

① Jason, can we log as objection. Cllr Campion

Gentry, Sarah: PC-Plan

From: Taylor, Derek: PC-Plan
Sent: 06 January 2004 13:48
To: Gentry, Sarah: PC-Plan
Subject: FW: PP/03/02569 126/128 Notting Hill Gate (All Bar One) External Seating

JA
201

Sarah, here we go again! Shall we discuss this one?

Derek

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

From: Tim Ahern [mailto:Tim.Ahern@btinternet.com]
Sent: 05 January 2004 12:53
To: DavidCampion@aol.com; Derek.Taylor@rbkc.gov.uk
Cc: Cllr.Weatherhead@rbkc.gov.uk; Cllr.Ahern@rbkc.gov.uk
Subject: Re: PP/03/02569 126/128 Notting Hill Gate (All Bar One)
External Seating

This is one that needs to go to Committee. I have reservations about the ability of the management to read let alone apply a decision.

Tim Ahern

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

From: <DavidCampion@aol.com>
To: <Derek.Taylor@rbkc.gov.uk>
Cc: <Cllr.Weatherhead@rbkc.gov.uk>; <Cllr.Ahern@rbkc.gov.uk>
Sent: Friday, January 02, 2004 1:05 PM
Subject: PP/03/02569 126/128 Notting Hill Gate (All Bar One) External Seating

> Mr Taylor

>
> If you are by any chance likely to be recommending approval to this further application for more chairs and tables on the public pavement please could the application go the Planning Services Committee as I have strong objections to it and would want to try to persuade the committee to refuse it.

>
> The previous permission gave a limited period extension with limited seating in order to test the ability of the franchisee to maintain it properly. Since then, apart from the fact that they continued for a time to have more than the specified number of tables and chairs, the use has not been much

> in evidence since so there has so far been inadequate chance to assess whether the use has been acceptable.

>
> It is totally unacceptable, in my view, for part of the public pavement to be roped off as applied for by Mitchell Butlers Retail Ltd. The premises internally is quite large enough to hold their present clientele without such an extension of further A3 use spreading out on to the public pavement.

>
> Cllr David Campion
> Pembridge Ward
> Tel: 020 7229 3931
> Fax: 020 7681 2758
> Mob: 07889 855153
> Email: Cllr.Campion@rbkc.gov.uk

>
> [&
> *****
> The Royal Borough of Kensington and Chelsea



>
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> delete the material from your computer.
> *****
>

Sarah for info - file.

TP/DC/N/SG/PP/03/2569

DT

ENVIRONMENTAL SERVICES

INTERNAL MEMORANDUM

TO:	Director of Planning & Conservation Michael French & Waste Management & Leisure Peter Ramage	ROOM NO:	322 & Council Offices
CC:	Richard Case		
FROM:	Dennis Brown	ROOM NO:	317
TELEPHONE:	020-7361 3628	EMAIL:	Dennis.brown@rbkc.gov.uk
DATE:	15 July 2004	REF:	TM/204/2/109

HIGHWAYS ACT 1980 - SECTION 115E

Proposed placing of amenities on the highway at: 126 –128 Notting Hill Gate, London W11

Details of the proposal: 5 tables and 20 chairs

Applicant: All Bar One

Transportation received an application, in accordance with section 115E of the Highways Act 1980 on the 14 July 2004 from the above applicant. Brief details of the proposal are set out above.

The Borough Council in pursuance of its powers under the above-mentioned Act hereby **GRANTED** permission to place amenities on the highway outside the under-mentioned Schedule as shown in the plans submitted.

Yours sincerely



Richard Case
On behalf of the Director of Transportation and Highways

ENVIRONMENTAL SERVICES

THE TOWN HALL HORNTON STREET LONDON W8 7NX

THE ROYAL
BOROUGH OF

Executive Director MICHAEL STROUD BSc DipTE CEng MICE FIHT FIMgt

Director of Transportation and Highways CRAIG WILSON BSc MSc CEng MICE FIHT



Camilla Yerbury
RPS
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Wroughton, Swindon
Wilts SN4 9JX

Switchboard: 020 7937 5464

Extension: 3628

Direct Line: 020 7361 3628

Facsimile: 020 7361-2796

Email Dennis.Brown@rbkc.gov.uk

Web www.rbkc.gov.uk

15 July 04

**KENSINGTON
AND CHELSEA**

My reference: TM/204/2/109 Your reference:

Please ask for: Dennis Brown

Dear Sir/Madam,

THE HIGHWAYS ACT 1980 (as Amended by the Local Government Miscellaneous Provisions Act 1982)

Your application for consent to provide amenities on a public highway outside All Bar One, 126 - 128 Notting Hill Gate, London W11

The Royal Borough of Kensington and Chelsea ("the Council") pursuant to its powers under section 115E of the Highways Act 1980 hereby grants consent for placement of the proposed amenities on the public highway within the area marked out by the Council and for the period and in the manner as described in the Schedule and which is subject to the conditions enclosed.

The application proposes five tables, twenty chairs and two planters.

The pavement width in front of 126 - 128 Notting Hill Gate is 6.6m at its narrowest and therefore no objections are raised for the five tables and twenty chairs proposed at this point given that they do not exceed 2m from the front elevation of the building.

Please note the tables and chairs licence expires on 30th September 2004 in accordance with planning permission. If an application for planning permission is successful a new licence can be issued for the remainder of the 12 month period from 16 July 2004. This will be free of charge.

You should ensure that you have read and understood the terms and conditions of your licence. Breaches of the terms and conditions of your licence may result in enforcement action being taken against you. A copy of your licence has been sent to planning and highways enforcement for their information.

The attached licence **must** be displayed in the window of the property, and should be clearly visible from the highway.

Please note that the period of consent is limited and that the amenities **must** be removed on the date of expiry of this consent and should not be placed at the location until a further consent has been applied for by you and granted by the Council. Renewal forms are available on request from the Transportation Section of the Council. Please allow at least six weeks for renewal applications to be considered. Renewal applications can be considered prior to expiry of this consent.

Yours sincerely,

Steve Trudgeon
On behalf of the Director of Transportation and Highways



INVESTOR IN PEOPLE

THE HIGHWAYS ACT 1980

**(AS AMENDED BY THE LOCAL GOVERNMENT MISCELLANEOUS
PROVISIONS ACT 1982)**

CONSENT TO PROVIDE AMENITIES ON A PUBLIC HIGHWAY

SCHEDULE

TYPE OF AMENITIES:

Tables, Chairs & 2 planters

AREA 1:

The tables and chairs should not exceed an area greater than 2 metres from the front elevation of the building

AMOUNT:

5 Tables, 20 chairs and 2 planters

LOCATION:

All Bar One, 126 - 128 Notting Hill Gate, W11

PERIOD OF CONSENT:

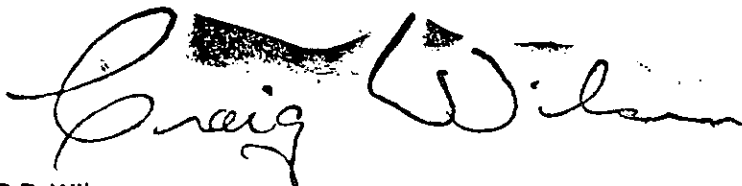
Consent is hereby granted for the period from **16 July 2004** to

30 September 2004

SUBJECT to the following restrictions in addition to the conditions below: -

- a) Except with the previous written consent of the Council the amenities are to be placed on the public highway only between the hours of 11:00 and 23:00 Mondays to Sundays: they shall be removed from the highway when not in use.

Date: 15 July 2004



C.D Wilson
Director of Transportation & Highways

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

CONDITIONS

1. The applicant shall not in any way interfere with the surface of the public highway.
2. The applicant shall indemnify the Council from and against any claim in respect of any injury, damage or loss arising directly or indirectly out of the grant of this consent and the use by the public of the amenities.
3. If the Council serves a Notice on the applicant requiring him/her to take such steps as are necessary to remedy any breach of the terms of this consent, and the applicant fails to comply with the notice the Council may itself take the steps required by the Notice and recover from the applicant any expenses incurred.
4. This consent may be withdrawn by the Council at any time upon the Council giving to the applicant seven days notice in writing. Upon withdrawal of the consent the applicant shall remove the amenities from the public highway and, in default, the Council may remove the amenities and recover from the applicant its costs in so doing.
5. Any notice to be given to the applicant shall be deemed to be sufficiently served if addressed to the applicant and sent by post or left at the premises.
6. This consent is without prejudice to, and shall not be construed as derogating from, any of the rights, powers and duties of the Council pursuant to any of its statutory functions or in any other capacity and, in particular, shall not restrict the Council from exercising any of its powers or duties under the Highways Act 1980 (as amended).
7. The applicant shall not place any item on the public highway or attempt to exercise any permission unless he/she has obtained both a valid licence to place the said objects on the public highway and has a current planning permission for the land use.
8. The applicant will be responsible for reimbursing the Council for any costs associated with the marking out of the defined area on the public highway.
9. The applicant must display the licence at all times within the window of the property, so that it is clearly visible from the public highway. Please note that failure to display this licence will result in the automatic WITHDRAWAL of this consent. The applicant will then be required to remove the amenities from the public highway immediately, and in default; the Council may remove the amenities and recover from the applicant its costs in so doing.
10. The licence holder will be responsible for keeping the area of the public highway used under this consent in a clean and tidy state at all times by ensuring that any litter and waste generated on or around the tables and chairs is removed immediately. The licence holder will provide litter bins within the area designated under this consent of a number and type as may be specified by the Council, and shall remove all such bins from the designated area for storage within the premises at the close of business.
11. The licence holder will only place waste out for collection on the public highway at such times as may be stipulated by the Council. The licence holder will package any waste so placed out in such a way as to prevent any detrimental impact on the street-scene, particularly through the escape of waste or through the creation of tripping hazards or obstructions.
12. Under no circumstances must any water or milk-based wastes be placed out on the public highway for collection, even in secure containers. The licence holder must ensure that any water or milk based wastes generated on the premises are disposed of via the waste water system. Grease and oil-based wastes may be placed out on the highway for collection provided that they are securely contained so that they cannot leak onto the highway. The licence-holder must immediately and thoroughly clean any area of the highway in front of their premises onto which grease or oil based wastes have leaked, restoring the affected area of highway to a clean and safe condition. (The Council will recharge the licence-holder the full cost of any remedial work to remove any residual staining of the highway outside his or her premises.)
13. The applicant shall remove the amenities from the public highway immediately if requested to do so by the Council, its agents, contractors or licencees or by a Police Officer if the area occupied by the amenities is required to facilitate safe pedestrian passage. The applicant shall not reposition the amenities on the public highway until notified by the Council, its agents, contractors or licencees or the Police that he/she may do so.

PLANNING AND CONSERVATION

THE TOWN HALL, HORNTON STREET, LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Camilla Yerbury, RPS.,
Fairwater House,
1 High Street,
Wroughton, Swindon,
SN4 9JX

Switchboard: 020-7937-5464
Direct Line: 020-7361-2096
Extension: 2096
Facsimile: 020-7361-3463

FILE COPY

16 JUL 2004

My Ref: PP/03/02569/COTH/07
Your Ref:

Please ask for: North Area Team

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

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

Permission for Development (Conditional) (DP1)

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

SCHEDULE

DEVELOPMENT: Creation of external seating area comprising 5 tables and 20 chairs associated with existing A3 food and drink use (variation of conditions attached to planning permission ref. PP/03/1169 dated 1st August 2003).

SITE ADDRESS: 126/128 Notting Hill Gate, London, W11 3QG

RBK&C Drawing Nos: PP/03/02569/A

Applicant's Drawing Nos: Unnumbered titled 'external seating area' dated 26th February 2004

Application Dated: 03/12/2003

Application Completed: 08/12/2003

Application Revised: 26/02/2004

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



CONDITION(S) AND REASON(S) FOR THEIR IMPOSITION

- 1. The use of the forecourt and the placing of all tables, chairs and plants hereby permitted shall be retained for a limited period only until 01/10/2004 on or before which date the use of the forecourt shall be discontinued.**
Reason: Permission for a limited period will enable the authority to reassess the development in the light of the experience of the use.
- 2. This permission shall be personal to All-Bar-One 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/applicant, and considers that use otherwise than by All-Bar-One would have had different implications, and would be likely to have resulted in planning permission being refused. (R006)
- 3. No more than 5 tables and 20 chairs shall be positioned in front of the premises at any one time, and these tables and chairs shall be positioned within 2000 mm of the shopfront and used only in conjunction with the bar use house operating within Class A3 of the Town and Country Planning (Use Classes) Order 1987.**
Reason - To prevent further obstruction of the public highway and to safeguard the amenities of the area.
- 4. The forecourt shall not be used as a customer seating area between 23:00 hours and 11:00 hours the following day, at no time other than between 11.00 hours and 23.00 hours shall there be tables and chairs or any plants in front of the premises.**
Reason: To ensure that there is no obstruction to pedestrian passage along the shopping frontage during the daytime, and to protect residential amenity.
- 5. The pavement area in front of the premises, to a distance of 2m from the shopfront, shall be inspected, swept and cleaned regularly so as to be free of litter at all times.**
Reason - To maintain the amenity of the shopping parade.
- 6. There shall be no planters other than the two planters shown on the approved drawing dated 26th February 2004 or means of enclosure at the front of the premises at any time.**
Reason - To ensure that there is no obstruction to pedestrian passage along the shopping frontage during the daytime, and to protect residential amenity.

INFORMATIVE(S)

1. Before any tables and chairs hereby approved are placed on the public highway, a licence under the Highways Act must be obtained. You are advised to consult the Directorate of Transportation and Highways, Room 230, Town Hall, Hornton Street, W8 7NX (020-7361-3628) regarding licence applications. If the use commences without a licence having been first obtained you may be liable to immediate enforcement action under the Highways Act.
2. Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. (I10)

Creation of external seating area comprising 5 tables and 20 chairs associated with existing A3 food and drink use (variation of conditions attached to planning permission ref. PP/03/1169 dated 1st August 2003).

SUMMARY OF REASONS FOR DECISION

You are advised that this application was determined by the Local Planning Authority with regard to the policies in the Council's Unitary Development, and was considered to comply with these policies. In particular, the following policies were considered:

CD27 (high standards of design)

CD40 (noise)

TR03 (footways)

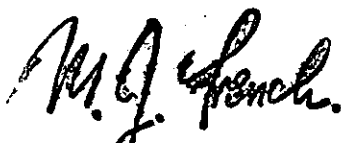
The material circumstances of the case, including site history, location, and impact on amenities were considered.

In addition, consideration was given to the results of public consultation.

It was concluded that there was no significant impact upon the amenities of adjoining occupiers that would justify a refusal in this case.

The full report is available for public inspection at the Planning Information Office, Room 325, Town Hall, Hornton Street, London, W8 7NX.

Yours faithfully,



Michael J. French
Executive Director, Planning and Conservation