 3
- 4 A **site plan** (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. 4
- 5 A list (stating drawing numbers) and copies of all **plans, drawings and documents** sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. 5
- 6 A list (stating drawing numbers) and copies of any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). 6

Copies of the following must also be sent, if appropriate:

- 7 **Additional plans, drawings or documents** relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here: 7
- 8 Any relevant **correspondence** with the LPA. 8
- 9 If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
 - (a) the relevant outline application; 9a
 - (b) all plans sent at outline application stage; 9b
 - (c) the original outline planning permission. 9c
- 10 If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached. 10
- 11 A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). 11
- 12 If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. 12

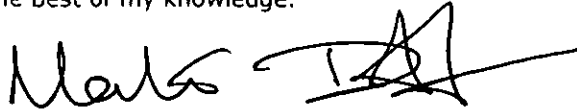
PLEASE TURN OVER AND SIGN THE FORM - UNSIGNED FORMS WILL BE RETURNED

K. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 month time limit)

- 1 I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (if you do not your appeal will not normally be accepted).
- 2 I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature



Date 170105

Name (in capitals) MARK DODDS

On behalf of (if applicable) TESCO STORES LIMITED



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND

1 COPY to us at:

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

1 COPY for you to keep

When we receive your appeal form, we will:

- 1 Tell you if it is valid and who is dealing with it.
- 2 Tell you and the LPA the procedure for your appeal.
- 3 Tell you the timetable for sending further information or representations.

YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

- 4 Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

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2-6 Colegate
Norwich
NR3 1BQ

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Development Planning Partnership
1 Fitzroy Square
London
W1T 5HE

Switchboard: 020-7937-5464
Direct Line: 020-7361- 2734
Extension: 2734
Facsimile: 020-7361-3463

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Date: 10 February 2005

My Ref: DPS/DCN/PP/04/02306/IW

ODPM's Reference: App/K5600/A/05/1172723 Please ask for: Mr.I. Williams

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 114-120 Notting Hill Gate, London, W11 3QE

With reference to your appeal on the above address(es), enclosed you will find the Council's Questionnaire and attached documents as necessary.

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.



INVESTOR IN PEOPLE

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Office of the Deputy Prime Minister,
3/07 KiteWing,
Temple Quay House,
2 The Square, Temple Quay,
Bristol, BS1 6PN

Switchboard: 020-7937-5464

Direct Line: 020-7361-2081

Extension: 2081

Facsimilie: 020-7361-3463

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Date: 10 February 2005

My Ref: DPS/DCN/PP/04/02306/IW

ODPM's Reference: App/K5600/A/05/1172723 Please ask for: Rebecca Townley

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 114-120 Notting Hill Gate, London, W11 3QE

With reference to the appeal on the above premises, I return the completed questionnaire, together with supporting documents. In the event of this appeal proceeding by way of a local Inquiry the Inspector should be advised that Committee Rooms in the Town Hall must be vacated at 5.00 p.m. unless prior arrangements have been made for the Inquiry to continue after 5.00 p.m.

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.



INVESTOR IN PEOPLE

6. Did you give publicity to the application?

- Article 8 of the GDPO 1995

- Section 67/73 of the Planning (Listed Buildings & Conservation Areas) Act 1990

- Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990

YES NO

7. Is the appeal site within an approved Green Belt or AONB?

Please specify which

YES NO

8. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? If YES, please attach details.

YES NO

9. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State? If YES, please attach details and, where necessary, give our reference numbers.

YES NO

b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.

~~YES NO~~

10. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q12.)

YES NO

11. Does the appeal relate to an application for conservation area consent?

YES NO

12. a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?

YES NO
Grade I / II* / II

b. Would the proposed development affect the setting of a listed building?

~~YES NO~~

If the answer to question 12a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q14.)

Date of listing

13. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?

YES NO

14. a. Would the proposals affect an Ancient Monument (whether scheduled or not)?

YES NO

b. If YES, was English Heritage consulted? Please attach a copy of any comments.

~~YES NO~~

15. Is any part of the site subject to a Tree Preservation Order?

If YES, please enclose a plan showing the extent of the Order and any relevant details.

YES NO

16. a. Is the appeal site in or adjacent to or likely to affect an SSSI?

If YES, please attach the comments of English Nature.

YES NO

b. Are any protected species likely to be affected by the proposals? If YES, please give details.

~~YES NO~~

7. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? If YES, please indicate which Schedule.

b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?

c. Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us.

<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Sch1	Sch2 col 1
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

Number of Documents Enclosed	N/A
------------------------------	-----

d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;

e. Any representations received as a result of an Article 7 (or Regulation 6) notice;

f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;

1

g. Any representations received as a result of a notice published under Article 8 and/or Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);

8

h. Details of any other applications or matters you are currently considering relating to the same site;

i. For all appeals, including those against non determination, you must provide details of all relevant development plan policies. Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan;

(Adopted May 2002) Extracts from UDP chapters 1-4

j. Any supplementary planning guidance, together with its status, that you consider necessary;

k. Any other relevant information or correspondence you consider we should be aware of;

l. Please provide us with a list of conditions which you consider should be imposed if planning permission is granted. You need not submit this with the other questionnaire papers, but it should reach us within 6 weeks from the starting date. Being a questionnaire paper, the list should be submitted separately from your appeal statement.

Enclosed	To be sent within 6 weeks from start date
----------	---

18. a. Please include:

- i) a copy of the letter in which you notified people of the appeal;
- ii) a list of the people you notified; and
- iii) the deadline you gave for their comments to be sent to us.

7th Mar 05

b. Copies of the following documents must, if appropriate, be enclosed with the questionnaire.

- i) representations received from interested parties about the original application;
- ii) the planning officer's report ~~to committee~~; **DELEGATED**
- iii) any relevant committee minute.

Number of Documents Enclosed	N/A
8	
✓	
	✓

19. For appeals dealt with by written representations only

Do you intend to send another statement about this appeal?
If NO, please enclose the following information:-

YES NO

a. In non-determination cases:

- i) what the decision notice would have said;
- ii) how the relevant development plan policies relate to the issues of this appeal.

b. In all cases:

- i) the relevant planning history;
- ii) any supplementary reasons for the decision on the application;
- iii) matters which you want the Inspector to note at the site visit.

~~20. The Mayor of London cases only~~

~~a. Was it necessary to notify the Mayor of London about the application?
If YES, please attach a copy of that notification.~~


~~YES NO~~

~~b. Did the Mayor of London issue a direction to refuse planning permission?
If YES, please attach a copy of that direction.~~

~~YES NO~~

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent:

Signature



on behalf of

RBKRC

Council

Date sent to us and the appellant

10th Feb 05

Please tell us of any changes to the information you have given on this form.

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Her Majesty's Stationary Office
St Clements House
2-6 Colegate
Norwich NR3 1BQ

The following documents have been sent with the questionnaire.

Site notice

Delegate/~~committee~~ report

Cons area map

Listed building listing

Udp policies -

Cd 27, 50 + 51

Conservation area proposal statement -
(page numbers)

Other

8 Refs -

Letter

list of people notified of appeal.



The Planning Inspectorate

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

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

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

Mrs R Townley (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
Planning Services Department
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: pp/04/02306/MINR
Our Ref: APP/K5600/A/05/1172723
Date: 24 January 2005

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.		26 JAN 2005			PLANNING	
K.C.						
N	C	S.W	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY TESCO STORES LTD
SITE AT 114/120 NOTTING HILL GATE, LONDON, W11 3QE**

I have received an appeal form and accompanying documents for this site. I am the case officer. If you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeal reference number which is shown at the top of this letter.

I have checked the papers and confirm that the appeal is valid. If it appears at a later stage, following further information, that this may not be the case, I will write to you again.

The appellant has requested the written procedure. Unless you tell me otherwise, I will assume that you do not want an inquiry. The date of this letter is the **starting date** for the appeal.

The following documents must be submitted within this timetable:

Within 2 weeks from the starting date -

You must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made: You should tell them that:-

- i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within **6 weeks of the starting date**. If representations are submitted after the deadline, they will not normally be seen by the Inspector and they will be returned.
- ii) they can get a copy of our booklet 'Guide to taking part in planning appeals' free of charge from you, and
- iii) if they want to receive a copy of the appeal decision they must write to me asking for one.

You must submit a copy of a completed appeal questionnaire with copies of all necessary supporting documents, to the appellant and me. It is essential that details of all the relevant development plan policies are included with it at this early stage.

Within 6 weeks from the starting date -

You must submit 2 copies of your statement to me if the appeal questionnaire does not comprise the full details of your case. The appellant must submit 2 copies of any statement to me if it proves necessary to add to the full details of the case made in the grounds of appeal. I will send a copy of your statement to the appellant and send you a copy of their statement. Please keep your statement concise, *as recommended in Annex 1(i) of DETR Circular 05/2000*. I will send you and the appellant a copy of any comments submitted by interested parties.

Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and on any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement and no new evidence is allowed. I will forward the appellant's final comments to you at the appropriate time.

Site visit arrangements

We will arrange for our Inspector to visit the appeal site and we will send you the details. Our aim is to arrange the visit within 12 weeks of the **starting date**, but from time to time it may take us a little longer.

You **must keep to the timetable** set out above and ensure your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. Inspectors will not accept representations at the site visit, nor will they delay the issue of their decision to wait for them. As I have given details of the timetable, I will not send you reminders. Please see attached annex with regard to attaching documents.

Planning obligations - Section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation, you must submit a completed, signed and dated copy ten working days before the date of the site visit. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

Yours faithfully

A Bailey

AB

Mr Dave Shorland

102(BPR)

Submission of appeal statements and proofs of evidence

We will shortly be introducing the Planning Casework Service (www.planningportal.gov.uk/pcs). When it is introduced you will be able to submit your appeal documents electronically.

In preparation for this, it would assist us greatly, if you could prepare your appeal documents in the following way:

1. Type the information using the 'sans serif' font sizes of at least 11 point. ('Sans serif' fonts are easier to read on screen, common examples are Arial and Verdana.)
2. Use A4 size paper wherever possible.
3. Print documents on both sides of a page if you want to, but please ensure that the quality of paper is such that images from one side of the page do not show through to the other side.
4. Use black ink and capitals if you need to write on a document.
5. Ensure photocopied documents are clear and legible.
6. Place photographs, maps, plans, etc., in a separate appendix and cross-reference them within the main body of the document. Do not stick photographs to sheets of paper. Put them in an envelope and write the site address or appeal reference number if known on the back.
7. Bind documents in such a way that bindings can be undone quickly without damaging the document. Avoid using wire or plastic spiral binders.
8. Avoid using cover sheets, sleeves or other bindings that do not add value or information.
9. Ensure that the pages of documents are clearly numbered.
10. Please do not send valuable original documents unless these are specifically requested.
11. Please do not include post-it notes or small attachments which might be easily dislodged or lost.



The Planning Inspectorate

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

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

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

Mrs R Townley (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
Planning Services Department
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: pp/04/02306/MINR
Our Ref: APP/K5600/A/05/1172723
Date: 24 January 2005

Dear Madam
TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY TESCO STORES LTD
SITE AT 114/120 NOTTING HILL GATE, LONDON, W11 3QE

Site visit arrangements

As is stated in the enclosed letter, our aim is to arrange the visit within 12 weeks of the starting date. However, a steep rise in the number of appeals submitted means that there is currently a backlog, and as a result it may not be possible for the visit to take place until 45-50 weeks after the date of this letter.

We are doing everything we can to address the problem, including bringing forward site visits to take place of any that, for whatever reason, fall away at the last minute. For that reason we are still asking for the submission of statements within the existing timeframes.

Yours faithfully

Katrine Sporle
Chief Executive

EX DIR	HDC	TP	C=C	AD	CLU	AO AK
R.B. K.C.	26 JAN 2005				PLANNING	
N	C	S.N	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

NEW APPEAL

DATE: 25/01/2005

TO: Mr. D. Taylor

A NEW APPEAL HAS BEEN RECEIVED, WHICH FALLS IN YOUR AREA - FILE(S) ATTACHED. THE SITE ADDRESS IS:

114-120 Notting Hill Gate, London, W11 3QE

1. PLEASE INDICATE THE OFFICER WHO WILL BE DEALING WITH THIS APPEAL.

IW

2. PLEASE INDICATE THE PROCEDURE BY WHICH YOU WISH THE APPEAL TO BE DETERMINED.

- WRITTEN REPRESENTATIONS
- HEARING
- PUBLIC INQUIRY

N.B. The appellant has requested Written Reps/~~Hearing/en Inquiry~~. The appellant has the right to be heard. If the appellant wants a Hearing and you choose Written Reps, this may result in an Inquiry. If the appellant requests an Inquiry and you would prefer a Hearing, a letter outlining reasons why will normally be required.

3. YOU ARE REMINDED TO ORDER LAND USE MAPS AS APPROPRIATE AT THIS STAGE.

PLEASE RETURN THIS SHEET AND THE ATTACHED FILE(S) TO THE APPEALS SECTION WITHIN 24 HOURS

THANK YOU

① Ask obj ② W

Mr M J French ^{28/10} 51 Campden Hill Towers
Planning & Conservation 112 Notting Hill Gate
The Town Hall London W11 3PP
London W8 7NX

23 October 2004

R.B.K.C Planning Dept

27 OCT 2004

N
+8

Re: Proposed development at 114-120 Notting Hill Gate
by Tesco.

As a Resident & Owner of the above
Flat in Campden Hill Towers, I wish
to protest most strongly against
Proposal 1: Ref: PS/DEN/PP/04/02307/W
The security of this block would
be seriously compromised by people
queuing for the ATMs in beer
Private Entrance. It is a very windy
spot because of the high buildings
& people would be seen to
shelter there whilst waiting. They
would be trespassing.

-2-

I do not see a problem with
Proposal 2: Ref: PS / DEN / PP / 04 /
02306 / W

Yours faithfully

C. Pl. Finck

(CHRISTINE M FINCK Ms)

① Ack: obj ② IW.

● 04/2306

ya

1/11/04.

Nabil Banayoti
48 Campden Hill Towers
Notting Hill Gate
LONDON
W11 3QP

27th October 2004

Planning And Conservation
The Town Hall
Hornton Street
LONDON
W8 7NX

Dear Sir / Madam

ATM Machines by the entrance of Campden Hill Towers

I am writing to inform you that I am completely against having ATM machines next to the entrance of the building, I believe it will attract muggers and beggars and would make it unsafe for all residents of Campden Hill Towers.

I would appreciate if you could withdraw this proposal.

Yours faithfully,

Nabil Banayoti
Owner of 41, 48 & 87 CHT

EX DIR	HDC	TP	CFC	AD	CLU	AO AK
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K.C.						
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HBS			ARB	FPLN	DES	FEEs

(34)

① Ack obj. ② lw

M.

20/10/04.

10 CAMPDEN HILL TOWERS
112 NOTTING HILL GATE
LONDON W11 3QW

19th October 2004

M.J. French, Esq
Executive Director, Planning and Conservation
The Royal Borough of Kensington & Chelsea
The Town Hall
Hornton Street
London W8 7NX

EX DIR	HDC	TP	CAC	AD	CLU	AO	AK
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HBS			ARB	FPLN	DES	FEES	

Dear Sir

Proposed Development at 114-120 Notting Hill Gate, London W11 3QE
Applicant: Tesco Stores Ltd

Further to your letter Ref. PS/DCN/PP/04/02306/HW dated 13th October 2004 and having inspected the plans for the "Installation of two cash dispensing machines within the shopfront" adjacent to the front entrance of Campden Hill Towers, housing 88 apartments, I vehemently object to the suggested location of the two ATM Cash Machines.

Firstly there is no requirement for these two machines in this location since there are already numerous ATM machines on Notting Hill Gate adequately providing for all cash withdrawal needs.

The positioning of two ATM machines immediately adjacent to Campden Hill Towers entrance will cause nuisance from loitering, begging and endless litter in our front entrance.

If the Council should decide to approve the provision in principal I request the machines should be sited inside the store as a first option. Secondly they should be sited at the other end (west) of the shop front.

Yours faithfully

Clive Ebberson

① Ack obj ② IW.

Yh
2/1a

M.J.French,
Planning & Conservation,
The Town Hall,
Hornton Street,
London W8 7NX.

58.Campden Hill Towers,
112.Notting Hill Gate,
London W11 3QP.
18.10.2004.

Dear Mr.French,

Ref: PS/DCN/PP/04/02306/IW. Town & Country Planning.

I would like to protest most strongly against the proposed installation of two Cash Dispensing Machines at 114/120 Notting Hill Gate which are to be sited by the adjoining wall to 112.Notting Hill Gate, ie Campden Hill Towers.

The recessed front doorway of Campden Hill Towers already acts as a shelter for smokers, bus passengers, unruly school children and rough sleepers.

As an elderly resident of Campden Hill Towers I find it quite intimidating at times to gain access to the building. People using the two Cash Dispensers will only add to the congestion.

There are already some eight other Cash Dispensing Machines within a two minute walk of the proposed site.

If Tesco especially wish to install these units it would be better if they were placed inside the store. There they could be accessed just as easily and with the added security of the store itself.

Finally I would like to point out that the correct Postal Address of this building is 112.Notting Hill Gate. NOT 109/110 as shown on your correspondence to me.

Yours Faithfully,

A.M. Rooker.

A.M.Rooker. (Mrs.)

EX DIR	HDC	TP	CAC	AD	CLU	AC AK
R.B.	19 OCT 2004				PLANNING	
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(59)

① Ack obj ② IW. → file.
PP/04/2306

PP/04/2306

the
1512.

TO: Planning and Conservation RBKC
The Town Hall
Hornton Street
London
W8 7NX

FROM: Gianluca Lesina
69 Campden Hill Towers
112 Notting Hill Gate
W11 3QP LONDON
Tel: 07909 542412 (mobile)
020 78880166 (work)

**SUBJECT: REPRESENTATION to the proposed development at 114-
Notting Hill Gate, London W11 3QE**

To Whom It May Concern:

I am definitely AGAINST the proposed Installation of 2 cash dispensing machines within the forthcoming Tesco Store at street level because:

- 1) this will almost inevitably cause the constant presence of beggars in front 112 Notting Hill Gate, thus creating an unpleasant and potentially unsafe environment and decreasing the value of any flat in 112 Notting Hill Gate;
- 2) it is not necessary at all as there are plenty of banks and dispensing machines nearby at less than a minute walking distance;

Thank you
Regards

Gianluca Lesina
Resident of 112 Notting Hill Gate

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① Ack obj ② W.

M.

25/10.

CAMPDEN HILL TOWERS MANAGEMENT LIMITED

Campden Hill Towers 112 Notting Hill Gate London W11 3QW - Tel: 020 7229 4884
Registered in England No. 164939 Registered Office 35 Gt Peter Street London SW1P 3LR

Please reply to:
8 Campden Hill Towers
112 Notting Hill Gate
London, W11 3QW
Tel: 020 7229 2312

18th October 2004

Your ref: PS/DCN/PP/04/02306/IW

M.J. French, Esq.
Executive Director, Planning and Conservation
The Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street
LONDON, W8 7NX

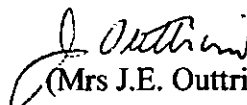
Dear Sir,

Proposed Development 114-120 Notting Hill Gate, London W11 3QE
Tesco Stores Ltd

Thank you for your notifications of 13th October. The protest by petition of 46 residents of Campden Hill Towers in September is still valid in every respect. A copy of the petition is enclosed herewith, together with its covering letter.

It is still hoped that cash machines will not be positioned to cause loitering in the doorway of Campden Hill Towers.

Yours faithfully,


(Mrs J.E. Outtrim)
Secretary

EX DIR	HDC	TP	SEC	AD	CLU	AO AK
R.B.	21 OCT 2004			P. S. KING		
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2

CAMPDEN HILL TOWERS MANAGEMENT LIMITED

Campden Hill Towers 112 Notting Hill Gate London W11 3QW - Tel: 020 7229 4884
Registered in England No. 184939 Registered Office 35 Gt Peter Street London SW1P 3LR

Please reply to:

8 Campden Hill Towers
112 Notting Hill Gate
London, W11 3QW
Tel: 020 7229 2312

6th September 2004

Your ref: PS/DCN/PP/04/01974/IW

M.J. French, Esq.
Executive Director, Planning and Conservation
The Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street
LONDON, W8 7NX

Dear Sir,

Proposed Development 114-120 Notting Hill Gate, London W11 3QE
Tesco Stores Ltd

I enclose herewith a petition from 46 residents of Campden Hill Towers objecting to the installation of two ATM cash machines abutting the entrance of Campden Hill Towers.

It is hoped that you will act to have the cash machines repositioned so that residents of Campden Hill Towers are not likely to be impeded in their own doorway.

Yours faithfully,


(Mrs J.E. Outtrim)
Secretary

PETITION

Plans submitted to RBK&C for the proposed shopfront of the new Tesco Store show two ATM cash machines directly next to the entrance of Campden Hill Towers.

We believe that these cash dispensers are inappropriately positioned and will cause unwanted litter and loitering in our doorway. These ATM's should not be installed. If however, RBK&C should decide to approve the installation in principle, we petition that the machines should be located within the store or in the shopfront at the furthest possible point from the front entrance of Campden Hill Towers.

Flat No.	Name	Flat No.	Name
2	J. Murphy	75	S. MANLA ALI
10	CLIVE EBBERTSON	9	Camilla Mary Raleston
79	Jane Morris	73	NASHAAT-AMIN
52	J. COLLESTON	73	Sydney Kiron
12	RUDI Fieldgrass	62	Conroy
13	STEFANIA MAGGIORI	22	DANIEL KELLY
18	ROSEY CARNE	43	Ralph Carter
68	Teresa Estlganidis	15	H. Downman
58	AUDREY ROOPER	60	ANARE ASTI + FRANCESCO VANOLI
76	KALANTER	5	CATTI NORWELL
32	JMOIKA	45	Demetrios
83	A. ROCCATI	23	P. van Gerven
81	J. Krombholz	51	EM Finch
66	P. Dand	44	M. L. Goldsby
46	APD Mackenzie	24	J. Kamin
77	ELVER RUS	15	E. FERNIELES
24	F. YASSREBI	9	Gei Norwell
38	MARGARET GALE	23	H. YASSIN
30	H. S. BASILLY	86	M. YASSIN
57	in SARUN	8	Adeltraud
53	Maha FAHMI & EVAN ISKAROS		
30	ALI RESHAD		
50	R. HAWKELL		
14	N. Stall		
20	S. Gwyn		
61	H. HOSON		

Residents, Campden Hill Towers, 112 Notting Hill Gate, London, W11

① Ack obj. ② ~~ack~~ IW.

PP/04/2306

JK
2/10.

**44 Campden Hill Towers
Notting Hill Gate
London W11 3QW**

Tel: 020 7727 4857

Mr M J French
Executive Director, Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

25 October 2004

Dear Mr French

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.		27 OCT 2004			PLANNING	
K.C.						
N	C	S.A.	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

32

TOWN AND COUNTRY PLANNING ACT 1990

Proposed Development t: 114-20 Notting Hill Gate, W11 3QE – Installation of two cash dispensing machines within shopfront to ground floor street elevation

I write with regard to the above application by Tesco Stores to re-develop the Europa Supermarket.

You already have my previous letter of 5 September, but as I understand that that application has been withdrawn and split into two new applications, I wish to formally re-state my objections to the installation of the two cash dispensing machines. You will recall that I am a long-standing resident of Campden Hill Towers.

Again, I must object most strongly to the installation of these ATMs for the following reasons: -

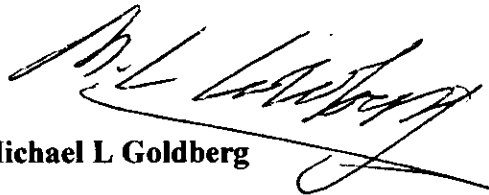
1. They will encourage petty crime in the direct vicinity of Campden Hill Towers, thus creating an unsafe and dangerous environment for residents and visitors leaving and entering the building.
2. The ATMs will attract the continual presence of local vagrants who will harass passers-by, residents of and visitors to Campden Hill Towers and of course those using the ATMs. This will also pose a further public order problem with the likely abuse of alcohol and drugs by some of these vagrants.
3. There will be an inevitable increase in litter produced by discarded slips and the increased numbers of people loitering at the ATMs.
4. Notting Hill Gate is already well-served by ATMs, the three nearest being located at the Woolwich Building Society, Abby National and Royal Bank of Scotland, all within two hundred yards of the new store. The proposed ATM's are therefore unnecessary.

5. Overall, the character and amenity of the area adjacent to the entrance to the building, already spoilt to some degree by the arrival of McDonald's several years ago, will be dealt a further blow.

In addition to asking the Committee to reject this aspect of the proposal in its entirety, I also urge them to consult fully with senior representatives of the Notting Hill Metropolitan Police. I fully expect that the Police will have serious concerns as to the implications for rising crime and the increased levels of public danger which will inevitably go with the introduction of cash machines along the main shopping thoroughfare, were the Council to grant permission.

I would be grateful if you would keep me informed of the progress of this application, as I would like to make further representations, if they are deemed necessary. If this matter proceeds to a hearing at which public representations can be made, I would also appreciate the opportunity of attending to address the Planning Services Committee.

Yours sincerely



Michael L Goldberg

8 CAMPDEN HILL TOWERS
112 NOTTING HILL GATE, LONDON, W11 3QW
020 7229 2312

18th October 2004

Your ref: PS/DCN/PP/04/02306/IW

M.J. French, Esq.
Executive Director, Planning and Conservation
The Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street
LONDON, W8 7NX

Dear Sir,

Proposed Development 114-120 Notting Hill Gate, London W11 3QE

Thank you for your two notifications regarding the submission of revised Planning Applications. I refer now specifically to the one referenced above. In this connection I enclose a copy of my letter of objection dated 6th September. Nothing has changed. I strongly object to the installation of two ATM's directly next to the front entrance of Campden Hill Towers.

People do not need another reason to loiter in our doorway and as it does not seem essential to have dispensers in a position which would encourage more, it is hoped that Planning Permission is rejected in this instance which would be of some benefit to residents.

Even the workmen renovating the Tesco store congregate in CHT doorway in the early mornings while they are waiting for access to their jobs, which is also intimidating.

Yours faithfully,

J. Outtrim
(Mrs J.E. Outtrim)

EX DIR	HDC	TP	CAC	AC	CLU	AO AK
R.B. K.C.	21 OCT 2004			84		
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HBS				PLN	DES	FEES

8 CAMPDEN HILL TOWERS
112 NOTTING HILL GATE, LONDON, W11 3QW
020 7229 2312

6th September 2004

Your ref: PS/DCN/PP/04/01974/TW

M.J. French, Esq.
Executive Director, Planning and Conservation
The Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street
LONDON, W8 7NX

Dear Sir,

Proposed Development 114-120 Notting Hill Gate, London W11 3QE

Thank you for the notification of 25th August.

I strongly object to the installation of two ATM's directly next to the front entrance of Campden Hill Towers and the inherent dangers.

Campden Hill Towers' entrance is the only weather-break in a very windy area. People using the cash machines will automatically use our doorway, waiting and/or stepping back in to check their transactions, adding to the anxieties of residents.

We are already intimidated by those who loiter. They drop their litter and obstruct our doorway. If the ATM's are installed in such close proximity we will have more cause to fear muggers and other felons lurking for easy targets. Residents of Campden Hill Towers should be able to come and go without being fearful of molestation, especially at night: and especially as there doesn't seem to be a real necessity for the ATM's to be right next to our entrance.

I ask that you will call for modification of the Planning Application and have the cash machines sited, if not within the store, then well away from the entrance of Campden Hill Towers where users would not have automatic access to our doorway and where residents would not be so vulnerable.

You will note, too, a petition from 46 flats of Campden Hill Towers. Residents feel strongly that the ATM's should not be adjacent to our front doorway.

I hope we can be shown some goodwill, and I thank you for what you can do.

Yours faithfully,


(Mrs J.E. Outtrim)

RBKC
ACCESS OBSERVATIONS

Application Number PP042306		Address 114-120 Notting Hill Gate, W11	
Date In 13.10.04	Date Out 15.10.04	DC Officer IW	Policy Officer SL
Development Description Installation of two cash dispensing machines within shopfront to front ground floor street elevation.			

Comments:-

Regarding the ATM for Tesco, it should be suitable for use by all. The display panel needs to be angled so that it is easily seen and usable from a wheelchair. The push buttons should be well spaced, colour contrasted and have tactile or raised numbers can assist partially sighted people. The card slot and dispenser should be no higher than 1300mm, preferably 1200mm maximum. This area should be well lit.

I need to discuss with you further about the observations I have made.

I would like feedback on these comments: phone ext. 3234 or in writing.

I would like to be involved in discussions with the applicant on this application.

8th November 2004

FAO: Mr I Williams
 Planning and Conservation Dept.
 Royal Borough of Kensington & Chelsea
 3rd Floor
 Town Hall
 Horton Street
 LONDON W8 7NX



architects

28-30 KIRBY STREET, LONDON EC1N 8TE

TEL: 020 7242 3433 FAX: 020 7242 6598

EMAIL: post@ttgarchitects.co.uk

EX DIR	HDC	FE	SEC	AD	CLU	AO AK
R.B.	1 NOV 2004				PLANNING	
K.C.						
N	C	SI	SE	APP	IO	REC
HBS						

Dear Sirs,

**RE: TESCO METRO - 114-120 NOTTING HILL GATE, LONDON W11 3QE
 PROPOSED ATM'S, APPLICATION REF: PP/04/02306**

In progressing the detailed design of the internal retail layout for the new store the applicant has decided to reduce the proposed ATM's from 2no. to 1no.

Accordingly please find enclosed 6 no. copies of revised drawing no. 3364-11A Proposed Elevations and Plans showing ATM's.

Will you please substitute this drawing for drawing 3364/11 submitted with the application on 8th October 2004 and amend the description of works.

We hope this is sufficient information to process our application, however should you require further details please do not hesitate to contact us.

Yours faithfully



PETER TUNWELL
 For ttg architects

cc Mr R Whiskin - Tesco
 Mr M Winters - Dudleys
 Mr S Cox - Gleaves

enc.

ttg architects

DIRECTORS
 P. E. TUNWELL BA Dip.Arch RIBA (Managing)
 D. H. P. BRADY MA Dip.Arch RIBA
 P. J. STONE BSc BArch RIBA
 I. WHITTINGTON BSc (Arch) Dip.Arch
 D. SUTTON-TUOHY BSc ACA

TTG ARCHITECTS LTD
 REG. OFFICE: 28-30 KIRBY STREET, LONDON EC1N 8TE
 REG. IN ENGLAND No. 2148983



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 have received 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, 50A 108 Ladbrooke 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. Please note that all letters of representation are public documents and can be seen by any interested parties.

SCHEDULE

Reference: PP/04/02306/IW.

Date: 22/10/2004

114-120 Notting Hill Gate, London, W11 3QE

Installation of two cash dispensing machines within shopfront to front ground floor street elevation.

APPLICANT: Tesco Stores Ltd.,

REASON FOR DELAY

CASE NO / /

identified as a "Target" application, with the target of being passed
of Development Control within 6 weeks of the completion date.

As application, there has been a delay, beyond 8 weeks,

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

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

- to internal Consultation *as many as necessary*
- (i) Design - Discussions/initial Obs.
 - (ii) Design - Formal Obs.
 - (iii) Transportation
 - (iv) Policy
 - (v) Environmental Health
 - (vi) Trees
 - (vii) Other

throughout notification/external consultation necessary (*spread or time
case specify*)

not requested in time
- Request all revisions by end of fourth week to stand reasonable
notifying and determining case within 8 weeks!

requested in time, but not received in time

received but inadequate - further revisions requested

received but reconsultation necessary

direction from English Heritage/other EH delays...

the Committee cycle

instruction

ASON Please state].....

.....

..... (Case Officer)

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Access Officer's Observations
Town Hall
Extension: 2734
Facsimilie: 020-7361-3463

Switchboard: 020-7937-5464
Direct Line: 020-7361-2734



**KENSINGTON
AND CHELSEA**

Date: 13 October 2004

My Ref: DPS/DCN/PP/04/02306 Your ref: Please ask for: I. Williams

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Proposed development at: 114-120 Notting Hill Gate, London, W11 3QE

I enclose a copy of an application, in connection with the above site and should be pleased to receive your observations on these proposals as soon as possible.

It is hoped to present this application to the Planning Services Committee prior to 06/12/2004. I look forward to hearing from you in the near future, in order that your comments may be reported to this Committee.

Should you require any further details in respect of this case, please do not hesitate to contact the Case Officer on the above extension.

Yours faithfully

M.J. FRENCH

Executive Director, Planning and Conservation



INVESTOR IN PEOPLE

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

**THE ROYAL
BOROUGH OF**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



**KENSINGTON
AND CHELSEA**

File Copy

Switchboard: 020-7937-5464
2079/ 2080
Extension: 020-7361- 2079/ 2080
Direct Line:

Facsimile: 020-7361-3463
Date: 13 October 2004

My Ref: PS/DCN/PP/04/02306/PW Reference:

Please ask for Planning Information Office

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Proposed development at: 114-120 Notting Hill Gate, London, W11 3QE

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 Installation of two cash dispensing machines within shopfront to front ground floor street elevation.

Applicant Tesco Stores Ltd., PO Box 400, Cirrus A, Shire Park, Welwyn Garden City AL7 1AB.

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/04/02306/IW CODE A1

Room No:

NEWSPAPER DATE: 22/10/2004

Date: 13 October 2004

DEVELOPMENT AT:

114-120 Notting Hill Gate, London, W11 3QE

DEVELOPMENT:

Installation of two cash dispensing machines within shopfront to front ground floor street elevation.

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

114-120 NOTTING HILL GATE

Property Card N° : 0589 130 00

Sitename :
 Comment :
 TP Arch/History :
 See Also : 114-116 114-118 92-144
 Xref :
 Notes :

PPJ42306

TP No TP/85/1216	Brief Description of Proposal	1 of 4	Adverts & History No
	THE INSTALLATION OF A NEW SHOP FRONT AT NO. 120, ELEVATIONAL ALTERATIONS AT THE REAR AND THE ERECTION OF VENTILATION PLANT ON THE ROOF		CA 85/099 CA/95/106 CA/98/111 CA/04/1973

Received 17/05/1985	Decision & Date	
Completd 03/07/1985	Conditional	06/09/1985
Revised 14/08/1985		

TP No TP/96/1462	Brief Description of Proposal	2 of 4
	INSERTION OF A NEW SHOPFRONT	

Received 27/06/1996	Decision & Date	
Completd 02/07/1996	Conditional	19/08/1996
Revised		

TP No TP/98/1217	Brief Description of Proposal	3 of 4
	INSTALLATION OF NEW SHOPFRONT AND SITING OF PLANT AND "CANNING TOWER" TO FLAT ROOF. ***WITHDDRAWN BY COUNCIL'S LETTER DATED 02/06/2000***	

Received 09/05/1998	Decision & Date	
Completd 26/06/1998	Withdrawn	02/06/2000L
Revised		

TP No PP/04/1974	Brief Description of Proposal	4 of 4
	ALTERATIONS TO EXISTING SHOPFRONT AND FASCIA.	

Received 23/08/2004	Decision & Date	
Completd 23/08/2004		
Revised	CURRENT	

D | P | P

DEVELOPMENT

PLANNING

PARTNERSHIP

**44 Campden Hill Towers
Notting Hill Gate
London W11 3QW**

Tel: 020 7727 4857

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

EX DIR	HDC	TP	SEC	AD	CLU	AO AK
R.B.	10 MAR 2005				PLANNING	
K.C.						
N	C	SW	SE	APP	IO	REC
HBS			RES	FPLN	DES	FEES

ODPM Ref: App/K.5600/A/05/1172723

27 February 2005

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990

Notice of a Planning Appeal relating to: 114-120 Notting Hill Gate, London, W11 3QE

Appellant: Tesco Stores Ltd, Agent: Development Planning Partnership

I am a resident of Campden Hill Towers which is situated directly adjacent to the new Tesco Store. I previously submitted written objections to the Planning Committee of Kensington & Chelsea Council in respect of the proposed installation of an ATM by Tesco.

I understand that Tesco are appealing against the decision by Kensington & Chelsea Council to refuse permission to install the ATM. I therefore set out below my representations as to why the appeal should not under any circumstances be allowed:

1. I note and support the Council's reason for refusal, principally that the ATM would be an insensitive and unsympathetic addition to the existing parent building, that it is not in keeping with the surrounding properties and would have a detrimental impact on their amenity;
2. It is wrong to suggest that an additional ATM would be in keeping with the 'commercial location'. Notting Hill Gate is already well-served by ATM's. I am aware of no less than 10 ATM's which are within 2 minutes walk of Tesco. I assume that plans of Notting Hill Gate are available to the Planning Inspectorate to validate this. The inclusion of an additional ATM is therefore superfluous.
3. The area is not primarily a 'commercial location'. Campden Hill Towers contains 88 residential flats, and with Ivy Lodge (less than 100 yards along the road) and Gate Hill Court (200 yards along the road) a total of 140 residential flats – occupied mainly by families – are in the immediate vicinity of Tesco. In addition, the streets on both sides of Notting Hill Gate are primarily

residential, whilst there are residential properties situated above the majority of retail outlets in Notting Hill Gate.

4. The ATM would draw petty crime and vagrants to a section of Notting Hill Gate which has hitherto been a congenial and safe area to pass through, whatever the time of day. The installation of the ATM would have a calamitous impact, especially on the elderly (no doubt many of whom would be Tesco customers) who would have to pass by the ATM. This would be a particular concern to residents of Campden Hill Towers, the entrance to the block being within only a few yards of the proposed ATM.
5. Inevitably, it follows that the ATM would become a focal point for trade in drugs, as has been shown in other parts of Notting Hill Gate. I urge the Inspectorate to liaise with Notting Hill Police to obtain the relevant data and statistics.
6. Litter levels would increase with the discarded receipts from the ATM plus the consequential detritus from vagrants and users of the ATM, particularly late at night, such as discarded take-away food and packaging.

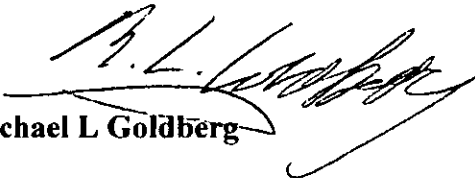
In summary, the amenity and quality of life enjoyed by local residents would be dealt a blow if the appeal were to be allowed. I therefore urge the Inspectorate to reject the appeal in its entirety.

I further submit that Tesco will suffer no discernible detriment to its business by losing the appeal. It remains open to the company to install one or more ATMs within the store and of course all checkouts now offer a cash-back facility to customers.

I am happy to assist the Inspectorate by providing further information or elaborating on any of the above points.

I would appreciate being advised of the outcome of the appeal and any interim developments.

Yours sincerely


Michael L Goldberg

63, CAMPDEN HILL TOWERS
LONDON W11 3QP
0207 229 6557

Thursday, 17 February 2005

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

Dear Sirs,

RBKC Ref DPS/DCN/PP/04/02306 – 114-120 Notting Hill Gate -- Tesco Stores Cash Machines

As close neighbours, in the same development as the Appellant to the Royal Borough of Kensington & Chelsea's decision referenced above, my wife Caroline Cator and I, Council Tax payers at the above address, are both opposed to allowing Tesco to site its cash dispensing machines directly onto the street.

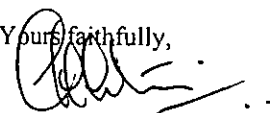
Whilst obviously we have no objections to such machines being available to Tesco customers inside the store the proposed shopfront machine, accessible from the street pavement on a 24 hour basis, is unacceptable to us.

Tesco's planned opening hours include late evening opening as a convenience store to which we have no objection either but we feel it quite unnecessary to allow street cash machine access as well. There are plenty of clearing bank cash machine facilities near the Underground Station in Notting Hill Gate which is where all people are used to going who need emergency cash late at night.

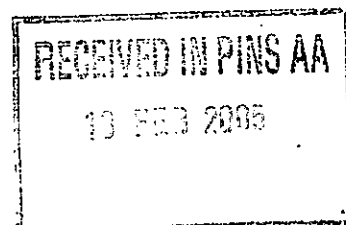
Were the Tesco appeal to succeed we would soon have another competitive point in Notting Hill Gate "high street" where people would loiter, meet, encash and litter the street with a fair chance of resultant violence and the probability of machines becoming available in other premises. Please can we let that happen out of the residential environment in the existing commercial area of the "high street" where the systems and CCTV security coverage are set up for it.

This letter has also been sent to the Royal Borough under the above reference.

Yours faithfully,



Christopher Cator



CAMPDEN HILL TOWERS MANAGEMENT LIMITED

Campden Hill Towers 112 Notting Hill Gate London W11 3QW - Tel: 020 7229 4884
Registered in England No. 164839 Registered Office 35 Gt Peter Street London SW1P 3LR

Please reply to:

8 Campden Hill Towers
112 Notting Hill Gate
London, W11 3QW
Tel: 020 7229 2312

21st February 2005

Ref: ODPM - App/K5600/A/05/1172723

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

Dear Sirs,

Town and Country Planning Act 1990

Notice of a Planning Appeal relating to: 114-120 Notting Hill Gate, London, W11 3QE
Appellant: Tesco Stores Ltd. Agent Development Planning Partnership


We have had notification from The Royal Borough of Kensington and Chelsea, Planning and Conservation, that Tesco Stores have appealed against the Council's decision to refuse the installation of a cash machine within the shopfront to the front ground floor street elevation of the above premises.

We were grateful to have the Council's refusal and fully support their reasons put forward for the rejection: and it is outrageous that Tesco's say there would be no detrimental impact on residents.

I emphasise our concern that if a cash machine were installed abutting our entrance we would have more cause to fear being pestered. It is common practice for people to loiter in our doorway and impede our access, as would cash machine users for the reasons already put forward in our original protest. Tesco's are now trading and the impact on us of more people congregating is considerable.

We ask that if Tesco must have a cash machine that they install it inside the store for their customers who could have access for 15 hours a day, and 6 hours on Sunday, or that it is placed in their own present doorway. There are many more machines in close proximity, and why come to Tesco's unless they are open..

Yours faithfully,


(Mrs J.E. Outtrim)
Secretary.

1172 723

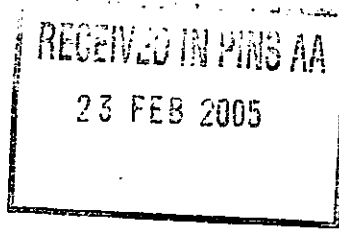
① PC

② RW

③ Copy -

Planning Insp.

92 Holland Park Avenue,
London W11 3RB
17th February, 2005



Mr Williams
Planning, RBKC,
Town Hall, Hornton St.
W8 7NX

Dear Mr Williams,

RE TESCO - 84 TO 90 HOLLAND PARK AVENUE, W11

May I add to my neighbour's, [Andrew and Michele Rowan], letter of objection to the inappropriate Tesco shop front and its litter creating cash dispenser? To site a cash machine less than 3 yards from the communal doorway to the residential part of our building puts the residents here at risk of attack. It is an accepted fact that cash machines attract a criminal element, such persons will appear to have a legitimate right to loiter near our doorway at any time of the day or night. I am in my 60's, suffer from a heart condition and due to arthritis have impaired mobility. I do not need this extra worry. Would you please ensure that planning permission for the shop front is only granted if the cash machine is re-sited away from our doorway?

Yours sincerely,

Roger Penman

37

EA DIR	REC	TP	CAC	AD	CLU	AO AA
R.B.	21 FEB 2005				PLANNING	
K.C.						
✓	S	SE	APP	IO	REC	
HBS		ARB	FPLN	DES	FEES	

① PC. → IW
② Copy P. Inspect.

Ground Floor Flat
92 Holland Park Avenue,
London W11 3RB
16/2/2005

40

SEARCHED	SERIALIZED	INDEXED	FILED
FEB 21 2005			

Mr Williams
Planning Dept
RBKC
Town Hall
Hornton St.
W8 7NX

Dear Mr Williams,

TESCO CASH MACHINE AT TESCO EXPRESS HOLLAND PARK AVENUE

I object to the cash dispenser Tesco have installed in their shop front. When it is raining people shelter in our recessed doorway as they wait to use the cash machine and cause an obstruction as I try to get in and out of my front door,

Yours sincerely,

Mr J Shrimpton

1 FITZROY SQUARE
LONDON
W1T 5HE
Tel: 020 7388 9559
Fax: 020 7383 7068
london@devplanning.com

Offices also located at:

Cardiff
Dublin
Glasgow
Leeds
Bedford
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Partners

RJ Flack BA (Hons) MRTPI
JS Riley BA (Hons) MRTPI
SCT Arnold MA (Cantab) MA (TP) MRTPI MRICS
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JD Francis BA (Hons) MRTPI
G Armstrong BA (Hons) MRTPI
MB Dodds BA (Hons) BTP MRTPI
S Mackay BA (Hons) MRTPI
GE Sutton BSc (Hons) MBA Dip TP MRTPI
MC Bath BA (Hons) MRTPI
JRE Mills MSc BA (Hons) Dip TP MRTPI

Associate Partners

EJN Cussen BSc (Hons) Dip TRP MRTPI
JJ Williams BA (Hons) MA MRTPI
A Bamford BSc (Hons) MRTPI
L Rigg MA (Hons) MRTPI
DT Coleby BA (Hons) MRTPI
AD Hughes BSc (Hons) MRTPI
EC Pickles BSc (Hons) MA MRTPI
M N Buxton BSc (Hons) MRTPI
D Innes BA (Hons) Dip TP MRTPI

www.devplanning.com

114-120 Notting Hill Gate
Notting Hill

Town and Country Planning Act 1990

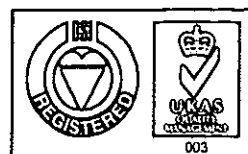
Statement of Case on Behalf of
Tesco Stores Limited

Appeal Ref: APP/K5600/A/05/1172723

LPA Ref: PP/04/02306/MINR

Job Ref: 624404/R0001/LK

February 2005



1.0 INTRODUCTION

1.1 This Statement of Case is prepared in respect of an appeal relating to the decision of The Royal Borough of Kensington and Chelsea to refuse planning permission for the proposed installation of one cash dispensing machine within a shopfront at Notting Hill Gate, London.

2.0 BACKGROUND TO THE APPEALS

2.1 Planning application reference PP/04/02306/MINR was submitted on 8th October 2004 and sought planning permission for the installation of one cash dispensing machine within a shopfront to front ground floor street elevation.

2.2 The planning application was refused by The Royal Borough of Kensington and Chelsea under delegated powers on the 17th November 2004. The reason(s) for refusal sited in the decision notice are as follows:

"

- 1) The proposed cash machine is an insensitive and unsympathetic addition to the existing parent building and is not in keeping with the style, character, scale, bulk, proportion and rhythm and would have a detrimental impact on the amenity for the surrounding properties and as such, would not preserve or enhance, but would spoil and harm the front elevation, the terrace of properties of which this one forms a part and the surrounding area and are therefore contrary to the Council's Policies which seek to preserve and enhance the character and appearance of the Borough as stated in the Council's Unitary Development Plan, in particular, Policies CD27, CD50 and CD51. "

These policies can be viewed in **Appendix 1**.

3.0 DESCRIPTION OF THE SITE AND THE SURROUNDING AREA

3.1 The appeal site is located on the north side of Notting Hill Gate, between its junctions with Pembridge Road and Ladbrooke Terrace, which can be viewed in **Appendix 2** 'Town Centre Plan'. This plan highlights the town centre area and illustrates the core and non core frontages in the principle shopping centre.

3.2 The property is a retail unit within Class A1 and is located within the Core Frontage of the Notting Hill Gate Principal Shopping Centre.

- 3.3 The property is not a listed building and is not within a Conservation Area, although this site borders the Kensington Conservation Area.
- 3.4 It is true that some of the buildings on approaching Notting Hill Gate create a powerful visual effect. While the climb from Holland Park Avenue into Notting Hill Gate has been enhanced by a number of attractive and important properties, the appeal premises is not one of these.
- 3.5 The proposed site is within a district centre, which has a broad range of types and uses. There is constant activity within the centre and the proposal site is located along a very busy A road. The area functions as a location for daily and weekly shopping needs, incorporating a wide range of services to residents and visitors. As well as the Tesco Store there is a Marks and Spencer store located within a short distance from the proposal site. Other stores include Carphone Warehouse, Futon Company, Clinton Cards, Gap, Video City, Boots, Oxfam, Odd Bins, WH Smith, Europhone, Blade Runners Hair Salon and Tylers Homeware store. There are numerous restaurants and cafes open daily, including Starbucks, Pret a Manger and Greek Affair. In addition to this, the commercial centre comes alive at night through activity from the various cinemas, restaurants and bars, including the Coronet and Gate cinemas, the Mook Bar and All Bar One and restaurants include Ask, Café Uno, Pizza Express, Sugo, Feng Sushi and many others as well as fast food outlets including MacDonalds and Burger King, all of which are located only seconds from the proposal site.
- 3.6 As well as being on a very busy A road and having constant traffic moving in both directions, there is also a tube station located very close to the proposal site and there is a bus stop located directly in front of the Tesco Store. There is a further bus stop directly across the road and frequent services use both stops. These transport services run 7² days a week and late into the night emphasising the busy commercial nature of the area.
- 3.7 There is no doubt that the area functions as a commercial centre and that there is always constant activity. It is evident that this is not a quiet secluded area, but a main commercial area. In general terms it is a busy shopping area and the proposal site contributes to that commercial character. **Appendix 3** will illustrate by photos the parent building and the surrounding area and buildings including other services, photos of other cash points in the surrounding area and also transport facilities. The points that these photos have been taken from can be seen on the plan in **Appendix 4**.

4.0 RELEVANT PLANNING HISTORY

- 4.1 On 6th September 1985 (Ref: TP/85/1216) and 19th August 1996 (Ref: TP/96/1462), planning permission was granted for the insertion of new shopfront at this premises.
- 4.2 During October 2004, Advertisement consent was granted for replacement shopfront and fascia advertisements (Ref: CA/04/1973).
- 4.3 On 11th October 2004, a planning application was submitted for alterations to the shopfront and fascia (Ref: PP/04/2307).

5.0 PLANNING POLICY

PPS1

- 5.1 Evidence will refer to national planning guidance as contained in PPS1 'Delivering Sustainable Development'. PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. It can be viewed at Paragraph 35 of PPS1 that good design should:

"Address the connections between people and places by considering the needs of people to access jobs and key services" as well as to "create an environment where everyone can access and benefit from the full range of opportunities available to members of society."

- 5.2 Reference will also be made to the relevant policies in the statutory development plan, which comprises The London Plan: Spatial Development Strategy for Greater London which was adopted in February 2004 and The Royal Borough of Kensington and Chelsea Unitary Development Plan adopted in May 2002.

The London Plan

- 5.3 It is stated at Policy 4B.1 'Design principles for a compact city' in The London Plan that the Mayor will, and boroughs should, seek to ensure that developments:

'maximise the potential of sites'.

The Royal Borough of Kensington and Chelsea Unitary Development Plan

5.4 It is further stated at Paragraph 8.2.1 of the UDP:

"To ensure that there are suitable premises throughout the Borough to provide for the range of types of shops and those other uses that serve the various requirements of residents, workers and visitors".

5.5 At Paragraph 8.3.15 of the UDP it is cited that:

'the areas surrounding core frontages, where shopping and certain non-shop uses tend to be more mixed, have been defined as 'non-core frontages'.

Such areas are important as they can accommodate an element of the non-shop uses that cannot locate in the core frontage, but which can contribute to the centre's vitality and diversity without threatening its shopping character'.

5.6 At Paragraph 8.3.23 of the UDP the Council recognises the particularly valuable service that some non-shop uses provide to local residents of which include bank and building society branches.

Kensington: Conservation Area Proposals Statement

5.7 Reference will also be made to the Kensington: Conservation Area Proposals Statement. It is stated in the Statement (page 41) that:

"Shopfronts must respect the structure of their building and the visual framework it provides. Proposals which obscure or destroy original features will not be permitted."

5.8 The appellants evidence will demonstrate that the proposal is in full accordance with guidance at the national, strategic and local levels and thus has the benefit of the presumption in favour of development that derives from Section 54A of the Town and Country Planning Act 1990.

6.0 PLANNING ANALYSIS

6.1 The Royal Borough of Kensington and Chelsea's sole reason for refusal states that the scheme is an insensitive and unsympathetic addition to the existing parent building and to

the detriment of the visual amenity of the area contrary to Policies CD27, CD50 and CD51 of the Royal Borough of Kensington and Chelsea UDP. The site location for the cash machine is a purpose built 1960s retail building. There does not prove to be anything incongruous or unusual about the insertion of a cash machine into this property. The cash machine should be seen as satisfying the criteria set out in these policies as it is in harmony with the scales and character of the locality. The cash machine is not visually detrimental to any conservation area or other protected areas or structures. The proposal of one cash point at the proposal site in Notting Hill Gate will not cause any harm to any interest of acknowledged importance in this case. The proposal is entirely in keeping with the commercial location within which the building sits. It is cited in the Council's Questionnaire that the development is not within a 'sensitive area' as defined by Regulation 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

- 6.2 The existing building has no particular architectural merit and the proposed development does not appear to impact on the character and appearance of the conservation area. Indeed the modern concrete buildings on either side of the appeal premises emphasises that this is not a sensitive location. Furthermore the insertion of a cash point at this location will have no detrimental impact on the amenity for the residents of surrounding properties and would not spoil and harm the appearance of the front elevation, the terrace of properties of which the appeal premises forms a part of the surrounding area. As the site is located in a commercial area, one cash machine is not going to have a noticeable impact on the visual amenity of the surrounding area. The proposed cash machine would be to a high standard of design and is sensitive to and compatible with the scale, height, bulk, materials and character of the surroundings, particularly the parent building in line with Policy CD27 of the UDP. Further, the proposal of one cash machine at 114-120 Notting Hill Gate will not harm the external appearance of buildings or the surrounding area. Therefore it is not seen as contrary to Policy CD50 of the UDP.
- 6.3 In addition, the insertion of this cash machine at the appeal premises would provide an important service for visitors to the appeal site and neighbouring stores, as well as the surrounding area, by making it more convenient for visitors in the proposal area. The area of the appeal site is a location that receives a lot of visitors and tourists and therefore the insertion of a cash machine at this site would be conveniently located for the growing number of visitors to the area. Policy CD51 of the UDP is viewed as being in line with the proposed development. Although the proposal is a small-scale development it would not prove to cause harm where the cumulative effect of a number of similar proposals would be detrimental to the character of the area, considering the location of the development and the amount of visitors it receives.

- 6.4 In addition, it is stated at Paragraph 8.4.1 of the UDP that the Boroughs shopping areas cater for a wide range of people, and has a vibrancy due to the close proximity of residential neighbourhoods and the presence of non-shop uses. The Paragraph further states that:

“Many if not all the centres in the Borough have residential accommodation above and surrounding them, which means that the majority of shopping centres are frequented at most times of the day and in the evening. Shopping centres perform a local convenience function for nearby residents, as well as accommodating the comparison shopping and other service needs of visitors and customers drawn from a wider area. ”

- 6.5 Regarding the objection letters received from residents in relation to this proposal, none of the letters directly address planning matters. One of the major objections is that there is no need for another cash machine on Notting Hill Gate. The locations of other cash machines closeby have been viewed. However, need has never been cited as a requirement for development to take place in the past unless that need was seen to outweigh an impact or harm that the cash point might cause. The installation of this cash machine does not fall into this category, as no harm would result from its installation within a commercial area. The proposal would provide a general service to the public.
- 6.6 The second major objection from residents is that concerning problems associated with beggars assembling next to the entrance of Campden Hill Towers’ residential property. Residents believe the installation of a cash machine at this point will attract muggers and beggars and would make it unsafe for the residents of Campden Hill Towers. The objection relating to the attraction of vagrants and associated crime is not in this regard a valid planning objection.
- 6.7 Similar facilities exist close by in Notting Hill Gate, where cash machines are not viewed as an insensitive addition to the surrounding area and their parent buildings. An example of this is located close by at the Woolwich PLC Bank on 83-85 Notting Hill Gate, where there is also an entrance to residential properties located in the building.
- 6.8 Therefore the insertion of the cash machine at the appeal premises would be in keeping with the style, character, scale, bulk, proportion and rhythm of the surrounding area and would not have a detrimental impact on the amenity for the surrounding properties.

7.0 Conclusion

- 7.1 Primarily it is the view of the appellant that the proposed cash machine is in keeping with both the design and scale of the parent building and surrounding area. To this end, the cash machine will be consistent in both scale and prominence to other cash machines featured at various shopfronts on Notting Hill Gate.
- 7.2 As for the argument presented by the Council that the cash machine may be damaging to the appearance of the building it could be argued that the shopfront is of a scale and design whereupon the proposed cash machine would, rather than detract from its character, be fully in keeping with its form, scale and materials of this commercial area. The cash machine will not prove to be a dominating feature of the existing shopfront. The proposal in turn will not detract from the visual amenity of the building or the surrounding area. The design will be simple and in keeping with the character of the surrounding area. It will not prove obtrusive as no bright illumination of any kind will be used in the installation of the cash machine.
- 7.3 With regard to the above, we consider that the proposed cash machine at 114-120 Notting Hill Gate would be in compliance with National, Regional and Local Planning Policy offering a well designed, functional cash machine without causing detrimental visual impact. The proposal would not cause demonstrable harm to the interests of acknowledged importance and should therefore be permitted.



Appendix 1

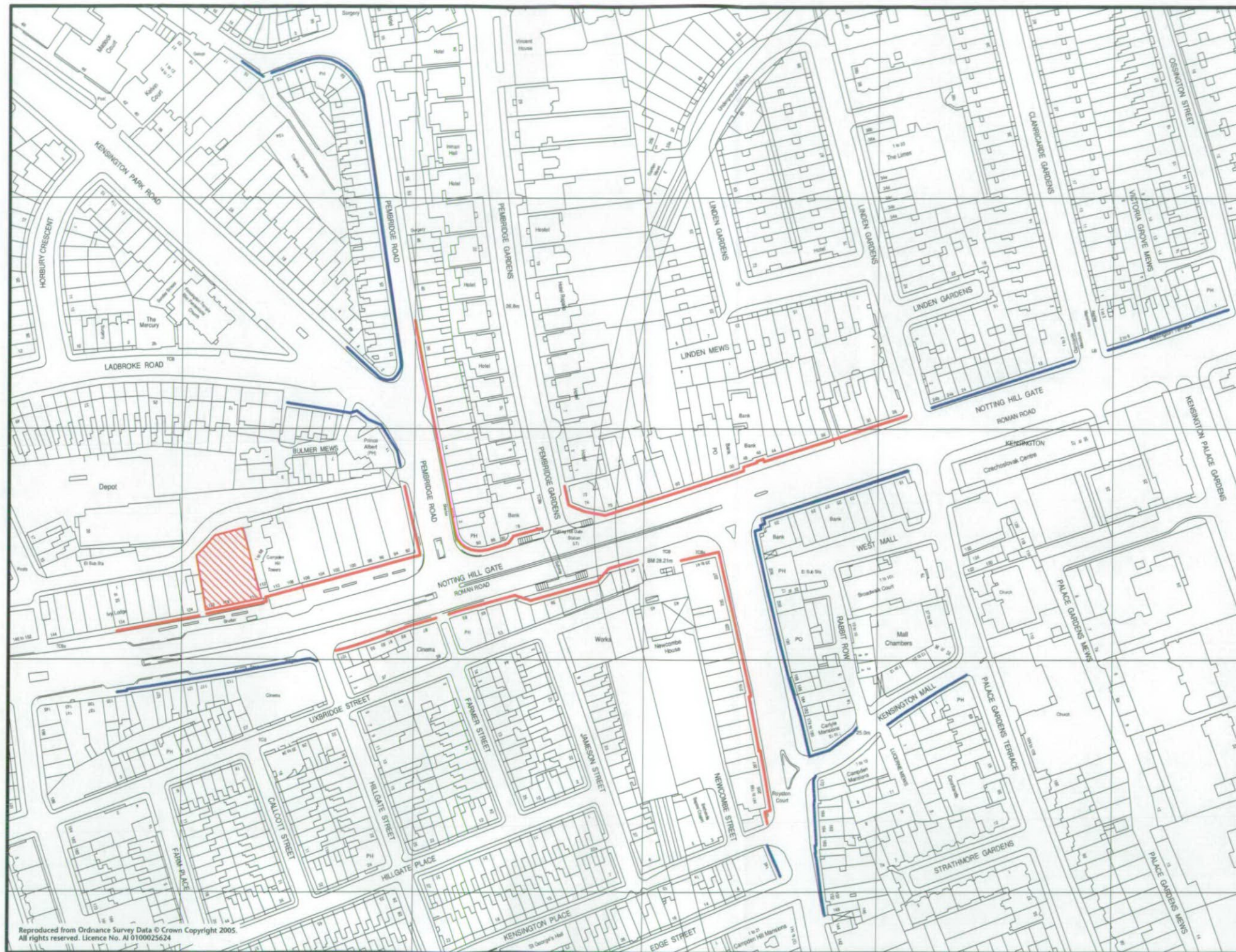
The Royal Borough of Kensington and Chelsea Unitary Development Plan Policies

- CD27 To ensure that all development in any part of the Borough is to a high standard of design and is sensitive to and compatible with the scale, height, bulk, materials and character of the surroundings.

- CD50 To permit alterations only where the external appearance of buildings or the surrounding area would not be harmed.

- CD51 To resist unsympathetic small-scale developments which in themselves cause harm and where the cumulative effect of a number of similar proposals would be detrimental to the character of the area.

Appendix 2



-  Application Site
 -  Core Frontage*
 -  Non Core Frontage*
- * As defined in The Royal Borough of Kensington and Chelsea Unitary Development Plan - Adopt 25 May 2002

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Tesco Stores Limited
114-120 Notting Hill Gate
London

Town Centre Plan
Partner: MD Assistant: LK Date: 25-02-2005
Drawn By: PMG Scale: 1:2000 Drawn No: 62440/02

Appendix 3



1. Proposal Site Building (1)



2. Proposal Site Building (2)



3. Buildings located to the west and east of the Tesco Store with constant passing traffic



4. Bus stop located directly outside the Tesco Store



5. Bus pulling up at bus stop outside the Tesco Store



6. Entrance to underground station situated less than a minute's walk to the proposal site



7. Carphone Warehouse store located to the west of the proposal site



8. Gap and other services located to the west of the proposal site



9. Marks and Spencer's located to the west of the proposal site



10. Various stores located to the east of the proposal site



11. Bars located close to the proposal site (1)



12. Bars located close to the proposal site (2)



13. Restaurants and food outlets located close to the proposal site (1)



14. Restaurants and food outlets located close to the proposal site (2)



15. Cinema located across from the proposal site



16. Other cash machines located within the area showing their parent buildings (1)



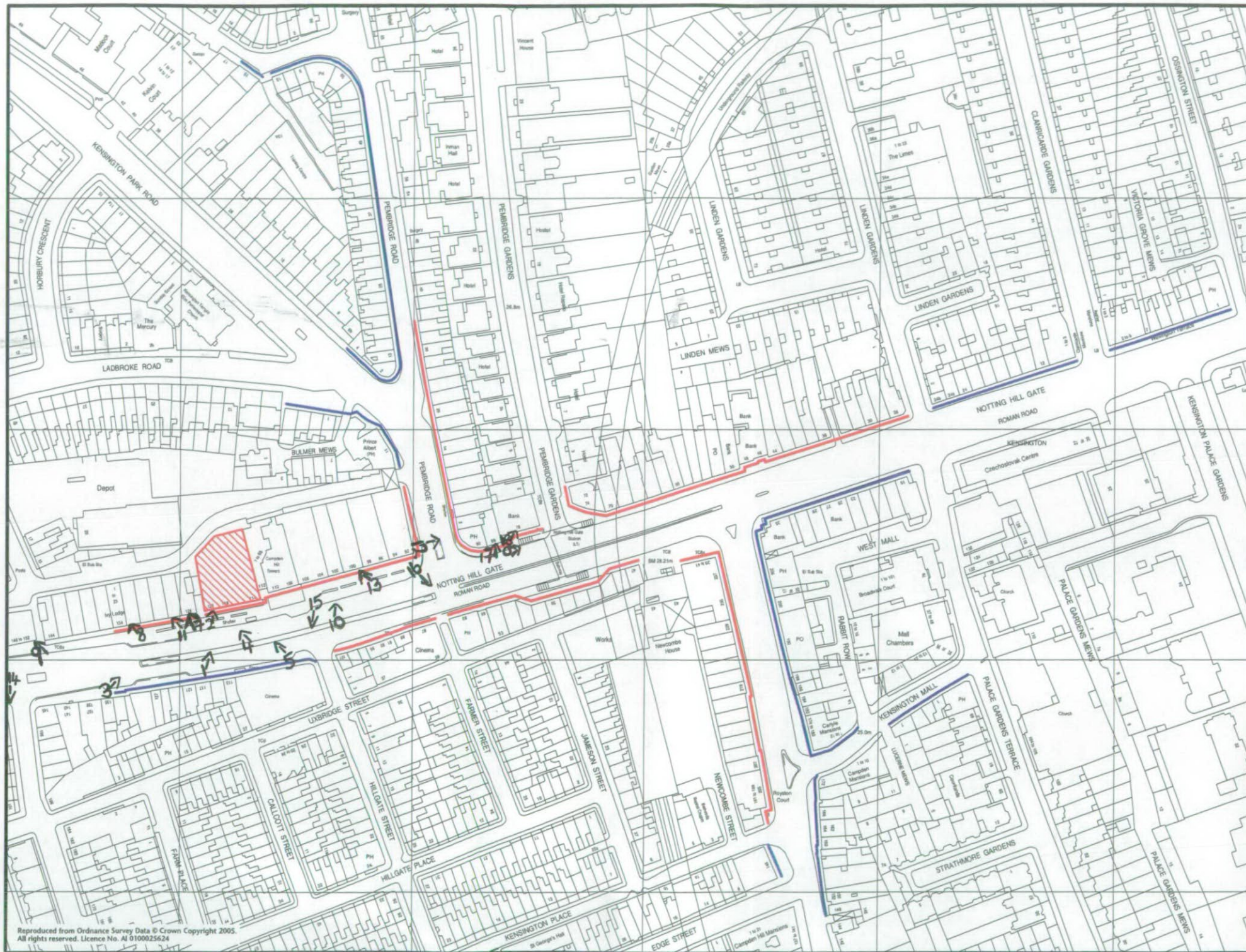
17. Other cash machines located within the area showing their parent buildings (2)



18. Other cash machines located within the area showing their parent buildings (3)



Appendix 4



-  Application Site
-  Core Frontage*
-  Non Core Frontage*

* As defined in The Royal Borough of Kensington and Chelsea Unitary Development Plan - Adopted 23 May 2002

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Tesco Stores Limited
 114-120 Notting Hill Gate
 London

Town Centre Plan

Partner: MD Assistant: LK Date: 25-02-2005
 Drawn By: PMG Scale: 1:2000 Drawn No: 624404/02