

# **Application form**

**Please Index As**

**File Number**

# TOWN & COUNTRY PLANNING ACT 1990

FORM TP1

APPLICATION FOR PERMISSION TO DEVELOP LAND AND / OR BUILDINGS IN GREATER LONDON

FOR OFFICE USE ONLY

Fee £ 190-00 PP991716

Cheque / Postal Order / Cash 301265

Receipt No. Issued 1010037

Borough Ref. COMPLETE

Registered No. 1

Date Received 16 AUG 1999

**PLEASE READ CAREFULLY THE GENERAL NOTES BEFORE FILLING IN THE FORM**

<b>PART ONE</b>	To be completed by or on behalf of all applicants as far as applicable
<b>FEE</b> (where applicable)	£ <u>190-00</u>

**1. APPLICANT** (in block capitals)  
 Name ZAGROS CORPORATION LTD  
 Address 94-96 DRAYCOTT AVENUE  
C/O AGENT  
 Tel. No. ....

**AGENT** (if any) to whom correspondence should be sent  
 Name ROLFE JUDD PLANNING  
 Address OLD CHURCH COURT, CLAYLANDS ROAD  
THE OVAL, LONDON  
SW8 1NZ  
 Tel. No. 0171 556 1500 Ref. JP/P1087

**2. PARTICULARS OF PROPOSAL FOR WHICH PERMISSION IS SOUGHT**

(a) Full address or location of the land to which this application applies BROMPTON BAY RESTAURANT, 94-96 DRAYCOTT AVENUE, LONDON, SW3

(b) Site area .....

(c) Give details or proposal indicating the purpose for which the land/buildings are to be used and including any change(s) of use.  
USE OF PART OF THE PAVEMENT OUTSIDE THE RESTAURANT FOR THE PLACING OF TABLES AND CHAIRS, AS SHOWN ON PLAN  
~~AS/3406/SK102~~

(d) State whether applicant owns or controls any adjoining land and if so, give its location. /

(e) State whether the proposal involves:- State Yes or No

RECEIVED BY PLANNING SERVICES

EX-101

NEW BUILDING(S) OR EXTENSION(S) TO EXISTING BUILDING(S)

11 AUG 1999

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APPEALS IO REC ARE WITH PLN ON DES FEES

- (i)  New building(s) or extension(s) to existing building(s)
- (ii) Alterations
- (iii) Change of use
- (iv) Construction of new access to a highway } vehicular pedestrian
- (v) Alteration of an existing access to a highway } vehicular pedestrian

► If "Yes" state gross floor area of proposed building(s).  m<sup>2</sup>

▼ If residential development state number of dwelling units proposed and type if known, e.g. houses, bungalows, flats.

► If "Yes" state gross area of land or building(s) affected by proposed change of use (if more than one use involved state gross area of each use).  APPROX. 13M<sup>2</sup> Hectares/m<sup>2</sup>

16 AUG 1999

Strike out whichever is inapplicable

### 3. PARTICULARS OF APPLICATION

State whether this application is for: State Yes or No

- (i) Outline planning permission
- (ii) Full planning permission  YES
- (iii) Renewal of temporary permission or permission for retention of building or continuance of use without complying with a condition subject to which planning permission has been granted.
- (iv) Consideration under Section 72 only (Industry)

If "Yes" strike out any of the following which are not to be determined at this stage.

- 1. Siting
- 2. Design
- 3. Landscaping
- 4. External appearance
- 5. Means of access

If "Yes" state the date and number of previous permission and identify the previous condition.

Date ..... Number .....  
 The Condition ..... **2** .....

### 4. PARTICULARS OF PRESENT AND PREVIOUS USE OF BUILDINGS OR LAND

State :-

- (i) Present use of buildings/land ..... RESTAURANT / HIGHWAY .....
- (ii) If vacant the last previous use and period of use with relevant dates.  .....

### 5. LIST ALL DRAWINGS, CERTIFICATES, DOCUMENTS, ETC; forming part of this application

..... PLEASE SEE COVERING LETTER .....

### 6. ADDITIONAL INFORMATION State Yes or No

- (a) Is the application for non-residential development  YES If "Yes" complete PART THREE of this form (See PART THREE for exemptions)
- (b) Does the application include the winning and working of minerals  NO If "Yes" complete PART FOUR of this form
- (c) Does the proposed development involve the felling of any trees  NO If "Yes" state numbers and indicate precise position on plan

(d) (i) How will surface water be disposed of?  NOT APPLICABLE  
 (ii) How will foul sewage be dealt with?  NOT APPLICABLE

(e) Materials - Give details (unless the application is for outline permission) of the colour and type of materials to be used for:  
 (i) Walls .....  
 (ii) Roof ..... NOT APPLICABLE  
 (iii) Means of enclosure .....

**We hereby apply for (strike out whichever is inapplicable)**

- (a) Planning permission to carry out the development described in this application and the accompanying plans in accordance therewith
- (b) Planning permission to retain the building(s) or work(s) already constructed or carried out, or a use of the land already instituted as described in this application and accompanying plans.

Signed ROLFE JUDD PLANNING on behalf of ZAGROS CORPORATION LTD Date 1 AUGUST 1999

### AN APPROPRIATE CERTIFICATE MUST ACCOMPANY THIS APPLICATION (See General Notes)

If you are the ONLY owner of ALL the land at the beginning of the period 20 day before the date of application, complete Certificate A. If otherwise see PART TWO of this form.

**CERTIFICATE A** - Certificate under Section 66 of the Town & Country Planning Act 1990. I hereby certify that:-

- \*Strike out whichever is unapplicable. 1. No person other than the applicant was an owner (a) of any part of the land to which the application relates at the beginning of the period of 20 days before the date of the accompanying application.
- ~~2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or~~
- ~~3. I have / the applicant has given requisite notice to every person other than myself/himself who, 20 days before the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:-~~

(a) "Owner" means a person having freehold interest or a leasehold interest the unexpired term of which was not less than 7 years.  
 Name and Address of Tenant ..... NOT APPLICABLE  
 Date of Service of Notice .....

Signed ROLFE JUDD PLANNING on behalf of ZAGROS CORPORATION LTD Date 1 AUGUST 1999

Additional information required in respect of Applications for INDUSTRIAL, OFFICE, WAREHOUSING, STORAGE or SHOPS

(Attention is drawn to 'General Notes for Applicants')

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Those questions relevant to the proposed development to be answered)

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1. In the case of industrial development, give a description of the processes to be carried on and of the end products, and the type of plant or machinery to be installed.

2. If the proposal forms a stage of a larger scheme for which planning permission is not at present sought, please give what information you can about the ultimate development. (See Note overleaf)

3. Is the proposal related to an existing use in Greater London? If so, please explain the relationship.

State Yes or No  
**SEATING ANCILLARY TO RESTAURANT USE OF 94-96 DRAYCOTT AVENUE**

YES

4. Is this a proposal to replace existing premises in this area or elsewhere which have become obsolete, inadequate or otherwise unsatisfactory?

State Yes or No

NO

If so, please give details including gross floor area of such premises and state your intentions in respect of those premises.

(a) What is the total floor space of all buildings to which the application relates?

(b) What is the amount of industrial floor space included in the above figure?

(c) What is the amount of office floor space?

(d) What is the amount of floor space for retail trading?

(e) What is the amount of floor space for storage?

(f) What is the amount of floor space for warehousing?

Existing (if any)

Proposed new floor space  
(See General Notes)

	Existing (if any)	Proposed new floor space
	(m <sup>2</sup> /sq.ft.)	(m <sup>2</sup> /sq.ft.)
(a)	m <sup>2</sup> /sq.ft.	m <sup>2</sup> /sq.ft.
(b)	m <sup>2</sup> /sq.ft.	m <sup>2</sup> /sq.ft.
(c)	m <sup>2</sup> /sq.ft.	m <sup>2</sup> /sq.ft.
(d)	m <sup>2</sup> /sq.ft.	m <sup>2</sup> /sq.ft.
(e)	m <sup>2</sup> /sq.ft.	m <sup>2</sup> /sq.ft.
(f)	m <sup>2</sup> /sq.ft.	m <sup>2</sup> /sq.ft.

(i) How many (a) office (b) industrial and (c) other staff will be employed on the site as a result of the development proposed?

(ii) If you have existing premises on the site, how many of the employees will be new staff?

(iii) If you propose to transfer staff from other premises, please give details of the numbers involved and of the premises affected.

	(a) Office		(b) Industrial		(c) Other staff	
	M	F	M	F	M	F
(i)						
(ii)						
(iii)						

In the case of industrial or office development is the application accompanied by an industrial development certificate or office development permit?

State Yes or No

If 'NO' state why a certificate is not required.

What provisions have been made for the parking, loading and unloading of vehicles within the curtilage of the site? (Please show the location of such provision on the plans and distinguish between parking for operational needs and other purposes)

What is the estimated vehicular traffic flow to the site during a normal working day? (Please include all vehicles except those used by individual employees driving to work)

<p>1. What is the nature volume and means of disposal of any trade effluents or trade refuse?</p>	<p>_____</p>
<p>2. Will the proposed use involve the use or storage of any of the materials of type and quantity mentioned in General Notes for Applicants. (see note 11)</p> <p>If 'Yes' state materials and approximate quantities.</p>	<p>State Yes or No</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p style="text-align: right; font-size: 2em;">4</p>
<p>3. State details of any processes sub-contracted, the percentage sub-contracted and the location of sub-contractors.</p>	<p>_____</p>
<p>List materials used, giving source (locality in Great Britain or port of entry) and transport used.</p>	<p>_____</p>
<p>State approximate percentages of turnover to markets under (a), (b), (c) and (d) and transport used in each case.</p> <p>*State name of docks or airport.</p>	<p>(a) Greater London Council Area: .....</p> <p>(b) Elsewhere in Great Britain: .....</p> <p>(c) Exports through London Docks: .....</p> <p style="padding-left: 100px;">other Docks: .....</p> <p>(d) Exports through airports: .....</p>

State reasons in full for desiring location first in Greater London and then on the proposed site.  
(Continue on a separate sheet if necessary)

\_\_\_\_\_

> Signed ROLFE JUDD PLANNING On behalf of ZAGROS CORPORATION LTD Date 1 AUGUST 1999

**NOTE**

**Question 2** Grant of the permission now sought would in no way commit the local planning authority in respect of any proposed ultimate development which the applicant may mention in answer to this question.

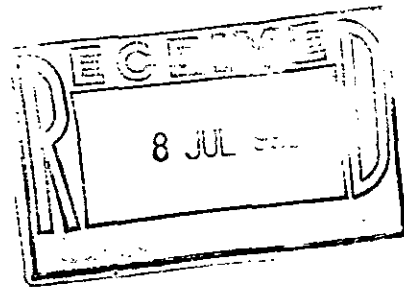
ROLFE JUDD

PLANNING  
ARCHITECTURE  
INTERIORS

Old Church Court  
Claylands Road  
The Oval

London SW8 1NZ  
Telephone: 0171 556 1500  
Fax: 0171 556 1501

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JP/P1087  
2 July 1999

Steve Lauder  
Transport Department  
Royal Borough of Kensington & Chelsea  
Room 317  
Town Hall  
Hornton Street  
London W8 7NX

E-Mail: [jetip@rolfe-judd.co.uk](mailto:jetip@rolfe-judd.co.uk)  
Direct Dial Telephone: 0171 556 1617

Dear Mr Lauder

**Brompton Bay Restaurant, Draycott Avenue, SW3**

I refer to the above and our conversation yesterday.

As you are aware my colleague, John Kerr, met with your colleague at Brompton Bay Restaurant to discuss the area of forecourt in our client's ownership. An area was agreed on site and I now enclose a plan outlining the extent of this area for your written agreement.

I would be grateful if you would confirm this represents the area of private forecourt. Thank you for your assistance in this matter.

Yours sincerely

Jeff Pyrah MRTPI  
Rolfe Judd Planning

cc: Mr B Shirazi Zagros Corporation Ltd

**ENVIRONMENTAL SERVICES**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director MICHAEL STROUD BSc DipTE CEng FICE FIHT FIMgt  
Director of Transportation and Highways CRAIG WILSON BSc MSc CEng MICE FIHT

Rolfe Judd  
Old Church Court  
Claylands Road  
The Oval  
London  
SW8 1NZ

Switchboard: 0171-937 5464  
Extension: 2738  
Direct Line: 0171-361 2738  
Facsimile: 0171-361 3156  
Email: plnsl@rbkc.gov.uk

08 July 1999



My reference: SL/TF

Your reference: JP/P1087

Please ask for: Steve Lauder

Dear Mr Pyrah,

**BROMPTON BAY RESTAURANT, DRAYCOTT AVENUE, SW3**

Thank you for your letter of 2 July 1999.

Enclosed with your letter is a copy of a plan and a photograph, detailing the area of land outside adjacent to the frontage of the property which you believe to be private forecourt.

However I can find no evidence to support this claim as the area is clearly maintained by the Council, at public expense, with the exception of the cellar doors, which under section 180 of the Highways Act 1980 are the responsibility of the owner or occupier of the property for maintenance purposes. The fact that cellar doors have been placed in the footway does not necessarily mean that this area is private, even although it is privately maintained.

I should also add that I have consulted my colleague, Mr Steer, who met on site with your Mr Kerr, and he informed me that he does not concur with the views expressed in your letter.

Should you still be of the view that there is an area of private forecourt adjacent to this property, I should be grateful if would forward to me a copy of a title deed which confirms this.

Yours sincerely,

**Bill Mount**  
Group Leader Transportation & Road Safety

PP991716

Old Church Court  
Claylands Road  
The Oval  
London SW8 1NZ  
Telephone: 0171 556 1500  
Fax: 0171 556 1501

JGP/P1087  
1 August 1999

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



E-Mail: jeffp@rolfe-judd.co.uk  
Direct Dial Telephone: 0171 556 1617

Dear Sirs

**Brompton Bay Restaurant, 94-96 Draycott Avenue, London, SW3**

On behalf of our client, Zagros Corporation Ltd, please find attached an application for Planning Permission for placing tables and chairs on the highway. This application is accompanied by a cheque, in the sum of £190.00 to cover the planning application.

We also attach all the relevant forms and certificates as well as a number of plans, drawings and photographs as identified below:

Description	Scale	Drawing Number	Copies
Site Location Plan	1:1250	A4/P1087/01	4
Pavement Layout: Existing Condition	1:50	A3/3408/SK01	4
Pavement Layout: Proposed Table Layout	1:50	A3/3408/SK102	4

**Application Site**

The property was built in 1904 as a public house. It remained in this use, trading as The Queens Arms Tavern until being bought by the Zagros Corporation in 1997 who transformed it into the Brompton Bay Restaurant. Planning Permission was granted on 17 February 1998 for works in connection with this refurbishment (RN: TP/97/2092).

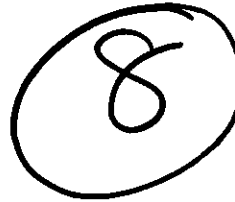
It is our understanding that The Queens Arms Tavern had seating outside the pub for over 75 years. The pub was owned by Scottish & Newcastle until 1994 and then by Charles Wells until our client purchased the property in 1997. Throughout this time seating was placed outside the pub.

Brompton Bay Restaurant became established in 1998. A complete overhaul of the interior was undertaken and the elevations altered. This provided opening doors along the length of both elevations which allows easy access to the street. The food, service and atmosphere is typical of the new breed of restaurants that have opened up in recent years in the locality.

The area is renowned for its good quality restaurants which are frequented by a range of people including office workers, shoppers, local residents, tourists and restaurant enthusiasts.



Director  
1 August 1999/ P1087



PP991716

### Application Proposals

This application proposes the positioning of tables and chairs on the pavement as shown in drawing A3/3408/SK02. It is proposed to place tables and chairs on the pavement as follows:

- Two tables with four chairs each would be placed to the west of the entrance on Draycott Avenue. The access hatch to the cellar is located here and this area is considered to form the property's private forecourt area, as shown on drawing A3/3408/SK101.
- A table and two chairs would be placed to the east of the entrance on Draycott Avenue.
- Three tables with two chairs each would be placed on Ives Street.
- A table and four chairs would be placed at the corner.

This amounts to room for twenty people in total around seven tables. The design of the restaurant is such that the tables can be placed very close to the walls of the restaurant and be serviced from inside, limiting the amount of room the tables & chairs take up on the pavement and reducing any potential conflict that could occur between restaurant users and staff and passers-by. The positioning of tables and chairs, in the applicant's opinion, adds to the vibrancy and activity of the street and assists in creating a dynamic local shopping area.

It is only intended to place the tables and chairs on the pavement during the summer period when the weather is fine and therefore the seating will only be a temporary feature. Given these circumstances it is unlikely to cause any detrimental impact.

### Planning Policy

The property is identified as falling within a principal shopping area, associated with the Fulham Road/ Walton Street shopping area. The UDP recognises that non-shop uses, such as restaurants generate high levels of pedestrian activity and hence add to the area's vitality. The placing of tables and chairs on the pavement adds to the restaurant's attractiveness to passers-by, encouraging spontaneous use and reduces dead frontage.

There is no specific planning policy relating to the placing of tables and chairs on the pavement, however planning standards (Chapter 13) refer to pavement width in paragraph 5.3.20. The pavement is currently between 2.2 and 2.8 metres wide. The placing of tables and chairs on the pavement will leave a clear pavement width of at least 1.2 metres, which is considered to be acceptable for most routes. Although the street forms part of the principle shopping area it is an off-shoot of it and is not considered to be a 'high use' pedestrian route. It is considered that the placing of chairs and tables on the pavement will not reduce amenity for passers-by or cause a danger to either pedestrians or road traffic.

Director  
1 August 1999/ P1087

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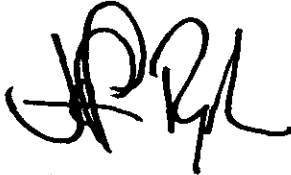
PP991716

**Conclusions**

The placing of tables and chairs on the pavement is considered to be an important aspect of the restaurants daytime service. It is considered that the proposals comply with UDP policy given the restaurants location in a primary shopping area and the width of clear pavement remaining when the tables and chairs are in place.

On this basis we hope that you will be able to consider this application favourably. Should you require any further information, however on any aspect of the proposal or wish to visit the property please do not hesitate to contact us.

Yours sincerely



Jeff Pyrah MRTPI  
Rolfe Judd Planning

Mr B Shirazi : Zagros Corporation Ltd