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11-50

PLANNING SERVICES APPLICATION

CONSULTATION SHEET

10

APPLICANT:

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

APPLICATION NO: PP/99/01716

APPLICATION DATED: 01/08/1999

DATE ACKNOWLEDGED: 16 August 1999

APPLICATION COMPLETE: 16/08/1999

DATE TO BE DECIDED BY: 11/10/1999

SITE: 94/96 Draycott Avenue, London, SW3 3AD

PROPOSAL: Use of part of the pavement outside the restaurant for the placing of tables and chairs.

ADDRESSES TO BE CONSULTED

- 1. 1 JUES STREET, SW3
2. 3/5 "
3. 5 "
4. 7 "
5. 98 DRAYCOTT AVENUE, SW3 + A
6. 100 + A "
7. 102 + A "
8. 139 "
9. The Principal The Telephone Exchange, 94 Draycott Avenue, SW3
10.
11.
12.
13.
14.
15.

11
01
23-8

CONSULT STATUTORILY

- HBMC Listed Buildings
HBMC Setting of Buildings Grade I or II
HBMC Demolition in Conservation 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

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

01
23-8

TR

DEVELOPMENT CONTROL

TECHNICAL INFORMATION

THE ROYAL BOROUGH OF



KENSINGTON AND CHELSEA

ADDRESS 94-96 ~~DRAYTON~~ AVENUE
DRAY COTT AVE
BR.
 (SE) PP991716

POLLING DISTRICT R

- | | | | |
|-----|--|--------|--|
| 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:

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THE ROYAL BOROUGH OF



KENSINGTON AND CHELSEA

NOTICE OF A PLANNING APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

MEMORANDUM

TO: FOR FILE USE ONLY

From: EXECUTIVE DIRECTOR
PLANNING & CONSERVATION

My Ref: PP/99/01716/AJF

CODE: SL

Room No:

Date: 23 August 1999

DEVELOPMENT AT:

94/96 Draycott Avenue, London, SW3 3AD

DEVELOPMENT:

Use of part of the pavement outside the restaurant for the placing of tables and chairs.

The above development is to be advertised under:-

NO REQUIREMENT FOR SITE NOTICE/ADVERTISEMENT IN THIS CASE.

M.J. French

Executive Director, Planning & Conservation
**SITE NOTICE CRITERIA NOT MATCHED
CHECK CORRECT CODE IS ENTERED**

PLANNING AND CONSERVATIONTHE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS TP MRTPI Cert TS

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**THE ROYAL
BOROUGH OF****KENSINGTON
AND CHELSEA**

The Occupier
1 file copy
file copy
file copySwitchboard: 0171-937-5464
Extension: 3260
Direct Line: 0171-361- 3260Facsimile: 0171-361-3463
Date: 23 August 1999

My reference:

Your reference:

Please ask for:

My Ref: DPS/DCSE/PP/99/01716/AJF

Planning Information Office

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990**Proposed development at: 94/96 Draycott Avenue, London, SW3 3AD**

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. Unfortunately, the Council does not have the resources to advise objectors of the Committee date, and you should telephone for further information.

Proposal for which permission is sought**Use of part of the pavement outside the restaurant for the placing of tables and chairs.****Applicant****Rolfe Judd Planning, Old Church Court, Claylands Road, The Oval, London,
SW8 1NZ**

PLEASE NOTE: Applications for districts W.10, W.11 & W.2 in the NORTH of the Borough can be seen at: THE INFORMATION CENTRE, NORTH KENSINGTON LIBRARY, 108 LADBROKE GROVE, W.11 (Tel: 0171 727 6583) and NOT at the location stated overleaf.

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

Planning applications where 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 information Office, Chelsea Old Town Hall, Kings Road SW3 (0171-352 1856)**, 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 **0171-727-6583**). Please telephone to check the opening times of these offices.

If you are unable to come to the Office due to illness or disability, it may be possible for a 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

RIBK&C TRANSPORTATION COMMENTS

PP Number 99/1716	Address 94-96 Draycott Avenue	Date of obs 26 Aug 1999	
Proposal: Use of part of the pavement outside the restaurant for the placing of tables and chairs.		Obj ✓	No Obj
File Number TF/202/D	Obs INITIAL	Transportation Officer Steve Lauder	D C Officer AJF

Other information:

COMMENTS:


With reference to the above application, I have the following comments:

I do not concur with the applicants contention that part of the footway is private forecourt. So far as I am aware the footway at this location is all maintained at public expense. The responsibility for the maintenance of the cellar doors lies with the owner or occupier of the premises, as specified in section 180 of the Highways Act 1980. This however has no bearing on the status of this area of land.

With regard to the proposed plans, I have concerns that whilst the applicants have shown the tables and chairs as being positioned so as to allow 1.2 metres of footway for pedestrians, in practical terms there is likely to be a 'sprawl effect' which may lead to the entire footway being obstructed.

In order to reduce the risk of this happening, I would request that the applicants are invited to submit a revised proposal containing the same number of tables, however limiting each table to two chairs, and placing all of the tables flush to the wall.

The applicants should also be reminded at this stage that should they be granted planning permission, additional consent will also be required under the terms of the Highway Act 1980 for use of the public highway.

Signed  TOM MANSFIELD

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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JGP/P1087
3 September 1999

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

For the attention of Alison Flight

E-Mail: jeffp@rolfe-judd.co.uk

Direct Dial Telephone: 0171 556 1617

RECEIVED BY PLANNING SERVICES									
EX DIR	N	C	SW	SD	ENF	AO ACK			
06 SEP 1999									
APPEALS		EC	ARB	FWD PLN	CON DES	FEEs			

CBB
6/9

Dear Sirs

Town & Country Planning Act 1990
Application for Planning Permission (RN: PP/99/01716)
Brompton Bay Restaurant, 94-96 Draycott Avenue, London, SW3

Following discussion by telephone on the 1st September 1999 we enclose four copies of an amended drawing showing proposed pavement dining detailed as follows:

Description	Scale	Drawing Number	Copies
Proposed pavement dining	1:50	A3/3408/SK101/1	4

In the light of comments received from the Highways Department, tables and chairs are now only proposed where their positioning will leave at least the minimum 1800mm width unobstructed highway. We have also placed the tables flush against the walls of the restaurant in order to prevent the spread of customers into the pavement.

The application now proposes the positioning of tables and chairs on the pavement as follows:

- Two tables with two chairs each would be placed to the west of the entrance on Draycott Avenue.
- A table and three chairs would be placed at the corner.

Continued/...

A:F
Copy of plans to L.O. please.

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Director
Planning & Conservation
3 September 1999/ P1087

We trust this meets yours and the Highways Department's requirements and that you now have sufficient information to determine the application. Please do not hesitate to call if you wish to discuss matters.

Yours sincerely



Jeff Pyrah MRTPI
Rolfe Judd Planning

encl.

cc + encl.: Mr B Shirazi : Zagros Corporation Ltd

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RBK&C TRANSPORTATION COMMENTS			
PP Number 99/1716	Address 94-96 Draycott Avenue	Date of obs 14 Sept 1999	
Proposal: Use of part of pavement outside the restaurant for the placing of tables and chairs.		Obj	No Obj ✓
File Number TF/202/D	Obs FULL	Transportation Officer Steve Lauder	D C Officer AJF
Other information: To be read in conjunction with previous observations dated 26 August 1999.			
COMMENTS:			
<p>With reference to the above application, I have the following comments:</p> <p>A revised drawing showing 2 tables with 2 chairs, and 1 table with 3 chairs has been submitted for consideration.</p> <p>The drawing indicates that the positioning of these tables and chairs will leave a minimum of 1.8 metres of footway unobstructed. This is reiterated in Rolfe Judd's letter of 3 September 1999.</p> <p>My previous objection is now withdrawn, subject to the applicants continued compliance with their undertaking to leave a minimum 1.8 metres of footway unobstructed.</p>			
<div style="display: flex; justify-content: space-between; align-items: center;"> Signed <u>TOM MANSFIELD</u> </div>			

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Royal Borough of Kensington and Chelsea
Directorate of Planning Services - Access Observations

ACCESS: TP/99/1716	Address: 94-94 Draycott Avenue	Date Received 22/09/99	Date of Obs. 27/09/99
UDP Paras/Policies		Obj.	No obj. ✓
	Development: Use of part of the pavement outside the restaurant for the placing of tables and chairs.	HMO?	No. of Dwelling Units
			Existing Proposed
		D.C. Officer AJF	Policy Officer AKS

Access Comments:

Paragraph 5.3.20 (a) of the UDP states:

All 'high use' routes must be at least 1800mm wide to allow people with prams and wheelchairs to pass without difficulty. Other routes must not be less than 1200mm wide.

Drawing Number A3/3408/SK 101 shows a clearance of 1.8m on most of the pavement and greater than 1.2m on the remainder. This is not a 'high use' route.

With the above in mind I have no objection to this application. However the applicant should be made aware that a degree of 'sprawling' tends to occur in situations such as this should be controlled by the staff of the restaurant.

No Objection.

Monitoring

If the comments above are agreed I have no wish to be kept abreast of this application.

I wish to be kept abreast of any recommendations made on this application prior to submission of the report.

I wish to be actively involved in discussions on this application.

Rg 28/9/99

RECEIVED BY PLANNING SERVICES							
SW	SE	ENF	AO	ACK			
29 SEP 1999							
					FWD	CON	FEES
					PLN	DES	

PLANNING
ARCHITECTURE
INTERIORS

Old Church Court
Claylands Road
The Oval

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

JWK/JGP/P1087
28 September 1999

By Fax and Post

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

E-Mail: johnk@rolfe-judd.co.uk
Direct Dial Telephone: 020 7556 1545

For the attention of Alison Flight

CB
29/9

P. Ack / **AJF**

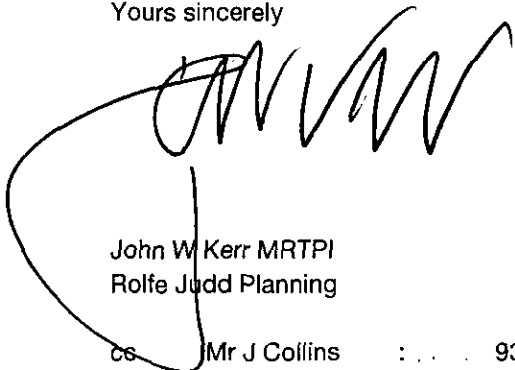
Dear Sirs

Town & Country Planning Act 1990
Application for Planning Permission (RN: PP/99/01716)
Brompton Bay Restaurant: 94-96 Draycott Avenue

Further to our telephone conversation today, we confirm that to deal with the concerns of adjoining occupiers, our client is prepared to install a temporary barrier when tables and chairs are placed on the pavement in order to delineate the area. This barrier will be placed at the western end of the designated area in order to delineate it and to prevent seating straying outside the area towards the access to 93 Draycott Avenue.

We understand that this proposal does not require planning permission. We trust that this addresses the concerns of the owner of 93 Draycott Avenue. We are forwarding this letter to Mr Collins by fax for his information. Please do not hesitate to call if you wish to discuss matters further.

Yours sincerely



John W Kerr MRTPI
Rolfe Judd Planning

cc: Mr J Collins : : : 93 Draycott Avenue

Ref: JP/P1087

JP1 AC
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THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
MEMORANDUM - SECTION 101 - LOCAL GOVERNMENT ACT, 1972

To: Chief Administrative Officer (Planning)
From: The Executive Director, Planning & Conservation

Date: 6 January 2000
Our Ref: PP/99/01716 / MNW

Application Date: 01/08/1999 Complete Date: 16/08/1999 Revised Date: 06/09/1999
Agent: Rolfe Judd Planning, Old Church Court, Claylands Road, The Oval, London, SW8 1NZ
Address: 94/96 Draycott Avenue, London, SW3 3AD
Chelsea

36
29

This application is for a class of development to be determined under powers delegated to me by the Council on 21st July, 1976, and/or by the Town Planning Committee 6th November, 1979, and/or by the Town Planning Committee on 18th March 1986, 23rd May 1988 and 8th January 1990 and is not such as I wish to refer to the Planning Application Committee. No relevant planning objections have been received.

- Class (i) - 8th Schedule development
- Class (ii) - shop fronts
- Class (iii) - conversion from non s/c dwellings etc
- Class (iv) - amendments as required by T.P. Committee
- Class (v) - above classes after D.P. Committee agree
- Class (vi) - Listed building consent for above Classes.
- Class (vii) - approval of facing materials
- Class (viii) - grant of planning permission for a change from one kind of non-residential use except from one kind of non-residential use except where this would involve the loss of shop use
- Class (ix) - grant permission licence or no objection under Sections 73, 74, 138, 143, 152, 153, 177 & 180 of the Highways Act
- Class (x) - Crossover under S. 108 of the Highways Act 1980

DELEGATED APPROVAL
18 JAN 2000

Consent under T&CP Control of Advertisement Regulations 1984-90; incl. refusal of consent for Reg. 15 applications.

DESCRIPTION OF PROPOSED DEVELOPMENT

The placing of three tables and seven chairs ^{on} to the pavement for use in conjunction with the existing restaurant premises.

RECOMMENDED DECISION Grant planning permission *conditionally*
RBK&C drawing(s) No. PP/99/01716 Applicant's drawing(s) No. RBKC Drawing Nos: PP/99/1716 & PP/99/1716 *Rev A*

Applicants Drawing Nos: A3/3408/SK101, A3/3408/SK101/Rev 1

I hereby determine and grant/refuse this application (subject to HBMC Direction/Historic Building authorisation) 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 Head of Development Control Area Planning Officer

PP/99/01716: 1

hours 11.1.00

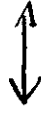
CONDITIONS AND REASONS FOR THEIR IMPOSITION

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

12.

~~The~~ ~~shall be~~ ~~A~~ maximum of three tables and seven chairs ^{shall} placed upon the pavement at any one time and these shall be placed in the positions indicated on Drawing No: A3/3408/SK 101/Rev 1 ^{only}
Reason: To safeguard the amenities of neighbouring properties



3. **The tables and chairs hereby approved shall be removed from the pavement by 23.00 hours on any day and no part of the public highway shall be used for restaurant purposes after that time** *and/or before 08.00 hours the following day*
Reason: To safeguard the amenities of neighbouring properties

4. **This permission shall be personal to Zagros Corporation Ltd and shall not enure for the benefit of the land. (C006)**
Reason - In granting this permission the local planning authority has had regard to the special circumstances of the case, and considers that use otherwise than by Zagros Corporation Ltd. would have had different implications, and would be likely to have resulted in planning permission being refused. (R006)

5. **The tables and chairs hereby permitted shall be retained for a limited period only until 31 January 2001 on or before which date the use shall be discontinued. (C004)**
Reason - There is insufficient evidence available at this stage to assess the impact of the development, and permission for a limited period will allow the authority to reassess the development in the light of experience of the use. (R004)

INFORMATIVES

1. I10
2. I25
3. I21

DELEGATED REPORT

Address 94/96 Draycott Avenue
SW3

Reference 99/1716

Conservation Area NO

Listed Building Yes/No

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Type of Application

Planning Permission/~~Approval of Materials~~/~~Variation of Condition~~/~~Listed Building Consent~~/~~Conservation Area Consent~~

Type of Development

Residential Extension

Roof

Rear

Storeys _____

Side

Front

Garden

Residential Alterations

Residential Conversion

From _____

To _____

Other

Shopfront

Non-Residential Extension

Listed Building Demolition

whole part

Listed Building Alterations

Unlisted Building - Demolition

whole part

Objections (withdrawn etc.) (incl. internal – Design, Policy, Transportation etc.)

Who _____

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Overcome by Amendment/Withdrawn/Not Relevant/Other _____

Existing

Issues/Policy/Precedent/Conditions/Third Schedule

see attached

Standards

satisfactory

- Light
- Privacy
- Room Sizes
- Parking
- Trees

HBMC Direction/Obs.

- Obs. Rec'd
- Direction Rec'd
- Consultation Expired

GRANT/APPROVE

subject to conditions



Informatives



Report by

BOF

Date

Agreed

Be / laws

11.1.00

25

1.0 **SITE**

- 1.1 The property is a four storey plus basement building situated at the end of a short terrace of four properties on the North side of Draycott Avenue at its junction with Ives Street. The property is currently in use as a restaurant
- 1.2 The property is not a listed building and neither is included within nor abuts any designated conservation area

2.0 **PROPOSAL**

- 2.1 The application is for the placing of two tables(each with two chairs) adjacent to No 98 Draycott Avenue and one table with three chairs at the junction of Draycott Avenue and Ives Street.

3.0 **PLANNING CONSIDERATIONS**

- 3.1 The main considerations in this case are the effect of tables and chairs upon the free flow of pedestrians along this part of the commercial frontage, together with their impact on the levels of residential amenity enjoyed by the occupants of nearby properties
- 3.2 The relevant planning policies for consideration are:

- TR21 (pedestrian footways)
- CD34 (noise and disturbance)

- 3.3 With regard to pedestrian movement on the footway, the two tables adjacent to No 98 Draycott Avenue would occupy 3600mm of the frontage and leave a remaining pavement depth of 1800mm. The single table would occupy 1500mm of the frontage and leave a pavement depth of some 2000mm. The proposed location of the tables and chairs would result in a remaining pavement depth sufficient to allow the free flow of pedestrian movement and complies with this Councils' standards which states that 'high use' routes must be at least 1800mm wide to allow people with prams and wheelchairs to pass without difficulty. This Councils' Transportation Officer and Access Officer have stated they have no objection to the proposal. Therefore, the proposal is considered to comply with Policy TR21
- 3.4 With regard to possible noise and disturbance. Given that the premises front Draycott Avenue which is commercial in nature, in particular the property directly opposite 'La Belle Epoque' is a large restaurant premises which has planning permission for fourteen tables and twenty eight chairs to the pavement area. Therefore, the ambient noise level in terms of both pedestrian and vehicular activity is relatively high and continues into the late evening hours. In these circumstances, the placing of three tables and seven chairs to the pavement area is not considered to result in any increase in noise and

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disturbance that was so significant it would harm the existing levels of amenity currently enjoyed by occupiers of surrounding properties. Therefore, the proposal is considered to comply with Policy CD34

4.0 **PUBLIC CONSULTATION**

4.1 Eleven letters of notification of the proposal were sent to properties in Ives Street and Draycott Avenue, to date, no letters of representation have been received

5.0 **RECOMMENDATION**

5.1 GRANT planning permission

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

The contents of file PP/99/01716 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: AJF
Report Approved By: AJF/LAWJ
Date Report Approved: 05/01/2000