

Site at
323 Fulham Road, SW10

RBK&C Ref:
DPS/DCSW/PP/99/01282

D.E.T.R. Ref:
APP/K5600/A/99/1033002

**Statement and
Documents**

Andrew Paterson

24th February 2000

Informal Hearing

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

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APPEAL ; 323 FULHAM ROAD SW10

LIST OF DOCUMENTS

- 1) Council statement
- 2) Site plan
- 3) Planning refusal dated 5th November 1999
- 4) Planning refusal dated 18th September 1996
- 5) Planning permission dated 20th June 1997 ✕
- 6) Chapter 8 " Shopping" of the Council's Unitary Development Plan
- 7) Chapter 7 "Transportation" of the Council's Unitary Development Plan
- 8) Letter from GMA Planning dated 14th November 1996
- 9) Appeal decision relating to 359 Fulham Road
- 10) Appeal decision relating to 208 Fulham Road
- 11) Map 1 Parking Occupancies - Fulham Road Area
- 12) Map 2 Public Transport Accessibility
- 13) Table of Parking Occupancies in the Fulham Road Area.
- 14) Copy of letter sent to third parties
- 15) List of persons notified

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Appeal under Section 78 of the Town and Country Planning Act 1990, by HIP BAGEL against The Royal Borough of Kensington and Chelsea to refuse Planning Permission for the change of use from mixed Class A1/A3 to Class A3 (restaurant) at 323 Fulham Road, Chelsea, London, SW10.

RBK&C Reference: DPS/DCSW/PP/99/01282
DETR's Reference: APP/K5600/A/99/1033002

1.0 THE SITE AND LOCATION

- 1.1 The premises known as 323 Fulham Road, are located on the southern side of Fulham Road between its junctions with Callow Street and Park Walk. The property is divided into a basement and ground unit, and has an authorised use as a mixed retail/restaurant use which was granted by the Council for a temporary period and which expires on 31st May 2000. The upper four floors, provide six self-contained residential flats.
- 1.2 The premises are not located within a Conservation Area, but do lie within the the core of the Fulham Road West Principal Shopping Centre.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The Council granted Planning Permission in September 1988, for the change of use of the basement to a retail use within Class A1.
- 2.2 In August 1990, the Council granted Planning Permission for the installation of a new shopfront.
- X 2.3 An Enforcement complaint was first received in October 1994 relating to a suspected change of use from retail (Class A1) to "Food and Drink" (Class A3) use. A Planning Contravention Notice was served on the proprietor in March 1995. X
- 2.4 The information submitted indicated that the use was primarily retail and the current level of restaurant activity was therefore considered to be ancillary to the lawful use as a delicatessen (A1). The owner was warned that any further increase in restaurant activity (by increasing seating spaces, etc.) could materially change the use and therefore necessitate the use of enforcement action. Subsequently, the enforcement case was closed.
- 2.5 On 13th February 1996 a night cafe licence was granted with an extension of hours until 2 a.m. Sunday to Saturday.
- 2.6 The Council refused Planning Permission on 12th September 1996 for the change of use from a retail unit Class A1 to a restaurant, Class A3 at basement and ground floors and issued an Enforcement Notice dated 15th October 1996, to secure the cessation of the Class A3 use that had commenced without the benefit of Planning Permission.
- 2.7 Both the refusal of Planning Permission and the Enforcement Notice were the subject of an appeal; however, the appeals were withdrawn because the Council granted Planning Permission on 10th June 1997, for the change of use of the retail use to a mixed retail/restaurant use. The permission was conditioned to be personal to the applicant and current occupier and limited to May 2000, when the use would revert to retail use, and restrict the number of covers in the mixed use to no more than 30.

2.8

The Council received complaints in March 1999, that the number of covers within the premises exceeded the 30 that the condition allowed.

2.9 The Council's Enforcement Officer investigated the complaint and found that the total number of covers on the premises was 48. The Council and the applicant's agent corresponded without securing the reduction of the number of covers and the applicant submitted a planning application for the change of use of the premises from a mixed Class A1/A3 use to a full restaurant Class A3.

2.10 The Council refused Planning Permission for the above-mentioned change of use on 5th November 1999, and this Planning refusal is the subject of this Appeal. The reason the Council refused Planning Permission was as follows:-

"The proposed restaurant Class A3 would, it is considered, result in the loss of a retail unit in the core frontage of the Fulham Road West Principal Shopping Centre, which would detract from the vitality, viability and function of the shopping centre and result in a further imbalance between retail and non-retail uses within the centre, create additional stress to the parking in the immediate area, contrary to the Council's policies, as contained in the Unitary Development Plan, in particular the "Shopping" chapter and Policies S1, S6, S14 and S15."

3.0 RELEVANT LEGISLATION AND CENTRAL GOVERNMENT ADVICE

3.1 Attention is drawn to Section 54A of the Town and Country Planning Act 1990 which 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."

The Borough's Unitary Development Plan is the development plan for the above purposes.

Planning Policy Guidance: General Policy and Principles (PPG1) states:-

"Where an adopted or approved development plan contains relevant policies section 54A requires that an application for planning permission or an appeal shall be determined in accordance with the plan. Conversely, applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify granting planning permission." (PPG1 paragraph 40)."

3.2 PPG6 provides guidance on town centres and retail uses, chapter 2 advises that in London and other large cities outside the central area, the Principal

Shopping Centres usually perform the role of town centres and these are usually complemented by District Centres

paragraph 2.2 states:-

“The vitality and viability of town and district centres depends on:

- retaining and developing a wide range of attractions and amenities;**
- creating and maintaining an attractive environment;**
- ensuring good accessibility to and within the centre; and**
- attracting continuing investment in development or refurbishment of existing buildings.”**

paragraph 2.12 states:

“The local planning authority should therefore encourage diversification of uses in the town centre as a whole. Whilst recognising and supporting the shopping function of the primary shopping area, and of distinct quarters in larger city centres, policies should reflect the differences between the type and size of centre. Different but complementary uses, during the day and in the evening, can reinforce each other, making town centres more attractive to local residents, shoppers and visitors. Leisure and entertainment facilities, museums and libraries, hotels and conference centres, street markets, restaurants, pubs, bars and cafes, universities and colleges add variety.”

paragraph 2.25 states:

“Change of use, whether in town, district or local centres, can however sometimes create new concentrations of single uses, such as restaurants and take-away food outlets, where the cumulative effects can cause local problems. Such proposals should be assessed not only on their positive contribution to diversification, but also on the cumulative effects on such matters as loss of retail outlets, traffic, parking and local residential amenity. These issues should be resolved when making planning decisions, rather than permission being unimplementable when licences are refused.”

and PPG1 which sets out the broader policies and principles of the planning process addresses town centres with paragraph 26 which states:

“Town centres, a term which includes city centres, town centres and suburban centres, are important to the quality of life in out towns and cities and play a key role in delivering sustainable development. The Government’s objects, therefore, are:

- to sustain and enhance the vitality and viability of town centres;
- to maintain an efficient, competitive and innovative retail sector;
- to focus development, especially retail development, in locations where the proximity of businesses facilitates competition from which all consumers are able to benefit and maximise the opportunity to use means of transport other than the car; and
- to ensure the availability of a wide range of shops, employment, services and facilities to which people have easy access by a choice of means of transport.”

3.3 The Unitary Development Plan

The Council's policies relevant to the issues of this appeal are stated in its Unitary Development Plan for the Royal Borough which is the development plan for the purpose of Section 54A of the Town and Country Planning Act 1990.

The relevant policies are from the 'Shopping' chapter of the Unitary Development Plan and are:

“S1. NORMALLY TO RESIST THE LOSS OF SHOP UNITS AND FLOORSPACE,

S6. TO SEEK TO MAINTAIN AND IMPROVE THE VITALITY, VIABILITY AND FUNCTION OF THE SHOPPING CENTRES THROUGHOUT THE BOROUGH.

S14. TO SEEK CONCENTRATION OF SHOPS IN THE CORE FRONTAGE OF PRINCIPAL SHOPPING CENTRES.

and

S15. NORMALLY TO PERMIT USES FALLING WITHIN USE CLASSES A2 AND A3 IN A PRINCIPAL SHOPPING CENTRE UNLESS THE PROPOSAL WOULD THREATEN THE CHARACTER OR FUNCTION OF THE CENTRE OR WOULD RESULT IN:

(a) LESS THAN 75% OF THE TOTAL CORE GROUND FLOOR UNITS BEING IN SHOP (A) USE; OR

(b) LESS THAN 65% OF THE TOTAL NON-CORE GROUND FLOOR UNITS BEING IN SHOP (A1) USE; OR

- (c) **THREE OR MORE NON-SHOP USES IN ADJACENT UNITS AT GROUND FLOOR LEVEL; OR**
- (d) **SIGNIFICANT INCREASE IN TRAFFIC OR PARKING; OR**
- (e) **ANY SIGNIFICANT REDUCTION IN AN AREA'S RESIDENTIAL CHARACTER AND AMENITY INCLUDING SMELLS OR LATE NIGHT NOISE."**

The other Unitary Development Plan policy considered relevant to this case is Policy TR39 from the "Transportation" chapter.

TR39. TO RESIST DEVELOPMENT WHICH WOULD RESULT IN ANY SIGNIFICANT INCREASE IN CONGESTION, OR ANY SIGNIFICANT DECREASE IN SAFETY, ON THE ROADS OR ON PUBLIC TRANSPORT.

3.3A The Unitary Development Plan is the statutory development plan for the Royal Borough for the purpose of Section 54A of the Town and Country Planning Act 1990. The Council is currently reviewing the UDP and proposed alterations have been placed on deposit. The first deposit period ended on 1st October 1999, and representations were considered. Reused proposed alterations were placed on second deposit on 28th January 2000. The proposed alterations are considered material considerations in determining this appeal.

The relevant revised policies are as follows;

Policy S1 Normally to resist the loss of shop units and floorspace, particularly where this would reduce the range or choice of local convenience shops.

Policy S15 Normally to permit uses falling within use classes A2 and A3 in the core frontage of a principal shopping centre, subject to the following:

ENVIRONMENTAL CRITERIA

Proposals will be resisted where they re likely to cause:

- a) any material increase in traffic or parking; or
- b) any material reduction in residential character or amenity including by smells or late night noise.

RETAIL CHARACTER AND FUNCTION CRITERIA

Proposals will be resisted in circumstances where whether before or as a result of the proposal the following apply:

- a) more than one quarter of the ground floor units in the relevant street frontage are occupied by non-shop uses; or
- b) there are more than adjoining units at ground floor level in the same use class as proposed; or
- c) there is a break in the relevant ground floor retail frontage of more than two times the average width of units in the core frontage of the centre.

4.0 AMPLIFICATION OF THE COUNCIL'S REASON FOR REFUSAL

- 4.1 The Council consider that the considerations relating to the proposal which required addressing when determining it are, the Council's policies relating to the retention of retail shopping units in the Borough's Principal Shopping Centres, the introduction of a restaurant, (Class A3) uses into such centres, the effect Class A3 uses have upon parking in the immediate area and the amenity of the local residents.
- 4.2 The proposal seeks to change the use of a mixed Class A1/A3 use to a Class A3 restaurant; however, the mixed use is a temporary planning permission that expires on 31st May 2000, when it must revert to its original retail Class A1 use. Therefore, the proposal must also be considered from the standpoint of a change of use from a retail Class A1 use to a restaurant Class A3 use.
- 4.3 The property forms part of a terrace comprising eight units between Fulham Road's junction with Callow Street to the east and Park Walk to the west. Of the eight units in the terrace, two are in retail use, (Class A1), two are financial and professional services uses, (Class A2), three are food and drink, (Class A3) uses with No. 323 the subject of this planning application, previously being a Class A1 retail use and currently a mixed Class A1/A3 use.
- 4.4 The terrace of eight units at ground floor level contains 25% in Class A1 retail use, 25% in Class A2 financial/professional use and 37.5% in Class A3, food and drink use. These figures do not include 323 Fulham Road; however, the table below gives the percentage make up of the terrace with a) 323 Fulham Road included as a retail unit and b) 323 Fulham Road included as a food and drink Class A3 use.

	A	B
Retail Class A1	37.5%	25%
Financial and Professional Class A2	25%	25%
Food and Drink Class A3	37.5%	50%

4.5 The Council addresses the subject of Class A1 retail and non-retail uses in the "Shopping" chapter of the Unitary Development Plan. Policy S1 seeks to resist the loss of shop units and floorspace. Policy S6 seeks to maintain and improve the vitality, viability and function of the Borough's Shopping Centres. The Council's general policies relating to retail uses are therefore to seek their retention.

4.6 The premises are located within the Fulham Road West Principal Shopping Centres, and Policy S14 of the "Shopping" chapter seeks to retain a concentration of shops in the core frontage of Principal Shopping Centres. Policy S15 addresses the subject of the loss of retail, Class A1 uses in Principal Shopping Centres to either Class A2 or Class A3 uses and states in full:

"S15

NORMALLY TO PERMIT USES FALLING WITHIN CLASS A2 AND A3 IN A PRINCIPAL SHOPPING CENTRE UNLESS THE PROPOSAL WOULD THREATEN THE CHARACTER OR FUNCTION OF THE CENTRE OR WOULD RESULT IN:

- (A) **LESS THAN 75% OF THE TOTAL CORE GROUND FLOOR UNITS BEING IN SHOP (A1) USE; OR**
- (B) **LESS THAN 65% OF THE TOTAL NON-CORE GROUND FLOOR UNITS BEING IN SHOP (A) USE; OR**
- (C) **THREE OR MORE NON-SHOP USES IN ADJACENT UNITS AT GROUND FLOOR LEVEL; OR**
- (D) **SIGNIFICANT INCREASE IN TRAFFIC OR PARKING; OR**
- (E) **ANY SIGNIFICANT REDUCTION IN AN AREA'S RESIDENTIAL CHARACTER AND AMENITY INCLUDING BY SMELLS OR LATE NIGHT NOISE."**

4.7 The Annual Shopping Survey (Summer 1998) shows the Fulham Road West Principal Shopping Centre has a retail function in the core of 59% with 31% of the core in Class A3 (food and drink) use. The Council consider the proposal is therefore contrary to Policy S15(a) of the Unitary Development Plan.

4.8 The proposed Class A3 use is located next to a Class A3 use at No. 325 Fulham Road, an estate agent, Class A2 at No. 327 Fulham Road, a vacant but authorised Class A3 use at Nos. 329-331 Fulham Road and a Class A3 use at

No. 333 Fulham Road. The proposal would result in three or more shop uses in adjacent units at ground floor level and as a result the proposal is contrary to Policy S15(c) of the Unitary Development Plan.

- 4.9 The Council has submitted a separate statement from Mrs. G. Palmer, the Council's Transportation Officer, setting out the policy objections to the proposal relating to the effect upon transportation issues, and the relevance of these objections with regard to the Council's policies as expressed in the Unitary Development Plan, in particular policy S15(d) and TR39.
- 4.10 The applicant does not seek or desire conditions relating to the hours of operation because of the nature of his takeaway trade. It is not possible to allow an unrestricted restaurant use given the Council's Borough-wide approach which is to attach conditions requiring new restaurant uses to close and have no customers on the premises after 12 o'clock midnight. The reason for imposition of such a Condition along with a maximum number of covers, is to protect the use from changing to bar with a much larger standing capacity and to protect the amenity of the local residents from disturbance from late night activity that results from customers leaving the premises and the impact upon parking in the area.
- 4.11 It is considered important to look at the two previous planning decisions, the first refusing Planning Permission for the change of use to a restaurant on 12th September 1996 and the Planning Permission granted by the Council on 10th June 1997, allowing the mixed Class A1/A3 use with temporary and personal conditions restricting the use.
- 4.12 The planning refusal dated 12th September 1996 which also resulted in the issuing of enforcement notices dated 15th October 1996, requiring the cessation of the unauthorised restaurant use, contained the same policy objections as mentioned in this report. It should be noted that the use at the time of the application contained approximately 45 seats and was considered to be operating within Class A3, which is the reason the enforcement notice was subsequently issued.
- 4.13 The Planning Permission dated 10th June 1997 allowing the use of the premises to be mixed retail/residential Class A1/A3, was conditioned to be temporary, expiring on 31st May 2000, when the authorised use would revert to a retail unit and also personal to the applicant. The permission also conditioned the number of covers on the premises to a maximum of 30.
- 4.14 The mixed use permission was recommended for approval because of two appeal decisions made at the time which supported the change of use to restaurants in Fulham Road. These were at 359-361 Fulham Road and 240 Fulham Road. The approval was made on balance and was seen as a way of retaining a retail use. The report presented to the Planning Services Committee stated:

"The current operation does to some way to maintaining a significant element of shop use and floorspace" and

“Any further loss of retail use in the centre would undermine the vitality of the Shopping Centre. For this reason it is imperative to retain what shopping there is.”

- 4.15 The Council was successful at an appeal held on 21st and 22nd October 1997, regarding the unauthorised change of use of No. 208 Fulham Road from a retail Class A1 use to a bar within Class A3. No. 208 Fulham Road is within the core frontage of the Fulham Road West Principal Shopping Centre.

In the appeal decision dated 18th November 1997, the Inspector stated:

“Your planning witness argued that Fulham Road (West) differed from other Principal Shopping Centres in the Borough, such as Kensington High Street or Knightsbridge, being much smaller and lacking their range and diversity of shops. He referred to evidence by a Planning Officer at an inquiry in June 1996 concerning A3 use at 359 Fulham Road, which stated that Fulham Road (West) had been designated as a Principal Shopping Centre mainly because of the presence of the hospital and the cinema. Whether that is so or not, I do not think it is right for me to put a gloss on the wording of the statutory development plan, which I have to consider as it stands. The conversion of the appeal premises from shop to bar had decreased the retail proportion in this core frontage by 1.6% to the present figure of 55% and I conclude that it represents an unacceptable loss of a retail unit contrary to Policies S14 and S15(a). Section 54A of the 1990 Act requires me to determine the appeals in accordance with the development plan unless material considerations indicate otherwise.

- 4.16 The Inspector also specifically mentioned the mixed A1/A3 use granted by the Council at 323 Fulham road and stated:

“The decision to grant a personal and temporary permission for mixed retail and cafe use at No. 323 - one of the “borderline” cases mentioned in paragraph 12 above - was taken mainly because a significant rather specialised retail operation would be maintained, with a window display of goods for sale. Although your witness said that some retail sales took place from Janet’s bar, he conceded that they formed a very small part of its trade. It does not exhibit the features of the mixed A1/A3 use at No. 323.”

- 4.17 The Inspector also addressed the subject of traffic congestion and parking in his decision. He concluded that the capacity of the premises was between 50 and 100 customers and because the use was not a restaurant but a bar it would generate 10% car driver uses, that is to say between 6 and 11 cars.

The Inspector stated:

“However during my evening visit to the area I walked along several adjoining side streets, including Gilston Road, Hollywood Road and Park Walk. Much of these roads is reserved during the day for residents with permits, but after 6.30 p.m. they are available to all-comers, and parking is then legal on single yellow lines as well. I saw only two parking places which were briefly vacant, but filled within minutes, and cars were parked across driveways and several were double-parked in Hollywood Road. A survey carried out by the Council in Spring 1996 showed that within a 300m radius of the appeal site parking spaces including those on single yellow lines, were more than 90% occupied. The Council’s transport witness explained that at that level congestion was caused in those streets by vehicles circulating looking for an available space.

I have no reason to think that the evenings of that survey, or of my visit, were unrepresentative of the normal situation. Against that background I consider that the addition of even half-a-dozen cars to those seeking a place to park is significant. Until recently the bar opened, according to its advertisements, including those displayed on its window, at noon at weekends, and 6.00 p.m. on weekdays, which suggests that during the week the trade is mainly in the evening. Compared with a shop in a centre intended to cater mainly for the needs of local residents I conclude that the bar use would attract additional traffic which would unacceptably add to the parking and congestion problems which already exist in neighbouring streets. I conclude therefore that it is contrary to Policy S15(d) and I find no material considerations which outweigh that conflict.”

4.18 The Council consider that the change of use to a Class A3 restaurant is contrary to the Council’s policies as stated in the Unitary Development Plan and identified in this report. These policies were fully supported by the Planning Inspectorate in the appeal decision relating to Nos. 208 Fulham Road dated 18th November 1997. The appeal decision specifically mentions the premises subject of this appeal as containing a significant rather specialised retail operation that would be retained.

X 4.19 The Council lost the previously mentioned appeal at 359 Fulham Road, however the Inspector imposed two Conditions that are considered significant to this appeal. The Conditions stated:

“The use hereby permitted shall only be operated between 10.00 hours and 23.00 ours on any day., and not to allow hot food or cold food to be bought and then taken from the premises for consumption.” X

4.20 The appellant does not wish for either of the above conditions to be imposed if planning permission were granted for the restaurant use because it would

compromise his trade which relies upon late opening and takeaway food for consumption off the premises.

The intentions of the appellant cannot be assumed beyond what is contained within the proposal, however the use of the premises as a full Class A3 restaurant, which is conditioned with regard to the opening hours, consumption on the premises of food bought, the number of covers, does appeal to the Council to be completely contrary to the current nature of the business as currently carried out from No. 323 Fulham Road, SW10.

5.0 OBSERVATIONS UPON THE APPELLANT'S GROUNDS OF APPEAL

5.1 The appellant has not amplified upon his grounds of appeal at the time of writing this statement. The Council do however consider the appellant's case has been addressed with the Council's statement under the cover of "Amplification of the Reasons for Refusal."

5.2 The Council would however like to comment upon the appellant's case as submitted during the course of the planning application which became the subject of this appeal.

5.3 The appellant advises that the existing use, which amounts to half a retail unit, if lost would not have a material impact upon the vitality and viability of the Fulham Road West Principal Shopping Centre. The Council were advised by the appellant in a letter from the appellant dated 14th November 1996, that his opinion was that half a retail unit served as a positive function in terms of both vitality and character of this part of the FRWPSC, and stated:

"Our client's mixed retail use of the premises serves as a positive function in terms of the vitality and character of this part of the Fulham Road shopping frontage. The front half of the premises are devoted to an A1 retail function and, as such, there are window displays, serving area and freestanding displays inside the shop. We have been involved in a number of appeal decisions across the country where these retail characteristics of a mixed use premises are recognised as contributing positively to the shopping function of an area."

5.4 The Inspector who determined the appeal relating to 208 Fulham Road, also considered the half retail use with a retail frontage to contribute to the vitality and function of the FRWPSC, and his comments upon this have been quoted in this statement

5.5 The appellant advises of Planning Policy Guidance notes 1 and 6 (PPG1 and PPG6) and the Council acknowledge this advice, however the Council are of the opinion that PPG6, paragraph 2.12 is of equal importance when it advises that the uses in centres should be different but complementary in order that they may reinforce each other. The Council consider that having regard to this advice Class A3 uses are only one of many uses appropriate in town centres.

The shopping centre diversification at street level in this Borough tends to be limited to mainly Class A2 or Class A3 uses which is considered to meet the diversification as suggested and other uses should be considered to fulfill the necessary balance paragraph 2.12 is seeking.

5.6 The Council consider PPG6, paragraph 2.25 to be of great importance in this case. This paragraph acknowledges that with the benefit of change of use, the result can be the creation of a new concentration of single uses such as restaurants and takeaway food outlets where the cumulative effects can cause local problems.

5.7 This very concern has occurred in the Fulham Road West, with as a result of the creation of a Working Party made up of local Ward Councillors, local residents, Council officers and representation from the local Police, in an attempt to identify these problems and potential cures to the problems that have resulted from the high number of restaurant, Class A3 uses in the area.

5.8 PPG6 paragraph 2.25, further states:

“Such proposals should be assessed not only on their positive contribution to diversification but also on the cumulative effects on such matters as loss of retail outlets, traffic, parking and local residential amenity. These issues should be resolved when making planning decisions, rather than provisions being implementable when licences are refused.”

5.9 The Council are of the opinion that the proposal was considered with regard to their own policies as expressed in the Unitary Development Plan as expressed in paragraph four of this statement which has assessed the effect of the proposal upon the loss of retail uses, traffic, parking and local residential amenity, as advised by PPG6, paragraph 2.25.

5.11 The appellant does not want nor has advised of his intentions to discuss conditions relating to the number of covers, the hours of opening or consumption off the premises of hot or cold food. In these circumstances the Council are of the opinion that the case relating to 359 Fulham Road and this appeal are not related and the previously mentioned appeal decision at 208 Fulham Road, which dismissed the appeal for a Class A3 use, is of much more relevance.

5.12 The appellant advises that the current use operates until the early hours of the morning. The appellant actually applied for a night care licence on 22nd March 1999 to operate between the hours of 23.00 and 05.00 hours as a night cafe with 49 seats. The licence was not given. However, the appellant's claims that a retail use for a 24 hour convenience-type store (also to 7-11) could attract a similar quantity of traffic as an A3 use is not fully explained nor figures produced to explain its effect on the traffic or parking in the area.

6.0 **CONCLUSION**

6.1 The Council considers the proposed change of use to be unacceptable and against the Council's policies for the reasons outlined in this statement and the Inspector is respectfully requested to dismiss the appellant's appeal.

FPAP3101.BB

STATEMENT OF CASE

1. **Introduction.**

- 1.1. This statement deals with the transportation and parking issues associated with the Appeal by Hip Bagel against the Council's decision to refuse planning permission for the change of use at 323 Fulham Road from mixed A1/A3 to A3 use.

2. **Summary**

- 2.1 The proposal is to convert a mixed A1/A3 use with personal and temporary planning permission with 30 seats (essentially a deli type of use) to a full A3 use with an unspecified number of seats and no specified hours of operation. The premises could seat up to 85 customers although I understand that the Appellant is currently seating 48. Between 50 and 90 customers at a restaurant has the potential to generate between 10 and 18 cars seeking to park at the kerbside. On-street parking is already severely congested in this area and the proposed use could only add to the congestion to the detriment of residential amenity and road safety, contrary to Council UDP Policy TR39 and S15 (d). On this basis the Council contends that the Appeal should be dismissed.

3. **Existing Parking Conditions.**

- 3.1 The Royal Borough is a densely populated residential area with a close network of residential streets. There is high demand for a limited number of on-street residents' parking spaces, and consequently there is severe on-street parking pressure in many parts of the Borough. The Council currently has 41,000 residents' parking permits on issue compared with 26,000 spaces available on-street. In North Stanley Ward where the appeal premises are situated there are 1950 permits and 1116 spaces.
- 3.2 The premises is situated on Fulham Road between Park Walk and Callow Street in a location known locally as "The Beach" This is an area of particularly severe parking stress arising both from the dense residential pattern and the large number of eating and drinking establishments which attract a large number of visitors.
- 3.3 I refer to Mr Patterson's statement where he quotes the Inspector's experience of looking for vacant parking spaces in this area when considering the Appeal at Janet's Bar at 240 Fulham Road in 1997:

"I saw only 2 parking spaces which were briefly vacant, but filled within minutes, and cars were parked across driveways and several were double parked in Hollywood Road.Against that background I consider that the addition of even half a dozen cars to those seeking a place to park is significant."

- 3.4 The occupancy of legal parking spaces in the evening is illustrated in the Table 1 and shown on Plan 1. This shows streets at or above 90% occupancy which is regarded as saturated with no spare space available. The very high level of parking occupancy of these spaces means that residents must either:
- drive around seeking space, sometimes some distance from their homes causing inconvenience, and more serious problems for the elderly and for lone women, especially at night, or
 - park on single yellow lines and move the car before parking control begins at 08:30, or on meters where, because of the shortage of spaces, residents are granted an hour's grace until 09:30.
- 3.5 Additional circulating traffic causes more noise, air pollution and general environmental loss. In addition the shortage of available kerbside space for parking means that drivers are tempted to park close to the radii of junctions, across accesses and in other inappropriate places causing danger and inconvenience to all road users including pedestrians.
- 3.6 As a result residential amenity is seriously affected and road safety is compromised.

4. The Operation of the Appeal Premises

- 4.1 These premises have operated as a retail unit for many years (the basement since 1988) until planning permission was granted in 1996 for a mixed A1 /A3 use personal to the applicant and temporary to May 2000. The number of seats was limited by condition to 30. This has now become the subject of an Enforcement case as the Applicant has 48 seats on the premises. The reason for the large number of restrictions on the permission was, among other things, the Council's concern about the existing parking pressure and the effect that the operation of the premises might have. The Council came to the view that a small mixed use operation with limited seats was likely to attract mostly passing trade and would not operate as a destination type of restaurant. In any case the Council was given the opportunity to monitor the conditions in Fulham Road during the life of the temporary permission so that the situation could reviewed at renewal.

4.2 The premises have a floor space of some 170 sq. m. At an average seating density this would accommodate 85 seated customers. If operating as a bar it could, depending on the Fire Regulations, accommodate many more standing customers than this. The layout shown on the drawings accompanying the Planning Application 96/2524 shows a seating area of some 40 sq. m. which would seat 40 customers.. In my view this full A3 use is an entirely different type of operation in traffic generation terms than a small mixed use unit with personal permission.

4.3 The Council has a large database of restaurant surveys that indicate that the modal split of restaurant customers varies widely, but on average it can be estimated that 20% of customers will be car drivers. For 50 seats this would result in 10 cars seeking to park at the kerbside, while 90 customers would result in 18 cars. These additional cars would cause even more pressure on the already heavily parked streets to the detriment of residential amenity and road safety as set out in paragraph 3.5 above.

5. **Comments on the Appellant's Statement of Case**

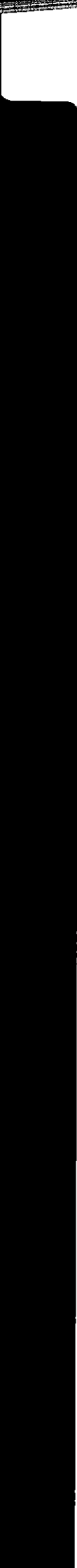
5.1 The Appellant states that the proposal would not result in any additional parking pressure as it would operate in the same way as before. I would contend that a full A3 use with 50 or more seats could operate in an entirely different way than a small "deli" type of use.

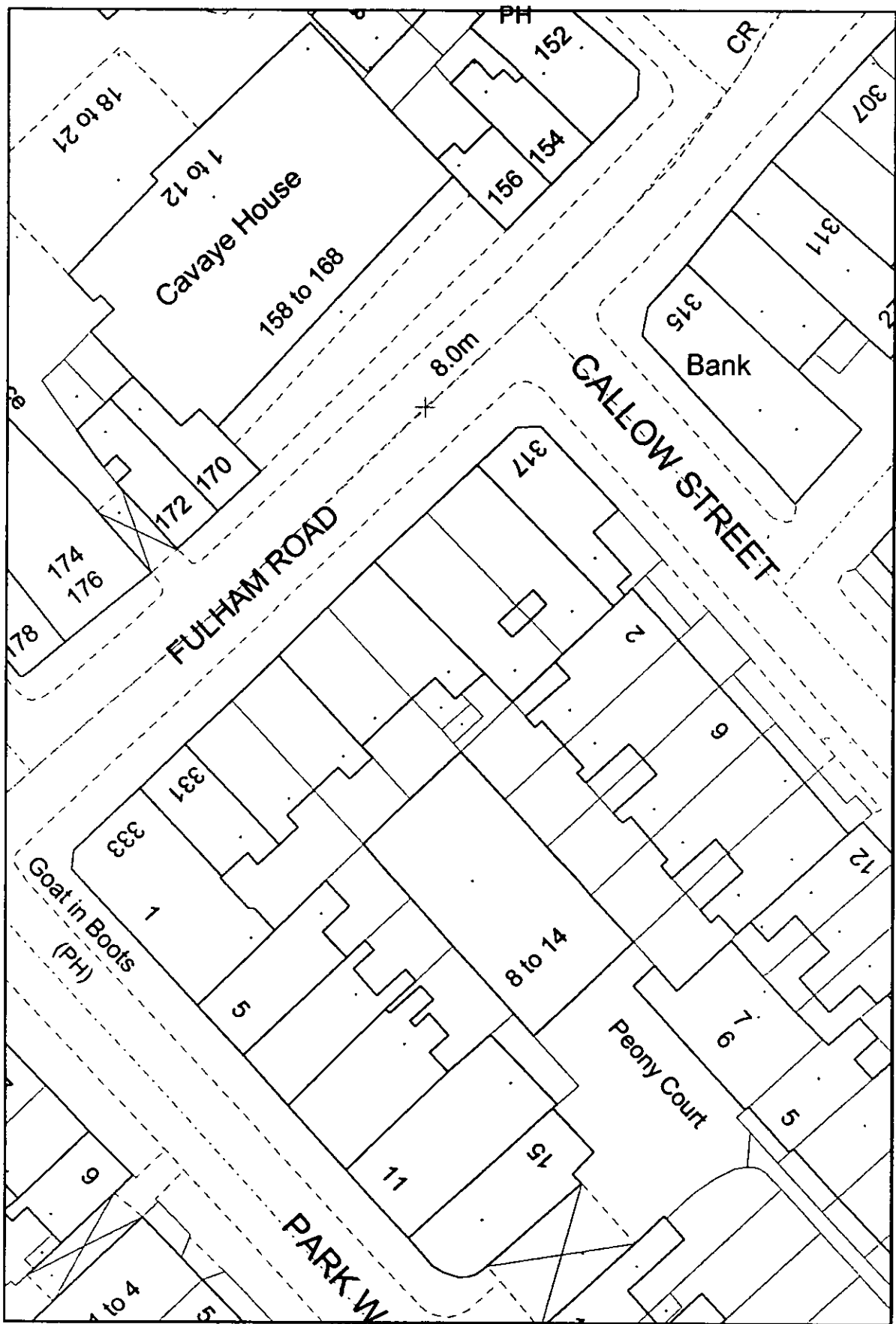
5.2 The Appellant also says that most people will use public transport. In fact, this area is one of relatively low public transport accessibility being some 1200 metres from the nearest Tube station (Gloucester Road) which is 15 minutes walk.. It has a public transport accessibility of 2 on the Council's scale of 1 (worst) to 5 (best) as shown on Map 2 in this statement.

6. **Conclusions**

6.1 The Appellant's proposed use is likely to generate a material number of additional vehicles seeking to park at an already congested kerbside on residential streets to the detriment of residential amenity and road safety, and contrary to the Council's policies.











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

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**KENSINGTON
AND CHELSEA**

5 NOV 1999

My Ref: PP/99/01282/CUSE/25/6167
Your Ref: 931

Please ask for: South West Area Team

Dear Sir/Madam,

FILE COPY

TOWN AND COUNTRY PLANNING ACT, 1990

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988

REFUSAL OF PERMISSION TO DEVELOP (DP2)

The Borough Council in pursuance of their 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: Change of use from mixed Class A1/A3 unit to Class A3 (restaurant) use.

SITE ADDRESS: 323 Fulham Road, Chelsea, SW10 9QL

RBK&C Drawing Nos: PP/99/01282

Applicant's Drawing Nos: 931/01 (site plan)

Application Dated: 22/06/1999

Application Completed: 25/06/1999

Application Revised: N/A

REASON(S) FOR REFUSAL OF PERMISSION ATTACHED OVERLEAF

REASON FOR REFUSAL:

The proposed restaurant within Class A3, would, it is considered, result in the loss of a retail unit in the core frontage of the Fulham Road West Principal Shopping Centre, which would detract from the vitality, viability, and function of the shopping centre and result in a further imbalance between retail and non retail uses within the centre, create additional stress to the parking in the immediate area, contrary to the Council's policies, as contained in the Unitary Development Plan, in particular the "Shopping" chapter and Policies S1, S6, S14 and S15.

Yours faithfully,



Michel J. French
Executive Director, Planning and Conservation





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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
Director of Planning Services



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2646

KENSINGTON
AND CHELSEA

18 SEP 1996

My reference:

Your reference:

Please ask for:

DPS/PA/TP/96/1173/L/22/4264

Mrs. P. Abdelrahman

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988

Refusal of permission to develop (TP8)

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

SCHEDULE

DEVELOPMENT

Change of use of ground and basement floors from retail (Class A1) to Food and Drink (Class A3) use, at 323 FULHAM ROAD, CHELSEA, S.W.10, as shown on submitted drawing(s) No(s). TP/96/1173, Applicant's drawing(s) No(s). Unnumbered drawing (received 21/05/96), in accordance with your application dated 24/05/96, completed 28/05/96.

/ REASON FOR REFUSAL ...

REASONS FOR REFUSAL

The proposal would result in a loss of a retail unit in a designated core frontage of the Fulham Road Principal Shopping Centre, would lead to an over concentration of Class A3 uses, detracting from the vitality, the character and function of the shopping centre, and lead to an intensification of the proposed use which could give rise to additional disturbance to nearby residents, detracting from the amenities of the area, contrary to the Council's policies as set out in the Shopping Chapter of the Unitary Development Plan, in particular Policies S1, S6, S14 & S15.

Yours faithfully,



Executive Director, Planning & Conservation



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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

Director of Planning Services



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**KENSINGTON
AND CHELSEA**

20 JUN 1997

My reference:

Your reference:

Please ask for:

DPS/PA/TP/96/2524/L/47/4159
PV/595P

South Area Team

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988**

Permission for development (Conditional) (TP6a)

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 insofar as may otherwise be required by the said conditions. Your attention is also drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT

Change of use from retail to a mixed retail and cafe use, at 323 FULHAM ROAD, CHELSEA, S.W.10, as shown on submitted drawing(s) No(s). TP/96/2524. Applicant's drawing(s) No(s). 595P/1 and /2, in accordance with your application dated 14/11/96, completed 18/11/96.

/ CONDITIONS ...

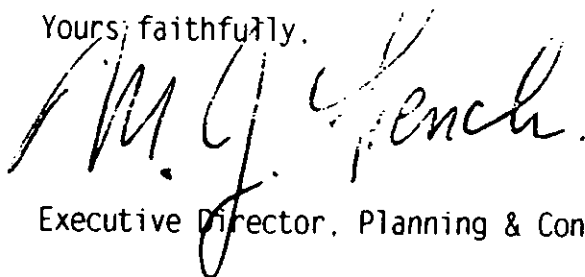
CONDITIONS

1. The use hereby permitted shall be retained for a limited period only until May 2000 on or before which date the use shall revert to retail use. (C.4)
2. This permission shall be personal to Mrs. G. Weiner and shall not enure for the benefit of the land. (C.6)
3. No tables and chairs shall be placed in front of the display area shown on the approved drawings.
4. Not more than 30 covers shall be provided in the mixed Class A1/A3 use hereby permitted.
5. The forecourt area outside the premises shall not be used for the provision of tables or chairs after 23.00 hours nor before 09.00 hours on any day and the tables and chairs shall be taken inside the premises between these hours.

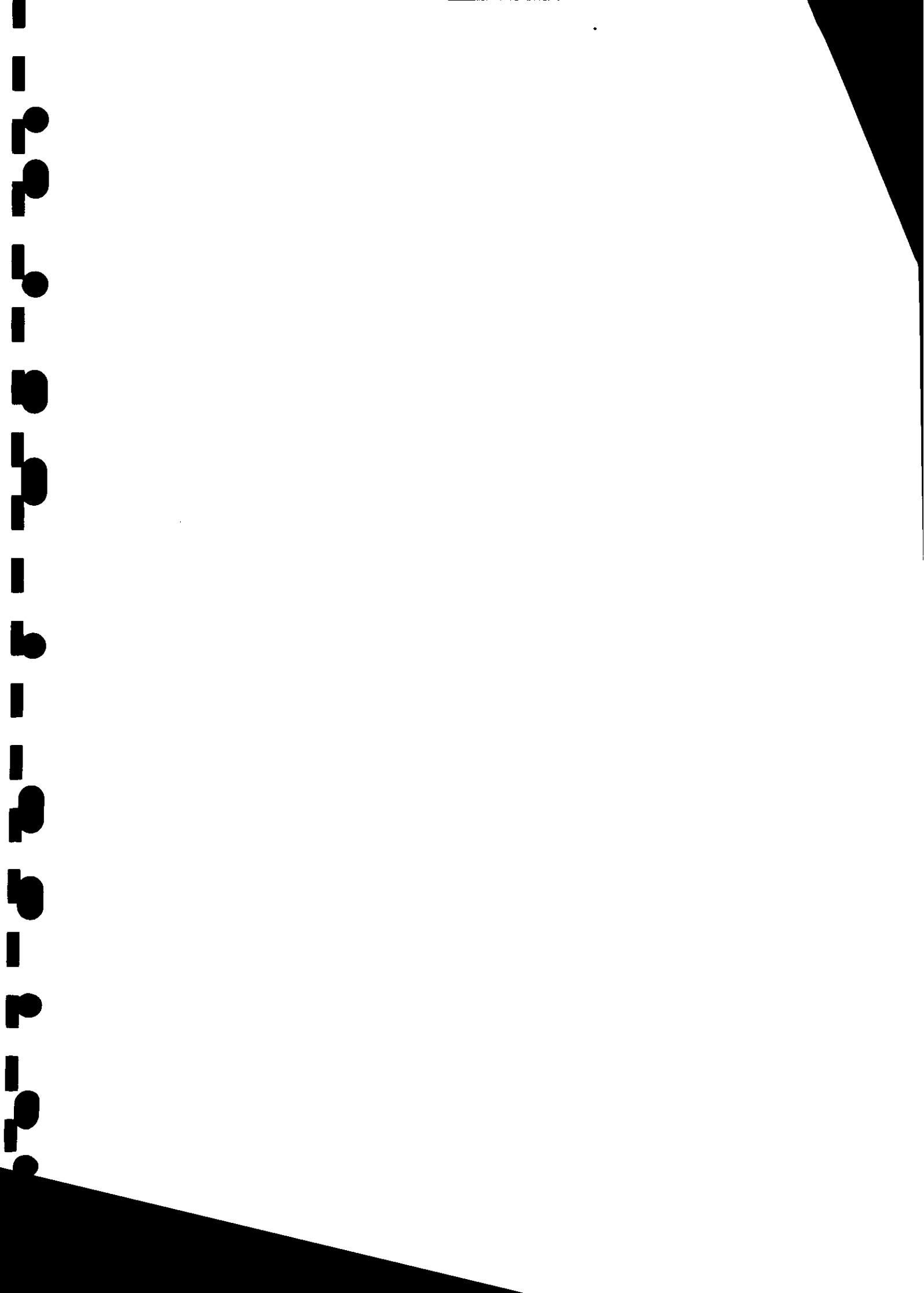
REASONS FOR THE IMPOSITION OF CONDITIONS

1. 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. (R.4)
2. 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 Mrs. G. Weiner would have resulted in planning permission being refused. (R.6)
3. To maintain the retail character and appearance of the use.
4. To maintain a balance between the mixed uses hereby approved.
5. To safeguard the amenities of the area. (R.66)

Yours faithfully,

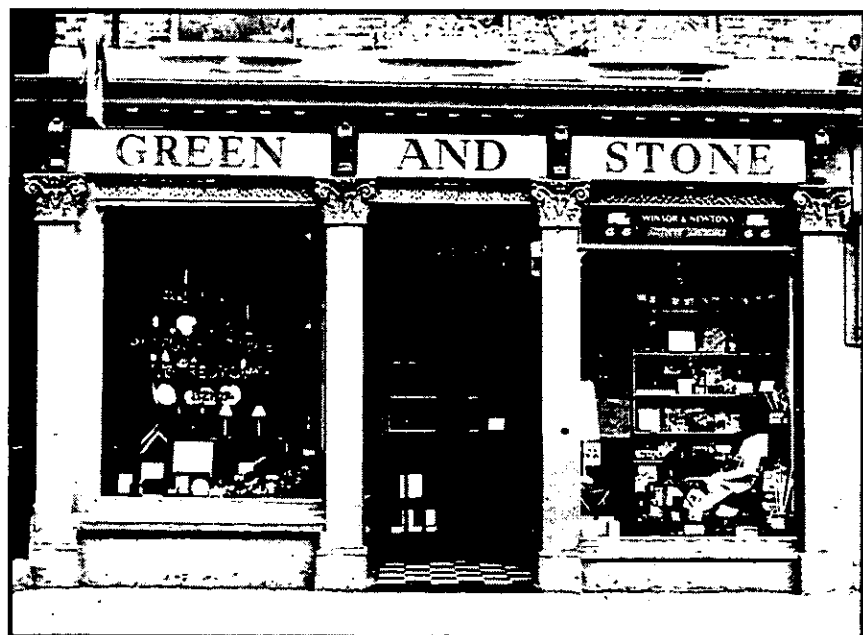


Executive Director, Planning & Conservation



6

SHOPPING



CONTENTS

Page

GENERAL POLICIES 151

Part I Policies and Reasoned Justifications 151

LOCAL POLICIES 153

1 INTRODUCTION 153

2 OBJECTIVES 153

3 PROVIDING FOR A RANGE OF SHOPS AND OTHER LOCAL NEEDS USES 154

Keeping, Increasing and Improving the Stock 154

Supporting Shopping Centres 155

Large New Stores and Shopping Centres 155

Street Markets and Stalls 156

4 CONTROL OF NON-SHOP USES 156

Shopping frontages 157

Amusement Arcades and Centres 158

Catering Establishments 158

Principal Shopping Centres 159

Local Shopping Centres 161

5 PROVIDING FOR DAY-TO-DAY NEEDS 161

Individual Shop Units 161

Promoting Convenience Shops 161

Local Needs Uses 162

6 ENVIRONMENTAL QUALITY AND SAFETY IN SHOPPING STREETS 163

Townscape Improvements 163

Architectural Character 163

Safety 163

Servicing and Storage 164

GENERAL POLICIES

Part I Policies and Reasoned Justifications

- i. One of London's major attractions is the variety and quality of its shops. The retail sector plays an important role in London's economy. The Royal Borough contains some of London's finest shopping areas, including Kensington High Street, Knightsbridge, King's Road and Portobello Road. These shopping areas act as a magnet for visitors from all over the world and thus make a valuable contribution to the economic vitality of London as a whole.
- ii. Shopping is an essential part of everyday life and can be a leisure activity too. Local convenience shops are an important part of the life of the Borough and serve the everyday needs of residents, workers and visitors. Other shops provide a wide range of goods and services meeting both local demand and retail demand from across London and the South East. Shops also provide and create employment for thousands of people in and around the capital.
- iii. The Council intends to maintain and enhance existing shopping centres and further investment will be directed towards defined core areas. The Council will ensure that the scale of future retail investment takes account of the likely impact on surrounding residential areas and shopping centres. The Council will also take into account the shopping centre's transport capacity and will pay particular regard to its accessibility by public transport. In supporting these aims, the Council will pursue the following policies :

STRAT 29

TO SEEK TO ENHANCE THE VITALITY AND VIABILITY OF PRINCIPAL AND LOCAL SHOPPING CENTRES AND TO ENSURE THAT THEY REMAIN THE FOCUS OF THE PROVISION OF SHOPPING FACILITIES IN THE ROYAL BOROUGH.

STRAT 30

TO ENSURE THE CONTINUED ENHANCEMENT OF THE INTERNATIONAL, NATIONAL AND REGIONAL RETAIL ROLE OF THE PRINCIPAL SHOPPING CENTRES.

STRAT 31

TO ENSURE THAT THE NEEDS OF THOSE WHO LIVE AND WORK IN THE ROYAL BOROUGH ARE MET BY SHOPS AND SERVICES WHICH ARE EASILY ACCESSIBLE.

LOCAL POLICIES

1 INTRODUCTION

- 1.1** This chapter is concerned with the Borough's Principal and Local Shopping Centres (see glossary and paragraphs 4.12 and 4.17), isolated shops and parades, and the specific uses within them. Broadly, these uses are shops, that is those falling within Class A1 of the 1987 Town and Country Planning (Use Classes) Order, together with uses providing services principally to visiting members of the public who visit as part of their overall shopping trip. Such uses include those within Class A2 (banks, building societies, estate and employment agencies, professional and financial services, betting shops), Class A3 (restaurants, public houses, snack bars, cafes, wine bars, shops for the sale of hot food), plus others which fall outside of any Use Class, such as launderettes. Uses which fall into Class B1 (business uses) are not considered to provide a service to shoppers on a general shopping trip.

2 OBJECTIVES

- 2.1** There are three overall objectives for shopping. These are:
- (A) 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.
 - (B) To give priority to retaining, protecting and encouraging the provision of premises and space for convenience shopping to serve the day-to-day needs of the Borough's residents, particularly in areas where existing provision is poor or where there are concentrations of less mobile residents.
 - (C) To improve environmental quality in shopping streets, to help make shopping safer and more pleasant and, in particular, to alleviate any conflict between shoppers and traffic.

3 PROVIDING FOR A RANGE OF SHOPS AND OTHER LOCAL NEEDS USES

Keeping, Increasing and Improving the Stock

3.1 The shops, street markets and individual stalls of the Borough are important to residents, workers and visitors, and are a valuable source of employment. There is also a continual strong demand from potential shopkeepers and stall-holders to set up business in the Borough. Retailing is clearly the most important activity in shopping centres as shopping is the main reason why people visit them. It is therefore important to maintain a substantial amount of shopping floorspace and shopping frontage and resist a reduction in the number of shop units and range of shop sizes available throughout the Borough.

3.2 The Council recognises the importance of isolated and scattered shops and parades outside Principal and Local Shopping Centres and the valuable service such 'corner shops' provide. The Council will therefore normally resist the change of use from shops to other uses. There are circumstances set out in policies S15, S16, S20 and paragraph 5.4 when exceptions to S15 may be permitted.

3.3 In order to retain existing floorspace in shop use, the proposed loss of a shop's basement or other ancillary space to another separate use will need to be considered against the ability of the main shop to continue without it.

S1 NORMALLY TO RESIST THE LOSS OF SHOP UNITS AND FLOORSPACE.

S2 NORMALLY TO RESIST THE LOSS OF SHOP FLOORSPACE AND EXTENSIONS TO EXISTING SHOP UNITS.

S3 TO SEEK THE PRESERVATION OF SHOP FLOORSPACE AND FRONTAGE IN REDEVELOPMENT SCHEMES.

S4 TO SEEK THE PRESERVATION OF SHOP UNITS AS PART OF APPROPRIATE DEVELOPMENT.

S5 TO SEEK A RANGE OF UNIT SIZES IN SHOPPING DEVELOPMENTS.

3.4 The Borough has a wide variety of shops, both in size and type, ranging from internationally famous department stores, to valued specialist traders, from food superstores to handy kiosks. It is important that this variety is maintained to ensure that shop operators have a range of shop sizes to choose from and so that people have a variety of places at which to shop. It is not intended to seek a range of unit sizes where the development is for a free-standing superstore or proposals of that type.

Supporting Shopping Centres

3.5 There is a wide variety of shopping centres in the Borough, from world famous streets such as Knightsbridge, to small parades catering for the everyday needs of local people. Existing shopping centres, all of which are near to where residents live and workers are employed, contribute greatly to the character of the Borough and so their vitality and viability must be maintained. The Borough, being close to central London, also serves an international, national and London-wide market. These additional shoppers help to support shops which are also used by residents and workers. However, priority will always be given to the needs of local residents in the implementation of shopping policy. As far as possible, the interests of visitors will not be allowed to harm the interests of those who live in the Borough. Existing shopping centres are attractions in their own right and provide for the needs of visitors to other places of interest nearby. They are also well served by public transport, and so should be supported as they are easy to get to for those without access to a car. The encouragement of extra car-borne shopping trips would result in harm to residential amenity and is therefore discouraged.

S6 TO SEEK TO MAINTAIN AND IMPROVE THE VITALITY, VIABILITY AND FUNCTION OF THE SHOPPING CENTRES THROUGHOUT THE BOROUGH.

Large New Stores and Shopping Centres

3.6 Large new stores - food superstores and non-food retail warehouses - and new, separate shopping centres can offer a greater choice to shoppers so long as they do not harm existing Principal and Local Shopping Centres. They can allow more efficiency, and enable a better service to be provided to the public. Kensington and Chelsea is already relatively well served by large food and non-food stores outside of shopping centres, and the number of suitable sites for large new stores is limited. Each proposal will be assessed not just on its effects, but on the cumulative effects of all relevant schemes which are within the trading area of the Borough and adjoining boroughs' shopping centres. Their impact on the overall vitality and viability of existing shopping centres will be considered. Such developments also tend to attract large numbers of car-borne customers and can have unacceptably damaging effects on the environment, therefore the accessibility of the site by public transport needs to be carefully considered (see Section 6 and policy TR39 of the Transportation Chapter regarding the impact of development on traffic movement). Proposals will also be considered against other policies in the UDP on such matters as residential amenity, design, landscaping, access and parking provision. The Council will also assess proposals in other local authority areas on the same basis.

S7 TO RESIST LARGE NEW SHOPPING DEVELOPMENTS WHICH WOULD BE LIKELY TO:

- a) UNDERMINE THE OVERALL VITALITY AND VIABILITY OF EXISTING PRINCIPAL AND LOCAL SHOPPING CENTRES; OR
- (b) RESULT IN SIGNIFICANT INCREASES IN TRAFFIC MOVEMENT ON THE EXISTING ROAD NETWORK.

Street Markets and Stalls

3.7 The Council recognises the contribution of street markets and individual stalls to the provision of shopping facilities and to the character of parts of the Borough. However, the supply of storage for street trading is a particular problem.

S8 TO ENCOURAGE THE RETENTION AND TO RESIST THE LOSS OF STREET MARKETS AND STALLS IN APPROPRIATE LOCATIONS.

S9 TO ENCOURAGE THE RETENTION AND PROVISION OF ADDITIONAL STORAGE FOR STREET TRADERS.

3.8 Appropriate locations for the purposes of policy S8 are those which do not conflict with residential amenity, pedestrian and vehicular access.

4 CONTROL OF NON-SHOP USES

4.1 Some non-shop uses require a flow of passing potential customers, are often a complementary part of shopping centres, and are better located within existing centres than in residential areas. The growth of these services, however, often displaces valuable shop uses. It commonly reduces the choice of shops available, may harm retail confidence in a shopping centre or parade, and may ultimately undermine the character or function of an area. Whether this is likely to happen is a matter of judgement. In deciding whether it seems likely, the Council will take into account the views of residents and other users of the shopping centre, together with the opinions of traders. However the Borough already has many service uses and their growth needs to be contained so as not to lose shop units or floorspace. Restaurants and other A3 uses have further implications which are considered in policies S13 and S15, and paragraphs 4.10 and 4.11.

4.2 There are certain locations where non-shop uses which do form part of the overall shopping trip can be accommodated where this does not conflict with other Council policies. Such non-shop uses are generally guided to non-core frontages of the Principal Shopping Centres which are usually better suited to assimilate an element of non-shop use. However, a strictly limited number of non-shop uses may be appropriate in some core frontages providing the predominant shopping character is retained. Such non-shop uses will be expected to be those which are seen by shoppers to be an essential part of the overall shopping trip. The location of non-shop use in either the core or non-core frontage will only be appropriate where this does not threaten the vitality and viability of the whole shopping centre or particular parade. Shopping centres, particularly core frontages can only assimilate a limited number of non-shop uses before their essential shopping function or character is impaired.

- 4.3** In considering the appropriateness of proposals, account will be taken of the existing shopping character and function, including the percentage of retail units in the core and non-core frontages, the distribution and type of uses in individual parades, the level of vacancy and the length of frontage of individual units. Other considerations include the type of non-shop use, the proximity of residential properties and the impact on amenity, existing traffic and parking levels, smells, and noise levels particularly at night and during the weekend.
- 4.4** Non-shop uses not directly serving the public do not require shopfront premises, and do not contribute to the character and vitality of shopping centres. In this context, uses falling within Class B1 (business uses) will not be considered appropriate non-shop uses for either the Principal or Local Shopping Centres.

Shopping frontages

- 4.5** The continuity of shopping frontages, and the location there of uses requiring shopfront units is important to the character of Principal and Local Shopping Centres, and parades of shops. The introduction of non-shop uses which do not attract callers or stimulate passing trade adversely affects the shopping character and function and will be resisted. Shop units are too important to the vitality of shopping centres and parades to be lost to uses which do not justify a frontage location.

S10 TO RESIST THE LOSS OF SHOPFRONT PREMISES IN NON-SHOP USE TO A USE WHICH DOES NOT PRINCIPALLY TRADE DIRECTLY WITH VISITING MEMBERS OF THE PUBLIC.

- 4.6** Shopfront units also make a very important contribution in terms of visual amenity. In the limited circumstances where planning permission is granted for the loss of a shop, it is important that shop frontages are retained for the sake of the architectural integrity of individual buildings and parades. In this way, the future full use of the shopfront can be ensured. In such cases, the Council will normally expect the premises to revert to a shop use once the permitted non-shop use ceases.

- 4.7** All proposals for shop frontages will need to ensure that existing access is maintained. Proposals will also be subject to the policies set out in the Conservation and Development Chapter. In order to avoid the impact of 'dead frontage' on the shopping street scene from the loss of shop use, the retention of window displays may be required. Many shopfronts contain access to residential accommodation.

S11 TO REQUIRE THAT SHOP FRONTAGES AND WINDOW DISPLAY AREAS ARE RETAINED WHERE THE SHOP USE IS LOST TO A NON-SHOP USE.

- 4.8** The loss of a shopfront will only be permitted in exceptional circumstances and only where the architectural integrity of the street frontage is not threatened.

Amusement Arcades and Centres

4.9 Recent years have seen a substantial increase in amusement arcades and centres in London Boroughs. Proposals are unlikely to be acceptable in core shopping frontages, Local Shopping Centres, close to residential areas, schools, churches or hotels and are out of keeping in conservation areas and other areas of special architectural or historic character. Exceptionally, amusement centres and arcades may be acceptable in the non-core frontages of Principal Shopping Centres. When considering applications for amusement centres and arcades, the Council will take into account location, type of centre, existing provision, visual impact, and potential noise and disturbance to neighbouring properties. In the limited circumstances when permission is granted, the opening hours may be controlled by conditions, where it is considered necessary. Besides planning permission premises with 'amusement-with-prizes' require a permit from the Council under the Gaming Act 1968 before they can operate.

S12 TO RESIST THE DEVELOPMENT OF AMUSEMENT CENTRES AND ARCADES, EXCEPT IN THE NON-CORE FRONTAGE OF PRINCIPAL SHOPPING CENTRES AND WHERE THIS WOULD NOT RESULT IN:

- (a) A SIGNIFICANT REDUCTION IN THE RETAIL FUNCTION AND CHARACTER OF THE PRINCIPAL SHOPPING CENTRE; OR
- (b) ANY SIGNIFICANT REDUCTION IN AN AREA'S RESIDENTIAL CHARACTER AND AMENITY INCLUDING NUISANCE ARISING FROM NOISE; OR
- (c) SIGNIFICANT INCREASES IN TRAFFIC OR PARKING.

Catering Establishments

4.10 Most parts of the Borough are well provided with restaurants, public houses, snack bars, cafes, wine bars and shops for the sale of hot food (Class A3). These facilities are used by residents, visitors, and workers in the Borough and generally serve a useful function. However, these uses can cause unwelcome noise, traffic, smells and refuse particularly in residential areas and at night.

4.11 In considering applications for new restaurants, public houses, snack bars, cafes, wine bars and shops for the sale of hot food the Council will need to be satisfied that the provision of additional catering establishments, either individually or cumulatively, in no way detract from the centres existing character and function or the residential amenity of the surrounding area. The Principal Shopping Centres are able to accommodate a limited number of non-shop uses including those within Class A3. Outside the Principal Shopping Centres the protection of the retail character and function is considered essential, and proposals involving the loss of a shop unit or usable retail floorspace (including storage space) will normally be resisted. Where permission is granted for a restaurant or similar use, appropriate conditions will normally be imposed relating to hours of opening, customer capacity, ventilation, accessibility and refuse storage.

- S13** OTHER THAN IN PRINCIPAL SHOPPING CENTRES TO RESIST THE DEVELOPMENT OF RESTAURANTS, PUBLIC HOUSES, SNACK BARS, CAFES, WINE BARS AND SHOPS FOR THE SALE OF HOT FOOD WHERE THIS WOULD RESULT IN:
- (a) ANY SIGNIFICANT REDUCTION IN AN AREA'S RESIDENTIAL CHARACTER AND AMENITY INCLUDING BY SMELLS OR LATE NIGHT NOISE; OR
 - (b) SIGNIFICANT INCREASE IN TRAFFIC OR PARKING ; OR
 - (c) THE LOSS OF USABLE RETAIL SPACE.

Principal Shopping Centres

4.12 Principal Shopping Centres are the main shopping areas in the Borough, offering both comparison and day-to-day convenience shopping. It is important to keep a concentration of shops together at the heart of a shopping centre to make it easy to compare goods between retailers and to encourage vitality. Vitality is dependent on high levels of pedestrian activity and shops generally attract more customers than other uses. However non-shop uses within Use Classes A2 and A3 also generate high levels of pedestrian activity and are considered appropriate uses in the Principal Shopping Centres providing the shopping character and function do not suffer. In each centre, the main shopping streets have been defined as core frontage in order to protect the shopping character of the centre. A limited number of non-shop uses may be considered appropriate in the core frontage providing the shopping character of the parade is not threatened.

S14 TO SEEK A CONCENTRATION OF SHOPS IN THE CORE FRONTAGE OF PRINCIPAL SHOPPING CENTRES.

4.13 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 without threatening its shopping character.

4.14 Many of the Borough's Principal Shopping Centres are very close to residential areas. For this reason the cumulative or individual impact of A3 uses on residential amenity, traffic and parking will be considered as well as the effect on shopping character and function.

S15 NORMALLY TO PERMIT USES FALLING WITHIN USE CLASSES A2 AND A3 IN A PRINCIPAL SHOPPING CENTRE UNLESS THE PROPOSAL WOULD THREATEN THE CHARACTER OR FUNCTION OF THE CENTRE OR WOULD RESULT IN:

- (a) LESS THAN 75% OF THE TOTAL CORE GROUND FLOOR UNITS BEING IN SHOP (A1) USE; OR
- (b) LESS THAN 65% OF THE TOTAL NON-CORE GROUND FLOOR UNITS BEING IN SHOP (A1) USE; OR
- (c) THREE OR MORE NON-SHOP USES IN ADJACENT UNITS AT GROUND FLOOR LEVEL; OR
- (d) SIGNIFICANT INCREASE IN TRAFFIC OR PARKING; OR
- (e) ANY SIGNIFICANT REDUCTION IN AN AREA'S RESIDENTIAL CHARACTER AND AMENITY INCLUDING BY SMELLS OR LATE NIGHT NOISE.

S16 NORMALLY TO PERMIT THE LOCATION IN PRINCIPAL SHOPPING CENTRES OF OTHER NON-SHOP USES ABOVE OR BELOW GROUND FLOOR LEVEL WHERE THE USE WOULD NOT:

- (a) ADVERSELY AFFECT THE ESSENTIAL SHOPPING CHARACTER AND FUNCTION OF THE CENTRE; OR
- (b) DISRUPT THE FRONTAGES BY WAY OF ACCESS TO NON-SHOP USES; OR
- (c) SIGNIFICANTLY REDUCE AN AREA'S RESIDENTIAL CHARACTER AND AMENITY INCLUDING BY SMELLS OR LATE NIGHT NOISE; OR
- (d) SIGNIFICANTLY INCREASE TRAFFIC OR PARKING.

4.15 Other non-shop uses within Use Class A, are not normally acceptable at ground floor level in the Principal Shopping Centres, other than when a recognised local need exists (see section 4.14 on local uses). The areas above and below ground floor level are able to accommodate A2 and A3 uses as well as other non-shop uses, including those within Class B. In considering proposals for uses above or below ground floor level, the Council will be satisfied that the use does not have an adverse effect on the shopping character and function of the centre. Account will be taken of the loss of usable retail floorspace and the ability of the main shop premises to continue without it, particularly in the core shopping frontage. Other considerations include the loss of residential accommodation, the impact on the residential amenity of the area, and existing traffic and parking levels. Access to any non-shop use should not disrupt the shopping frontage.

4.16 Maps identifying Principal Shopping Centres and their Core Shopping Frontages, are included in Appendix 2, and are identifying the properties within each core and non-core frontage. The core frontages are identified through the high concentration of retail outlets. The core and non-core frontages are surveyed annually to monitor any changes occurring within the existing boundaries.

Local Shopping Centres

4.17 Local Shopping Centres usually offer a much smaller range of comparison shops than Principal Shopping Centres and are important because they commonly have a higher proportion of convenience shopping and reduce the need to travel by car. In Local Shopping Centres, it is not appropriate to draw such a distinction between core and non-core frontages. The maintenance of strong local shopping centres is important and all shops in such locations are likely to be essential to the centres' shopping character. There are exceptional circumstances when the loss of retail may be permitted and these are set out in the section dealing with 'Local Needs Uses', and policy S20.

S17 NORMALLY TO RESIST THE LOSS OF ANY SHOP IN A LOCAL SHOPPING CENTRE.

4.18 Proposals for shopping floorspace which extends beyond the boundaries of Principal or Local Shopping Centres will be considered favourably providing there is no loss of residential floorspace or amenity, or conflict with other policies of the Plan. A map identifying Local Shopping Centres is included in Appendix 2.

5 PROVIDING FOR DAY-TO-DAY NEEDS

Individual Shop Units

5.1 Shops which are not located in designated Principal or Local Shopping Centres provide a useful service to local residents, workers and visitors and so will be protected.

Promoting Convenience Shops

5.2 The Council recognises the particular importance of convenience shopping to residents, workers and visitors, and the key role that such shops play both in the function of shopping centres and on their own as 'corner shops' (for town planning purposes convenience shops in Kensington and Chelsea are considered to be food shops, post offices, chemists, off-licences, confectioners, tobacconists and newsagents). There needs to be a widespread distribution of such shops and stalls so that all residents, especially people with special mobility needs, have day-to-day uses nearby. The Council's planning powers are severely restricted in trying to achieve this: planning permission is not required to change from one type of shop to another. The Council can, however, negotiate with applicants to seek provision for convenience shops when development is proposed and where appropriate will require that Planning Obligations are entered into in order to secure the provision of convenience shopping.

S18 TO ENCOURAGE PROVISION FOR CONVENIENCE SHOPPING IN APPROPRIATE DEVELOPMENT SCHEMES.

- 5.3** The Council itself takes steps to provide premises for convenience shopping. It owns shops and, for appropriate premises and locations, allows only tenants who provide convenience shopping. The location of Council-owned convenience shops is subject to review to ensure that they are being provided in the parts of the Borough that most need them - areas with few other convenience shops and stalls, or where residents are least mobile.

Local Needs Uses

- 5.4** The Council recognises the particularly valuable service that some non-shop uses provide to local residents. These justify a few exceptions to policy S1. Many community and advice centre uses need a shopping street location as they provide informal services for passing members of the public and form part of the overall shopping trip. Bank and building society branches are still lacking in two areas of the Borough, North Kensington and South West Chelsea; launderettes are appropriate in shopfront premises; and surgeries serving the general public can benefit patients by being well-distributed throughout the Borough and by being close to chemists. It is particularly important that local needs uses are easily accessible to all members of the public, as many are of particular benefit to people with special mobility needs (see also Conservation and Development Chapter, policy CD36).

S19 WHERE POSSIBLE, TO RESIST THE LOSS OF:

- (a) BANK AND BUILDING SOCIETY BRANCHES IN NORTH KENSINGTON AND SOUTH WEST CHELSEA;
- (b) LAUNDERETTES.

S20 TO PERMIT THE CHANGE OF USE OF SHOPS TO:

- (a) COMMUNITY AND ADVICE CENTRE USES;
- (b) LAUNDERETTES;
- (c) MEDICAL USES WHICH PROVIDE A LOCAL SERVICE;
- (d) BANK AND BUILDING SOCIETY BRANCHES IN NORTH KENSINGTON AND SOUTH WEST CHELSEA;

WHERE THERE IS A KNOWN AND ESTABLISHED NEED AND PROVIDING THERE IS NO DETRIMENT TO THE VITALITY AND VIABILITY OF THE SHOPPING PARADE OR CENTRE.

6 ENVIRONMENTAL QUALITY AND SAFETY IN SHOPPING STREETS

Townscape Improvements

6.1 Townscape improvements in shopping streets benefit shoppers and retailers, together with those who live or work in and visit the area. Such improvements are one important way to respond to the challenge of competition from new shopping facilities beyond the Borough boundary.

S21 TO SEEK THE IMPROVEMENT OF THE TOWNSCAPE AND ENVIRONMENT OF THE BOROUGH'S SHOPPING STREETS.

6.2 Guidance for the design of shopfronts and advertisements is set out in the Conservation and Development Chapter (Section 6). This general policy in the Plan will be supplemented, from time to time, by guidance for particular streets.

Architectural Character

6.3 Although the modernisation of shop premises is generally welcomed, many of the Borough's shopping centres have a valuable traditional architectural character which lends much to their appeal. Further details are set out in the Conservation and Development Chapter (Section 6).

S22 TO ENSURE THAT ANY ALTERATIONS TO THE EXTERNAL FABRIC OF BUILDINGS WOULD BE IN KEEPING WITH THE CHARACTER OF THE SHOPPING CENTRE OR PARADE.

Safety

6.4 The safety of those using shopping centres is extremely important, both to the individual and to the commercial health of the centre. Shoppers need to be safe from harassment and safe from motor vehicles. Shopping centres need to be well lit, have adequate pavements and places to cross roads, and be free of any obstructions resulting from badly placed or unnecessary street furniture.

S23 TO RESIST PROPOSALS INVOLVING PAVEMENT TRADING WHICH WOULD REDUCE THE FREE PASSAGE, SAFETY AND SECURITY OF PEDESTRIANS.

6.5 Pedestrian safety on pavements and road crossings is dealt with in the Transportation Chapter (policies TR18 to TR23), and in the Planning Standards Chapter (Section 5.3.14 to 5.3.15).

Servicing and Storage

- 6.6** The Council wishes to reduce the conflict between shoppers, servicing vehicles and other traffic. It will take the opportunity presented by development to require satisfactory provision for vehicular access.
- 6.7** The Council wishes to encourage the re-use and recycling of materials. Shops and non-shop uses, especially restaurants and other A3 uses, produce large volumes of waste and recyclable material such as bottles. Shopping centres are therefore particularly appropriate locations for bottle banks and other facilities for refuse storage and the collection, and temporary storage, of materials (see also Public Utilities and Services Chapter, policy PU7).
- S24** NORMALLY TO REQUIRE THE PROVISION OF SERVICING FACILITIES IN SHOPPING DEVELOPMENTS.
- S25** TO ENCOURAGE THE PROVISION OF STORAGE SPACE FOR RECYCLABLE/RE-USABLE MATERIALS IN SHOPPING CENTRES.

APPENDIX 2

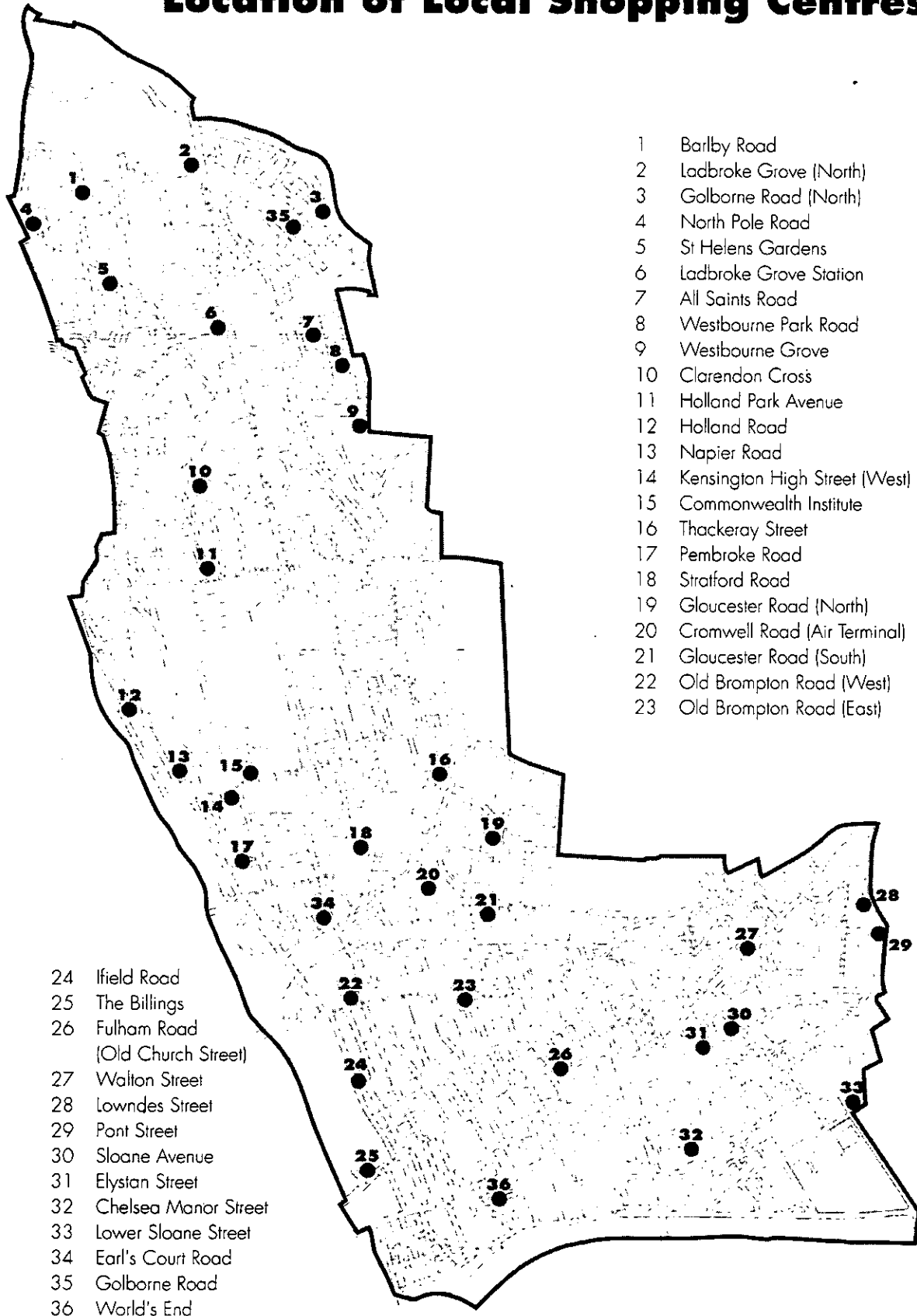
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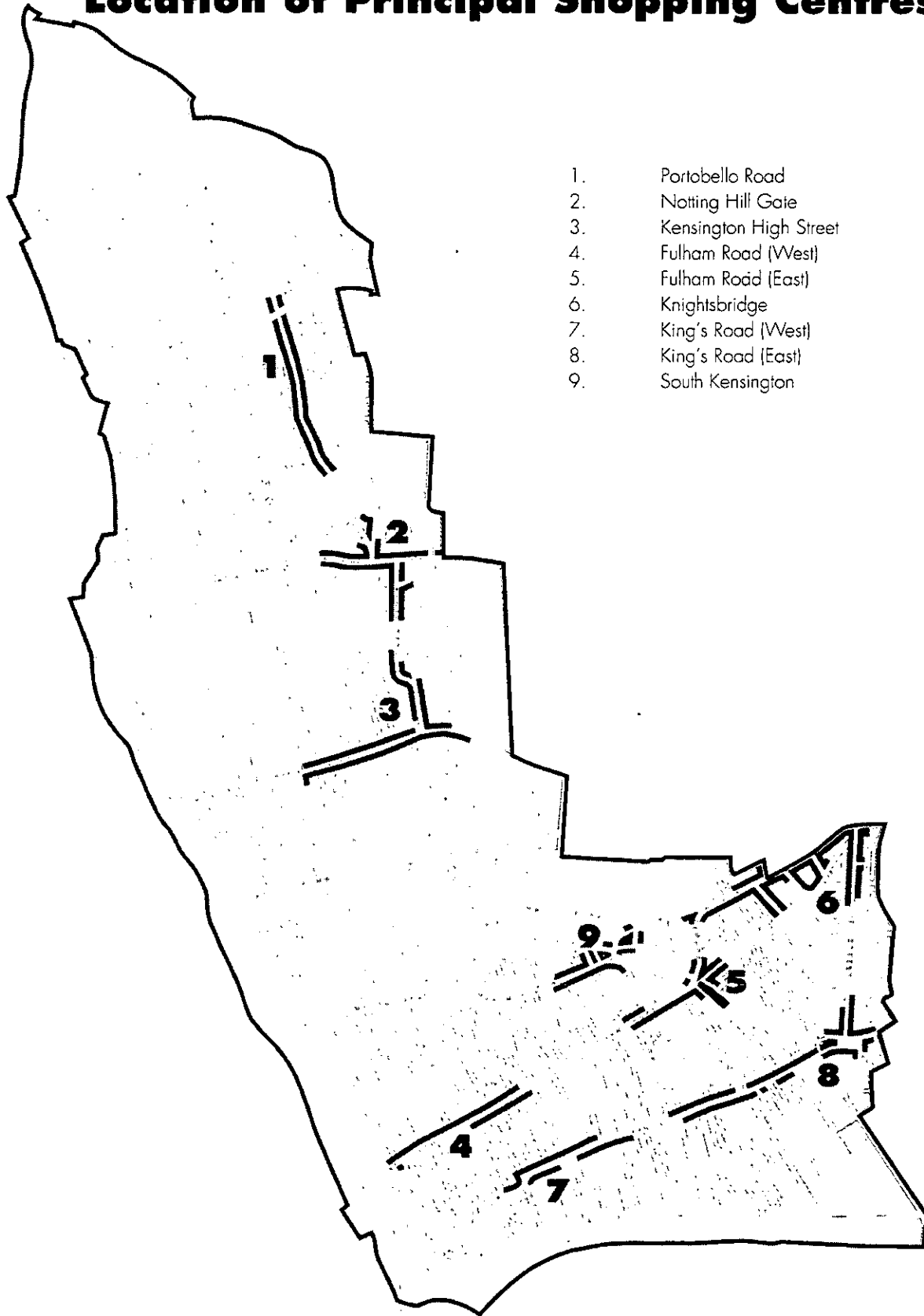
MAP 10

Location of Local Shopping Centres



MAP 11

Location of Principal Shopping Centres



1. Portobello Road
2. Notting Hill Gate
3. Kensington High Street
4. Fulham Road (West)
5. Fulham Road (East)
6. Knightsbridge
7. King's Road (West)
8. King's Road (East)
9. South Kensington

Principal Shopping Centre No 1

PORTOBELLO ROAD

KEY



Core Shopping Frontage



Non Core Shopping Frontage

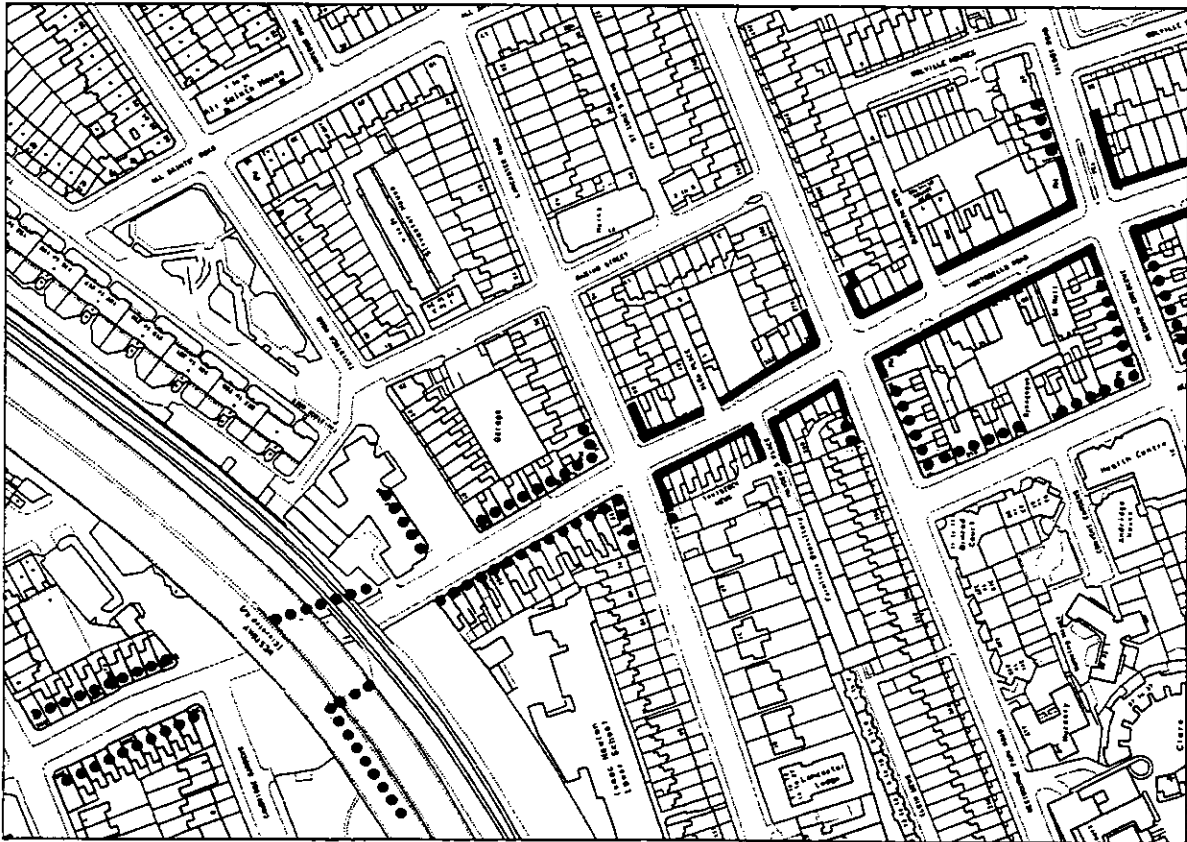
Scale: NO FIXED SCALE

Core Frontage

- 156-238 (even) Portobello Road
- 179-251 (odd) Portobello Road
- 301 Westbourne Park Road

Non Core Frontage

- 65-177 (odd) Portobello Road
- 82-88 (even) Portobello Road
- 100 Portobello Road
- 138-154 (even) Portobello Road
- 240-252 (even) Portobello Road
- 253-275 (odd) Portobello Road
- 266-292 (even) Portobello Road
- 289-309 (odd) Portobello Road
- 72-80 (even) Tavistock Road
- 74 Lancaster Road
- 126-132 (even) Talbot Road
- 282-284 (even) Westbourne Park Road
- 305-317 (odd) Westbourne Park Road
- 17-37 (odd) Kensington Park Road
- 112-120 (even) Kensington Park Road
- 184-216 (even) Kensington Park Road (excluding Synagogue)
- 1-15 (odd) Blenheim Crescent
- 2-14 (even) Blenheim Crescent
- 4-14 (even) Elgin Crescent
- 5-15 (odd) Elgin Crescent
- 281-305 (odd) Westbourne Grove
- 284-306 (even) Westbourne Grove
- "Portobello Green" Shopping Arcade (underneath Westway)

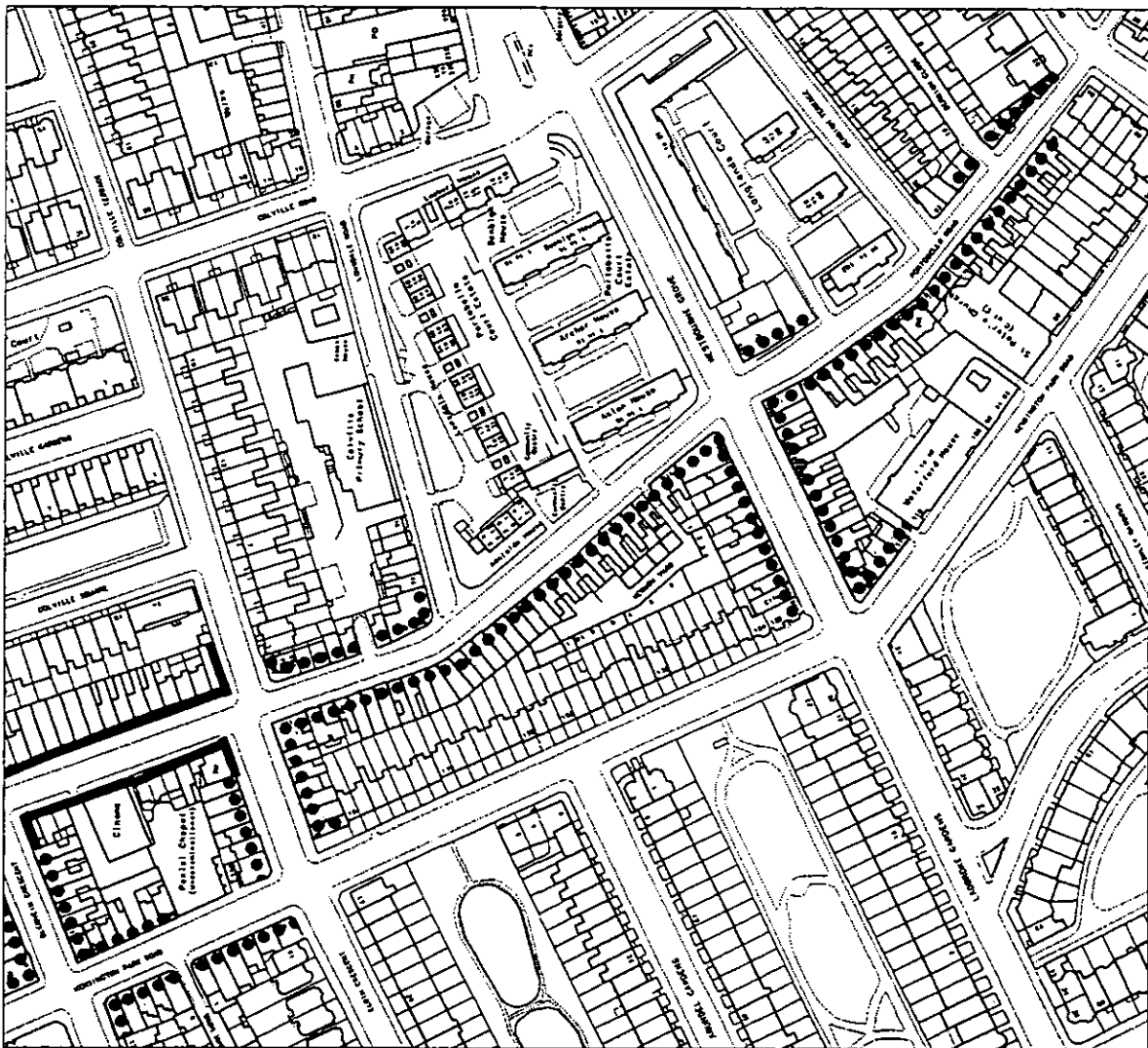


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MAP 12

Principal Shopping Centre No1
PORTOBELLO ROAD





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Principal Shopping Centre No2

NOTTING HILL GATE

KEY

-  Core Shopping Frontage
 -  Non Core Shopping Frontage
- Scale: NO FIXED SCALE

Core Frontage

- 26-144 (even) Notting Hill Gate
- 47-101 (odd) Notting Hill Gate
- 203-237 (odd) Kensington Church Street
- 2-34 (even) Pembridge Road

Non Core Frontage

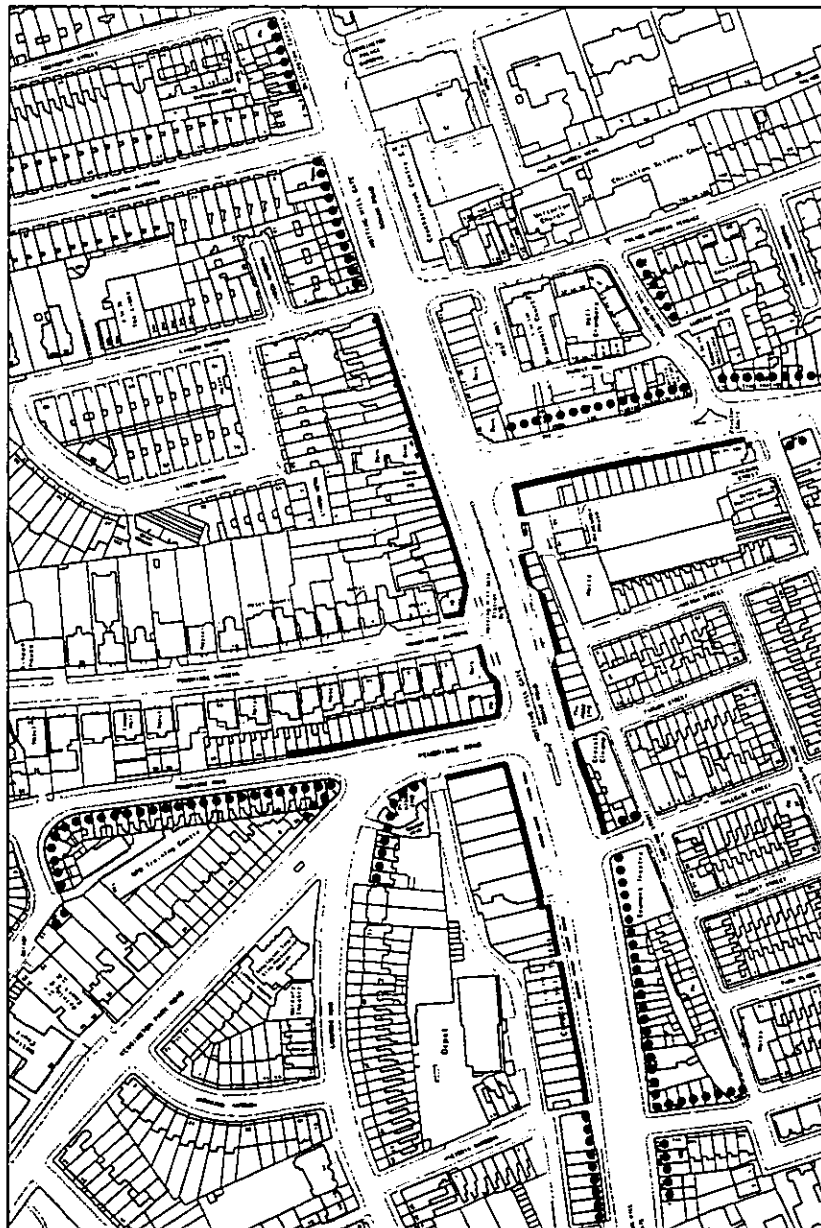
- 8-24b (even) Notting Hill Gate
- 103-155 (odd) Notting Hill Gate
- 146-164 (even) Notting Hill Gate
- 1-7 (inclusive) Wellington Terrace (Notting Hill Gate)
- 186-196 (even) Campden Hill Road
- 1-3 (odd) Hillgate Street
- 11-59 (odd) Pembridge Road
- 1-7 (odd) Ladbroke Road
- 7-15 (odd) Portobello Road
- 2-6 (even) Kensington Park Road
- 103-145 (odd) Kensington Church Street
- 106-206 (even) Kensington Church Street
- 71 Palace Gardens Terrace
- 1-7 (odd) Kensington Mall
- 2a Bedford Gardens
- 1-6 (inclusive) Campden Street



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MAP 13

Principal Shopping Centre No2
NOTTING HILL GATE



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Principal Shopping Centre No3
KENSINGTON HIGH STREET

KEY

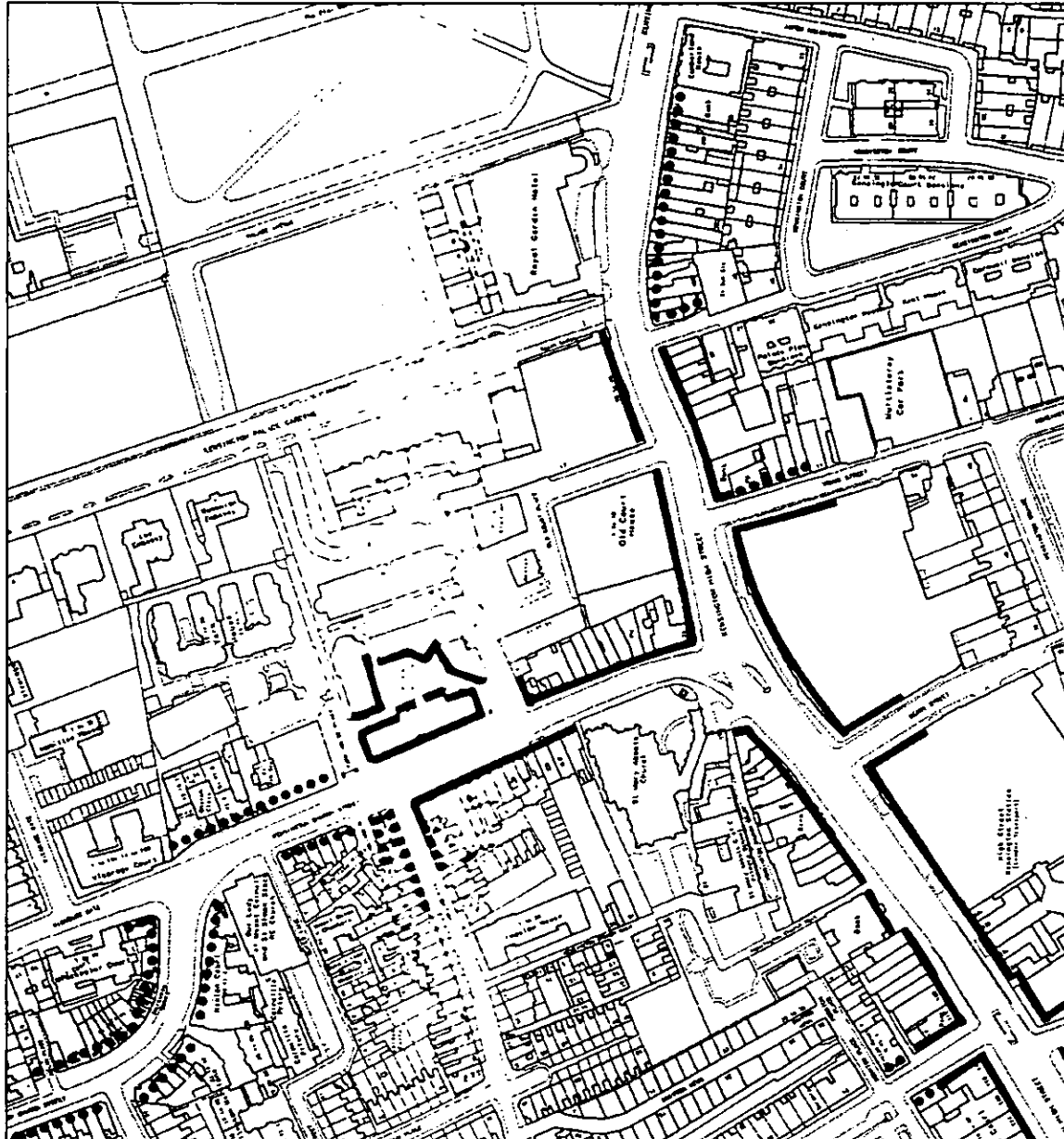
- Core Shopping Frontage
 - Non Core Shopping Frontage
- Scale: NO FIXED SCALE

Core Frontage

- 1-35a/b (odd) Kensington High Street
- 239-249 (odd) Kensington High Street (including 1-9 Earls Court Road)
- 208-222 (even) Kensington High Street (Troy Court)
- 1-9 (odd) Young Street
- 1-25 (odd) Abingdon Road
- 2-14 (even) Abingdon Road
- 2 Phillimore Gardens
- 9 Phillimore Walk
- 1/1a Argyll Road
- 1-5 (odd) Campden Hill Road
- 4 Campden Hill Road
- 4-10 Hornton Street
- 116 Kensington High Street (1 Phillimore Walk)
- 1-7 (odd) Holland Street
- 4-14 (even) Holland Street
- 25-39 (odd) Kensington Church Street
- 43-81 (odd) Kensington Church Street
- 30-64 (even) Kensington Church Street
- 21-23 (odd) Vicarage Gate

Non Core Frontage

- 1-35a/b (odd) Kensington High Street
- 239-249 (odd) Kensington High Street (including 1-9 Earls Court Road)
- 208-222 (even) Kensington High Street (Troy Court)
- 1-9 (odd) Young Street
- 1-25 (odd) Abingdon Road
- 2-14 (even) Abingdon Road
- 2 Phillimore Gardens
- 9 Phillimore Walk
- 1/1a Argyll Road
- 1-5 (odd) Campden Hill Road
- 4 Campden Hill Road
- 4-10 Hornton Street
- 116 Kensington High Street (1 Phillimore Walk)
- 1-7 (odd) Holland Street
- 4-14 (even) Holland Street
- 25-39 (odd) Kensington Church Street
- 43-81 (odd) Kensington Church Street
- 30-64 (even) Kensington Church Street
- 21-23 (odd) Vicarage Gate



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Principal Shopping Centre No 4

FULHAM ROAD (WEST)

KEY



Core Shopping Frontage



Non Core Shopping Frontage

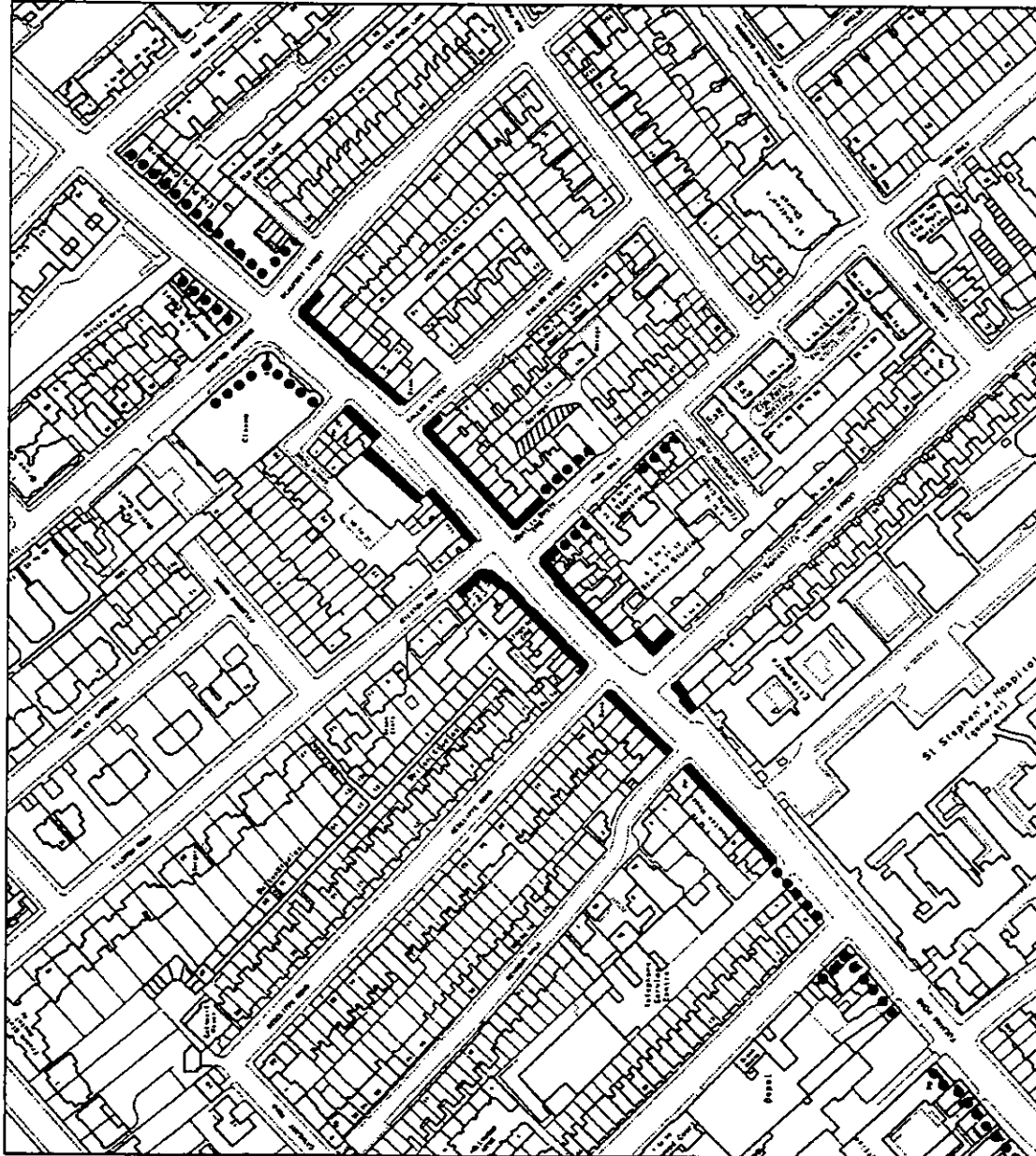
Scale: NO FIXED SCALE

Core Frontage

- 299-365 (odd) Fulham Road
- 152-232 (even) Fulham Road

Non Core Frontage

- 134-144 (even) Fulham Road
- 234-238 (even) Fulham Road
- 273-297 (odd) Fulham Road
- 240-306b (even) Fulham Road
- 451-457 (odd) Fulham Road
- 2-6 (even) Park Walk
- 18-24 (even) Park Walk
- 5-11 (odd) Park Walk
- 99 Drayton Gardens
- 1a Hollywood Road

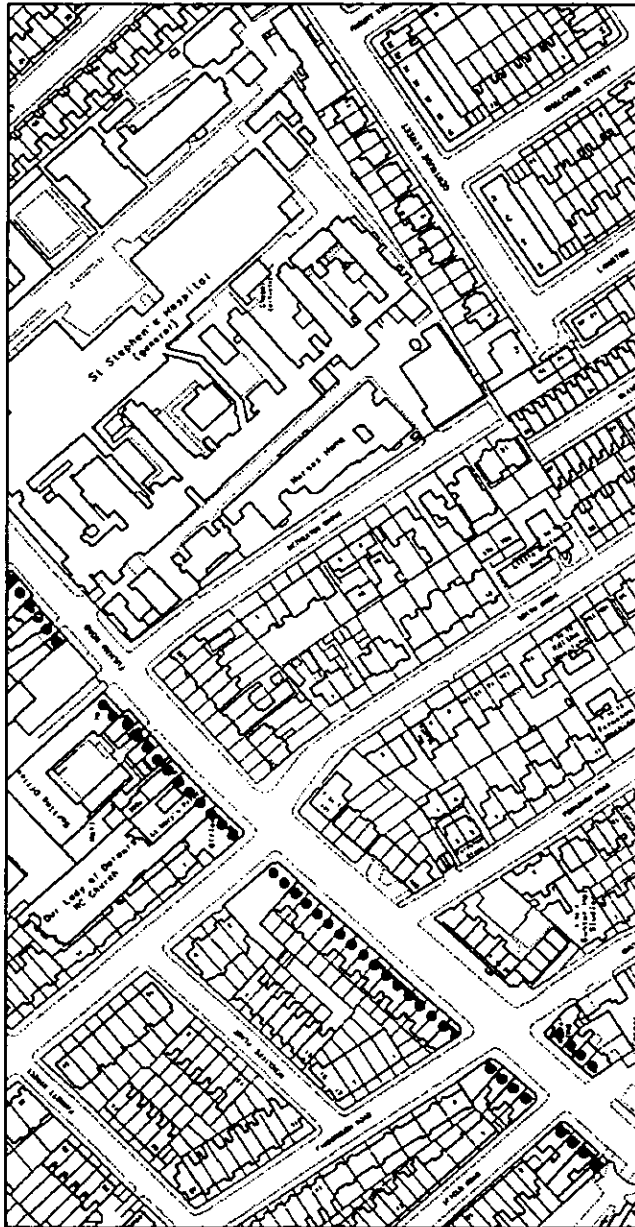


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MAP 15

Principal Shopping Centre No 4
FULHAM ROAD (WEST)



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Principal Shopping Centre No 5

FULHAM ROAD (EAST)

KEY



Core Shopping Frontage



Non Core Shopping Frontage

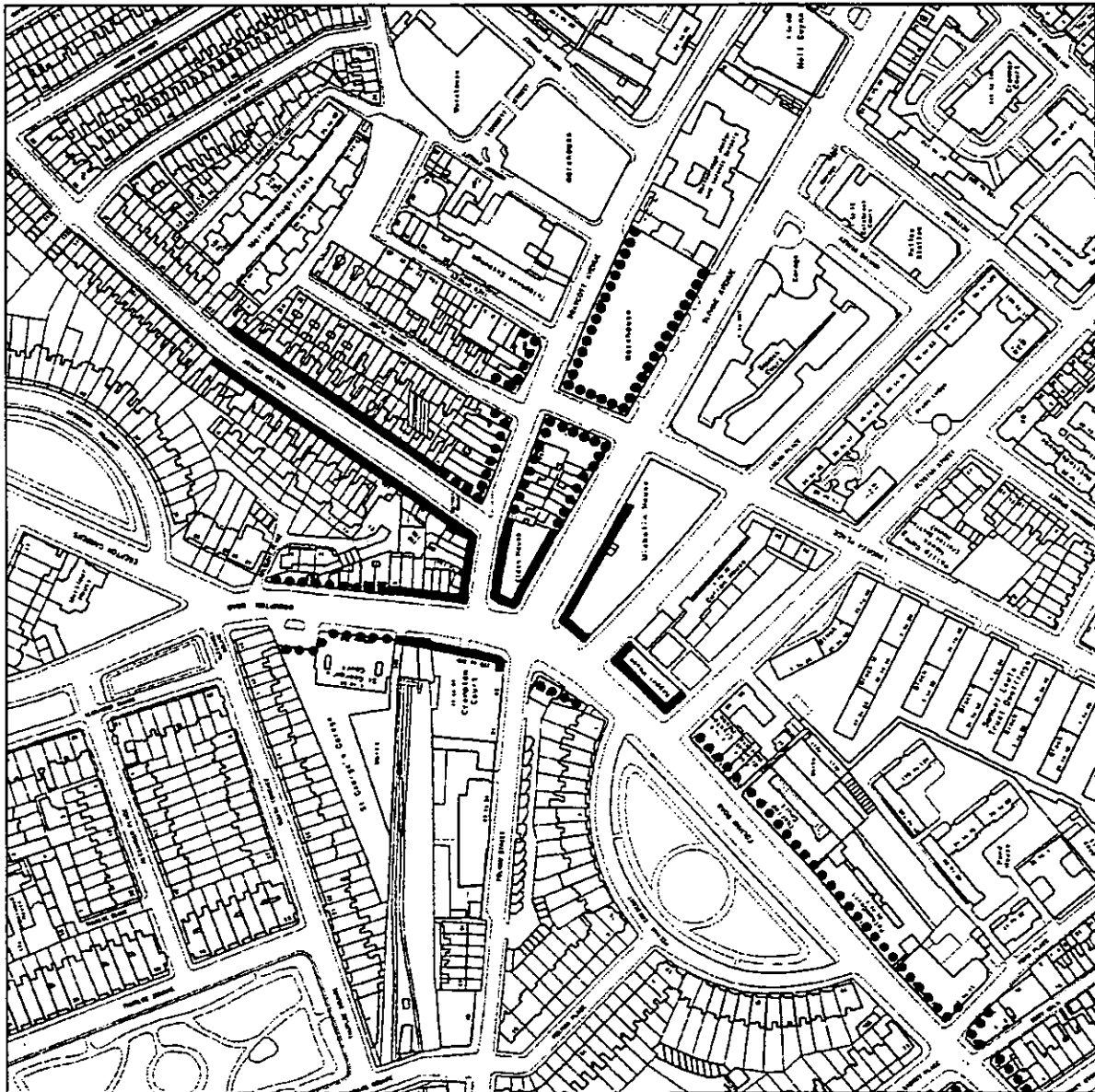
Scale: NO FIXED SCALE

Core Frontage

- 69-117 (odd) Walton Street
- 148-206 (even) Walton Street
- 122-132 (even) Draycott Avenue
- Elden House (77-79 Fulham Road)
- 303-315 (odd) Brompton Road
- 264-280 (even) Brompton Road
- Michelin House (81 Fulham Road)
- 91-103 (odd) Fulham Road

Non Core Frontage

- 96-118 (even) Draycott Avenue
- 163-177 (odd) Draycott Avenue
- 283-301 (odd) Brompton Road
- 250-262 (even) Brompton Road
- 6 Fulham Road
- 44-78 (even) Fulham Road
- 105-195 (odd) Fulham Road
- 42-48 (even) Pelham Street
- 62-74 Sloane Avenue
- 60A and 60B Sloane Avenue
- 139-155 Draycott Avenue
- 77-79 Ixworth Place

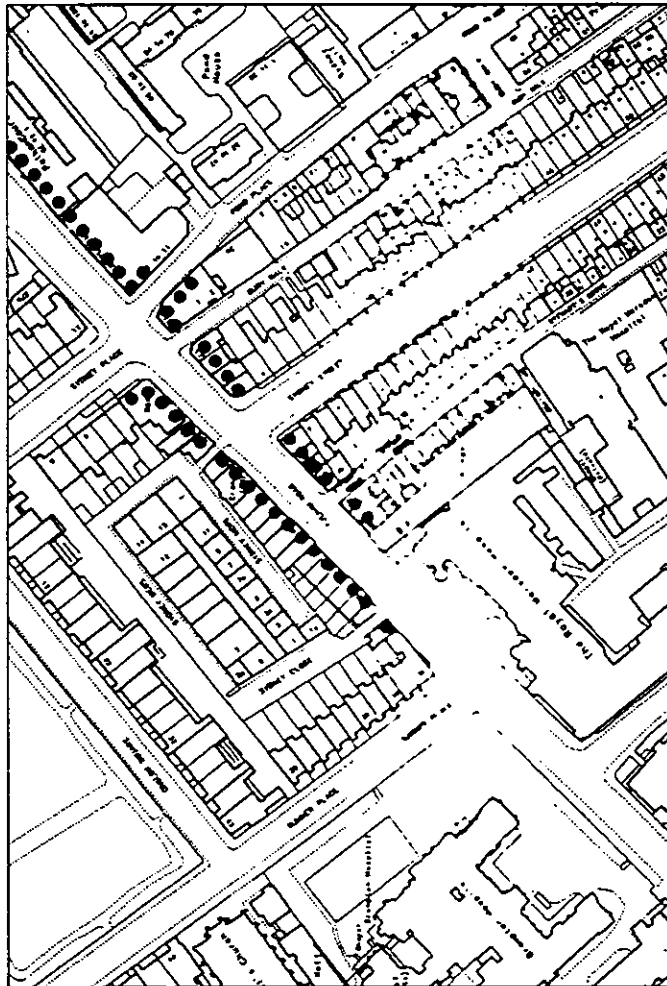


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MAP 16

Principal Shopping Centre No 5
FULHAM ROAD (EAST)



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Principal Shopping Centre No 6

KNIGHTSBRIDGE

KEY

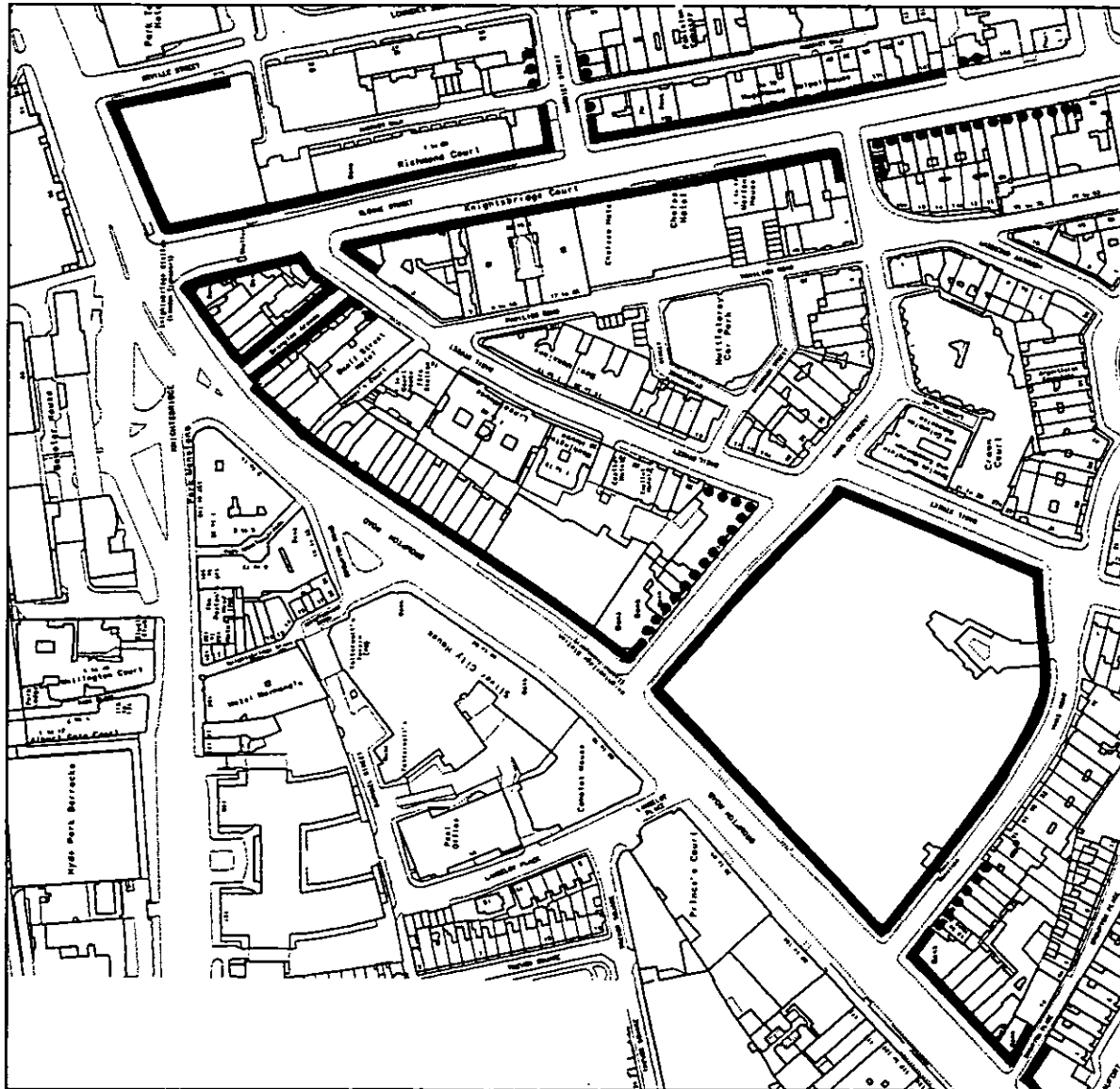
- Core Shopping Frontage
 - Non Core Shopping Frontage
- Scale: NO FIXED SCALE

Core Frontage

- 1-33 (inclusive) Sloane Street
- 166-207 (inclusive) Sloane Street
- 109 Knightsbridge
- 1-24 (inclusive) Brompton Arcade
- 1-207 (odd) Brompton Road
- 1-62 (inclusive) Beauchamp Place

Non Core Frontage

- 35b-49a (inclusive) Sloane Street
- 164a-165 (inclusive) Sloane Street
- 4-8 (even) Harriet Street
- 7-9 (odd) Harriet Street
- 2-8 (even) Basil Street
- 32-52 (even) Hans Crescent
- 2-10 (even) Hans Road
- 1-11 (odd) Montpelier Street
- 132-188 (even) Brompton Road
- 209-251 (odd) Brompton Road
- 220-244 (even) Brompton Road
- 1-10a (inclusive) Thurloe Place

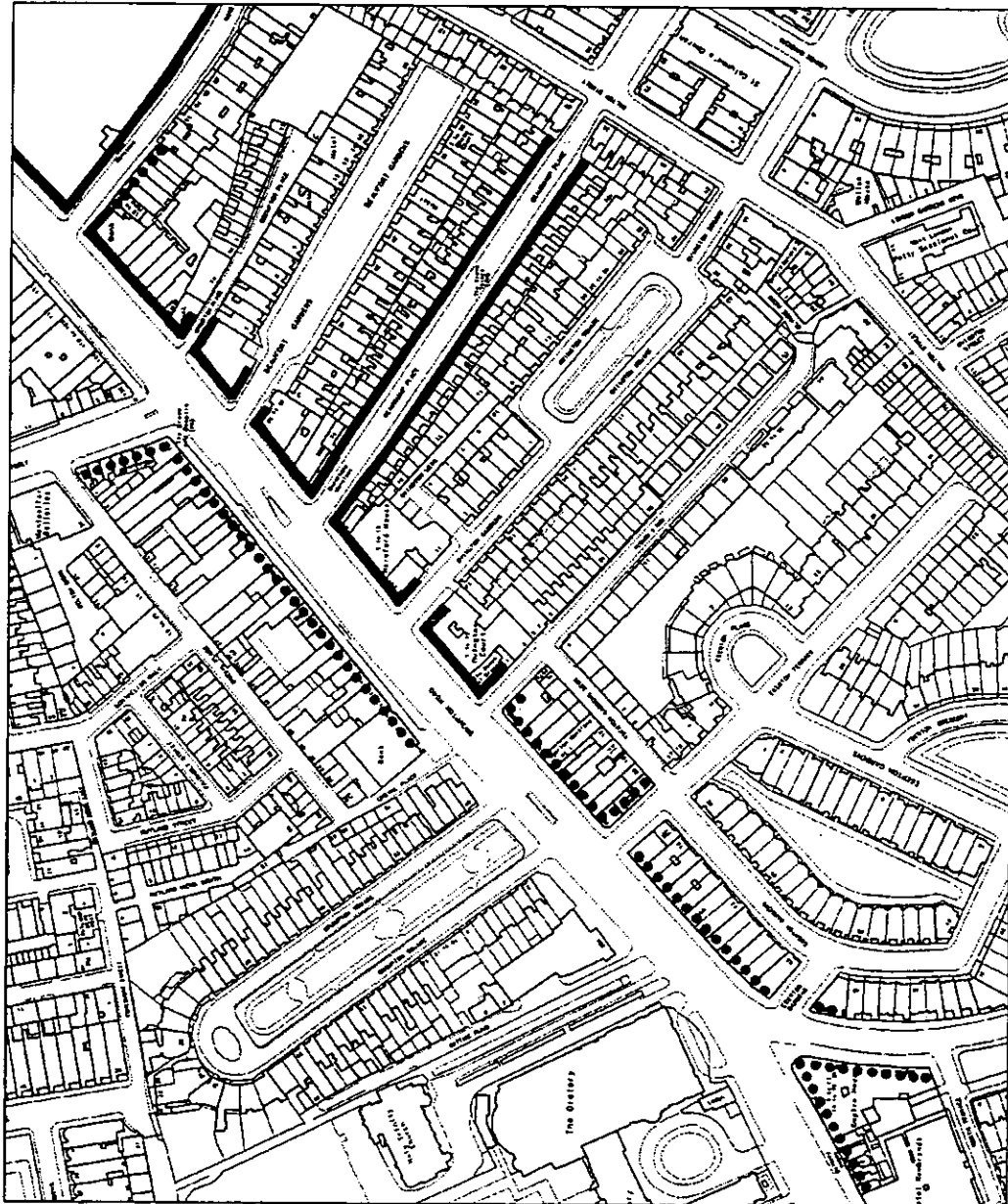


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MAP 17

Principal Shopping Centre No 6
KNIGHTSBRIDGE



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Principal Shopping Centre No 7
KING'S ROAD (WEST)

KEY

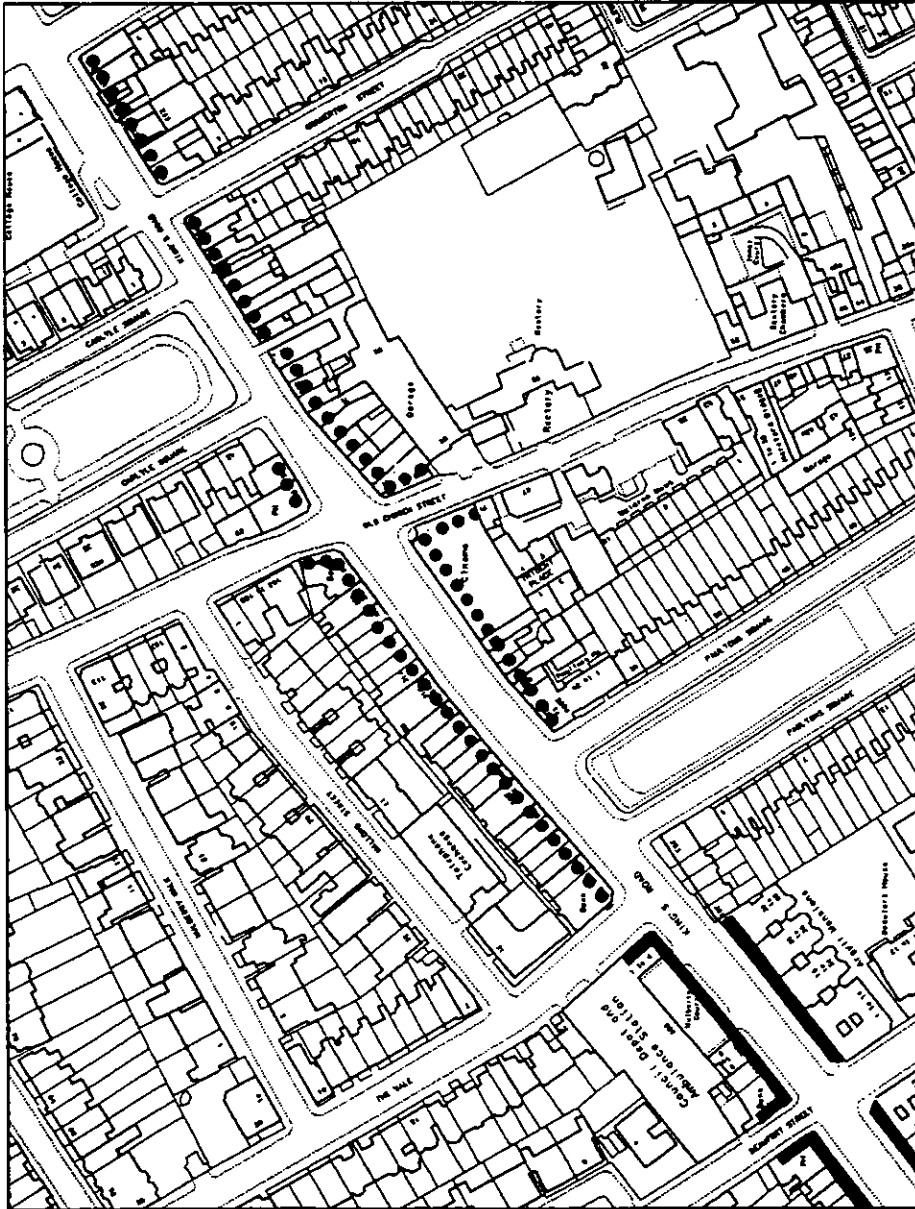
- Core Shopping Frontage
 - Non Core Shopping Frontage
- Scale: NO FIXED SCALE

Core Frontage

- 303-353 (odd) King's Road
- 350-408 (even) King's Road

Non Core Frontage

- 219-289d (odd) King's Road
- 296-348 (even) King's Road
- 355-359 (odd) King's Road
- 410-442 (even) King's Road
- 60 Old Church Street
- 9a Lamont Road

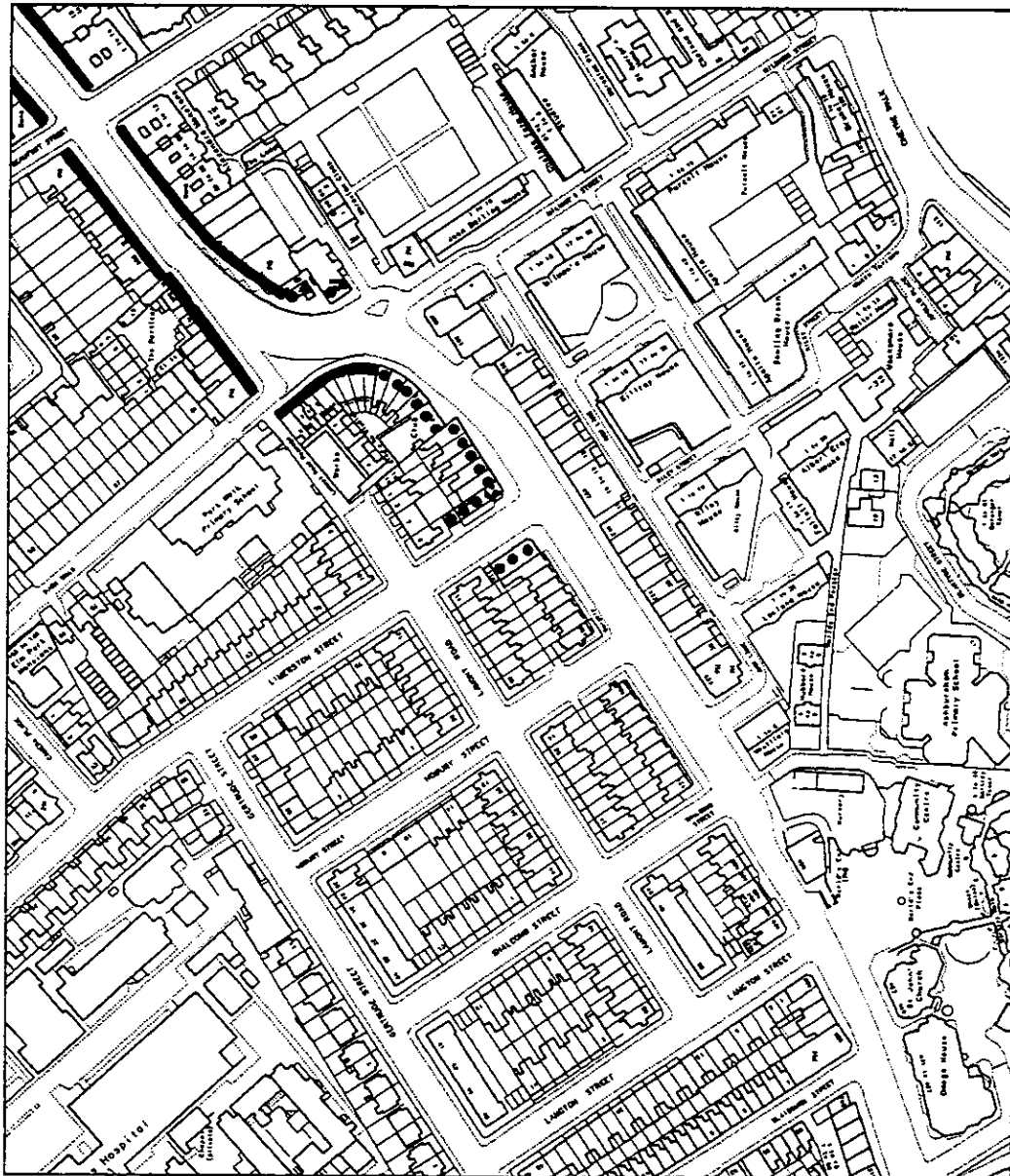


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MAP 18

Principal Shopping Centre No 7
KING'S ROAD (WEST)



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Principal Shopping Centre No 8

KING'S ROAD (EAST)

KEY



Core Shopping Frontage



Non Core Shopping Frontage

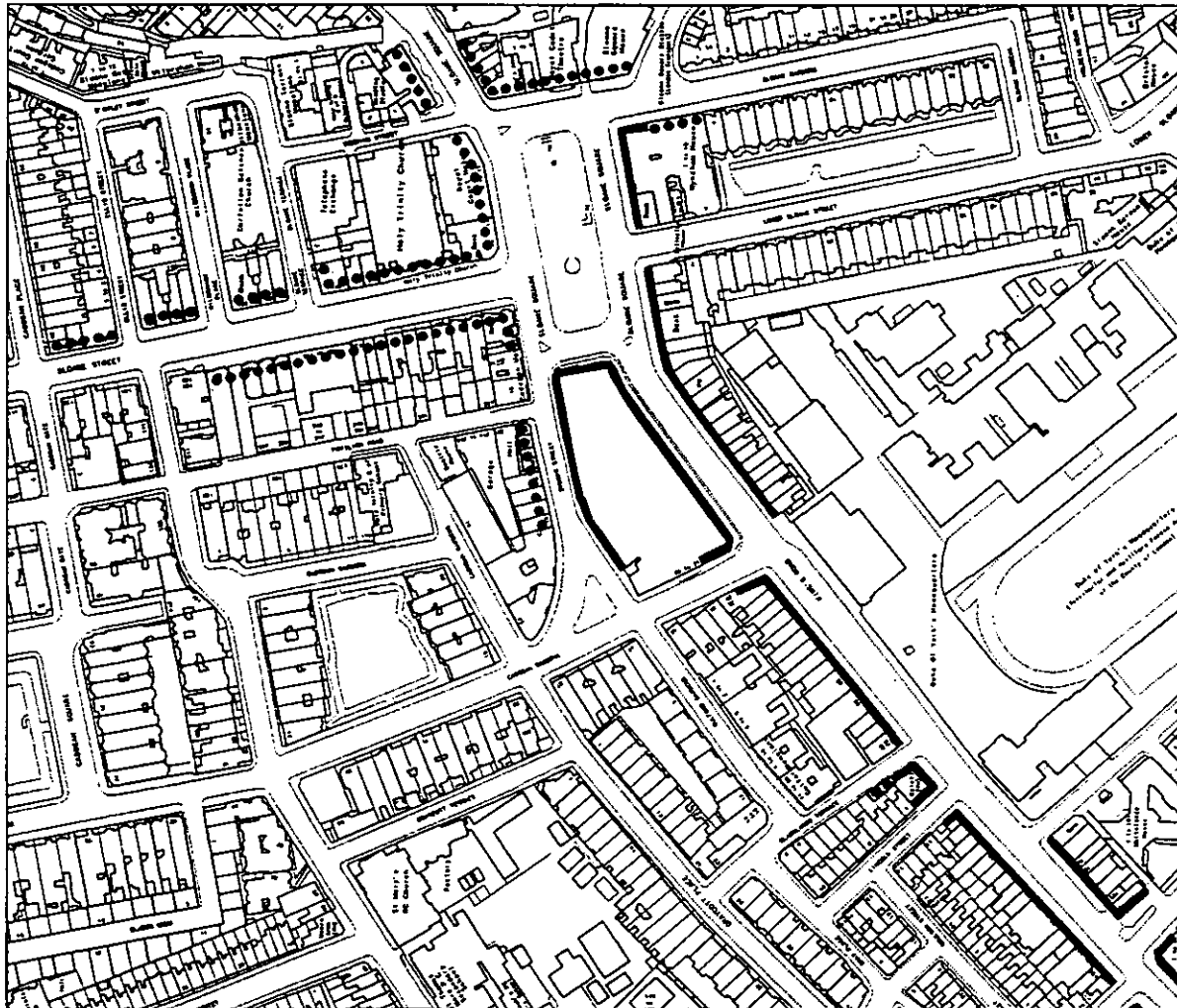
Scale: NO FIXED SCALE

Core Frontage

- 9-79 (odd) King's Road
- 81-97a (odd) King's Road
- 105-115 (odd) King's Road
- 119, 163 (odd) King's Road
- 1-5 Flood Street
- 2-120 (even) King's Road
- King's Walk Mail (all units), 122 King's Road
- 124-134 (even) King's Road
- 27a-36 (inclusive) Sloane Square

Non Core Frontage

- 2a-12 (even) Symons Street
- 1-14 (inclusive) Sloane Square
- Sloane Square tube station
- Royal Court Theatre, Sloane Square
- 48-55a (inclusive) Sloane Square
- 127-145 (inclusive) Sloane Square
- 146-162c (inclusive) Sloane Square
- 10-12 Blacklands Terrace



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MAP 19

Principal Shopping Centre No 8
KING'S ROAD (EAST)



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Principal Shopping Centre No 9

SOUTH KENSINGTON

KEY

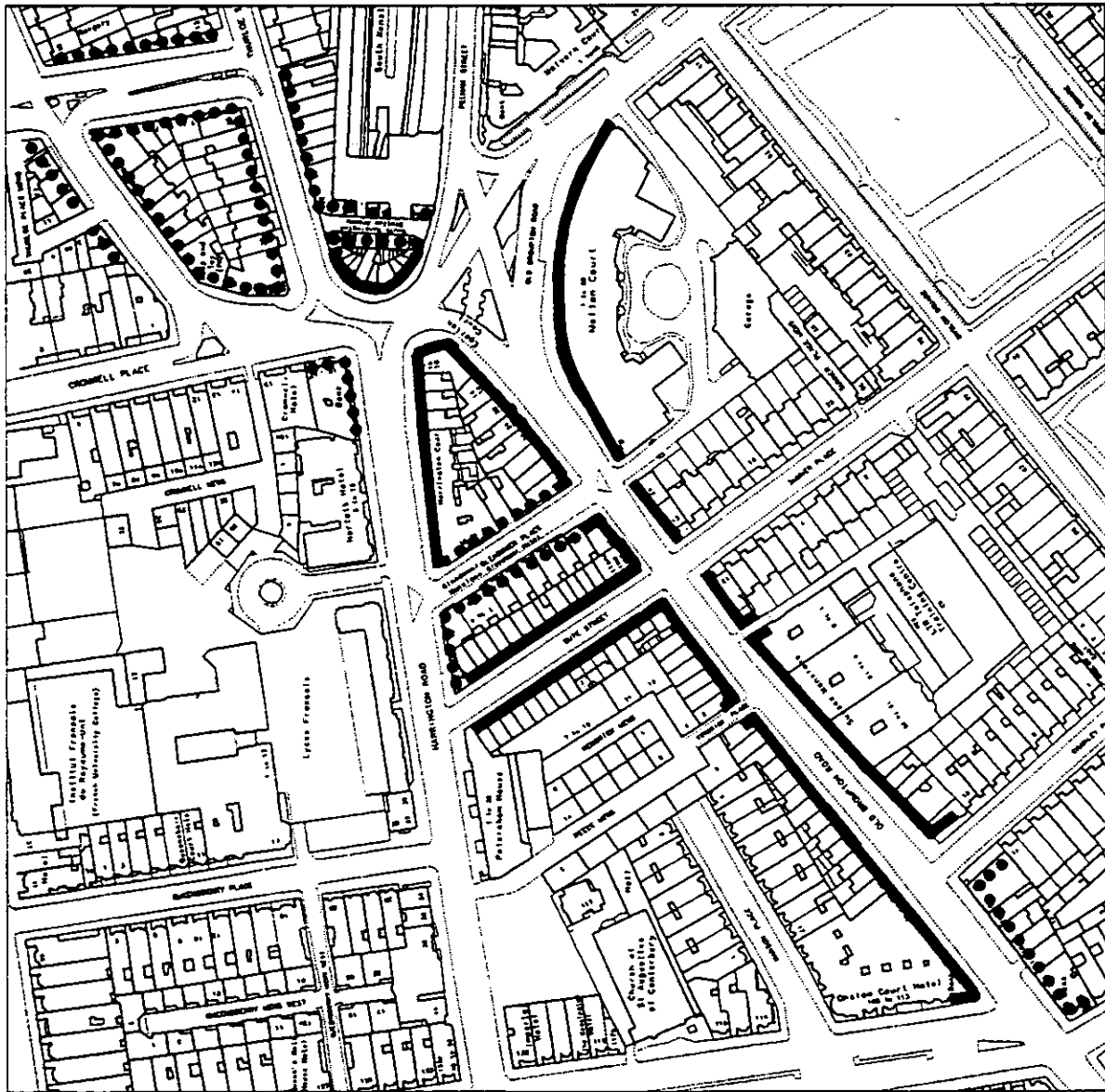
- Core Shopping Frontage
 - Non Core Shopping Frontage
- Scale: NO FIXED SCALE

Core Frontage

- 1-97 (odd) Old Brompton Road
- 2-92a (even) Old Brompton Road
- 3-31 (odd) Bute Street
- 4-28 (even) Bute Street
- 1-19 (odd) Harrington Road
- 1-11 (odd) Pelham Street
- 38-48 (even) Thurloe Street

Non Core Frontage

- 99-115 (odd) Old Brompton Road
- 3-17 (odd) Glendower Place
- 2-12 (even) Glendower Place
- 21-27 (odd) Harrington Road
- 1-13 (odd) South Kensington Station Arcade
- 2-8 (even) South Kensington Station Arcade
- 20-36 (even) Thurloe Street
- 25-45 (odd) Thurloe Street
- 17-18 (inclusive) Cromwell Place
- 23-26 (inclusive) Cromwell Place
- 25-39 (inclusive) Thurloe Place
- 1a-19 (odd) Exhibition Road
- 2a-12 (even) Exhibition Road
- 17-18 (inclusive) Cromwell Place



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TRANSPORTATION



CONTENTS

Page

GENERAL POLICIES

115

Part I Policies and Reasoned Justifications

115

LOCAL POLICIES

117

1 OBJECTIVES

117

2 THE ROLE OF TRANSPORT IN THE BOROUGH

117

Constraints Imposed by other Authorities

118

A Department of Transport

118

B The Traffic Director for London

119

C The Home Office

119

D Emergency Services

119

E Traffic Control Systems Unit

119

F London Transport

120

G Other Transport Agencies

120

3 PUBLIC TRANSPORT

120

Introduction

120

People with Special Mobility Needs

121

British Rail and Underground Services

121

The Chelsea/Hackney Line

122

Crossrail

122

The Heathrow Express Link

123

The West London Line

123

Station Improvements

123

Bus Services

124

New Services

124

Deregulation of Bus Services

125

Interchange between Services

125

Taxi Services

125

Coach Services

126

River and Canal Transport Services

126

4	THE RESTRAINT AND CONTROL OF ROAD TRAFFIC	127
	Introduction	127
	General Traffic Restraint	127
	The Road Hierarchy in the Borough	128
	New Roads	130
	Traffic Management in the Borough	131
	Traffic Management on Major Roads	131
	Traffic Management on Minor Roads	133
	Road Safety	134
	Pedestrians	135
	Cyclists	136
	Buses	137
	Coaches	138
	Heavy Goods Vehicles	138
	Pollution from Vehicles	139
5	PARKING	139
	Introduction	139
	Parking Controls	139
	Parking Enforcement	141
	Parking for Residents	141
	Parking for Visitors	141
6	CONTROL OF DEVELOPMENT	142
	Financial Support for Public Transport Services	143
	Parking for Non-residential Development	143
	Access to non-Residential Development	144
	Servicing	145
	Parking for Residential Development	145
7	AIR TRANSPORT	146

GENERAL POLICIES

Part I Policies and Reasoned Justifications

- i. An effective and efficient transport system is essential to meet the economic and development needs of London and the South East. It is also a major contributory factor in improving the accessibility and overall quality of life for people living or working in, or visiting London. This requires a co-ordinated, strategic approach to the planning of London's transport system. The Royal Borough of Kensington and Chelsea, whilst a residential area with residential constraints, is part of this strategic transport system. Many of the transport-related issues affecting the Royal Borough, therefore, must be viewed and tackled in a London-wide context.
- ii. The effective movement of people in and around a major metropolitan area as densely populated and congested as London requires an efficient public transport system. An improved public transport system would encourage more people who currently use private transport to travel by public transport. The Council therefore welcomes Government support for substantial investment in London's public transport system, as expressed in Strategic Guidance for London (RPG3).
- iii. For many people, walking is the most convenient and pleasant way of getting about London. It is the cheapest of all modes of transport. Therefore, it is important to encourage walking by ensuring that pedestrian environments are made as safe and attractive as possible.
- iv. Traffic has an adverse effect on the environment, therefore the Council will generally support measures aimed at restraining the growth in traffic levels, including the control of parking. This must be addressed at the metropolitan level in order to be effective.
- v. The Council considers that a greater emphasis should be given to directing transport investment towards environmental improvement. Developments should also be planned in such a way that the necessity to travel is reduced.
- vi. RPG3 points to the use of the Strategic London Road Network as a means of directing traffic away from residential streets. The Council supports the Strategic London Road Network and will liaise with neighbouring authorities to secure the most effective use of the Network.
- vii. Most freight within inner London is carried by road. Heavy lorries travelling in and around London create significant environmental nuisance, a problem amplified at night and at weekends when roads are generally less busy. While recognising that alternative modes of transporting freight are difficult for some commercial activities, the Council will support moves to transfer freight flows to rail and water.

- viii. The need to lessen the impact of vehicles on London's environment is linked with the need to address the whole issue of 'global warming'. Vehicle emissions from London's congested roads must be reduced as they not only have adverse effects for Londoners but, as a contributor to 'global warming', have implications for the world as a whole.
- ix. As well as reducing the number of vehicles on the road, the Council supports alternative means of travelling. Cycling is a clean and efficient mode of transport, particularly in an inner London location. The Council therefore welcomes the support for the principle of a strategic cycle route network set out in RPG3.
- x. In order to contribute to the overall improvement of London's transport system, the Council proposes the following strategic policies:

STRAT 20

TO SUPPORT AND ENCOURAGE THE IMPROVEMENT OF THE PUBLIC TRANSPORT NETWORK FOR THE METROPOLITAN AREA.

STRAT 21

TO SEEK THE REDUCTION OF NON-ESSENTIAL TRAFFIC MOVEMENT WITHIN THE METROPOLITAN AREA.

STRAT 22

TO SEEK AN IMPROVEMENT IN ACCESS AND MOVEMENT FOR ESSENTIAL TRAFFIC.

STRAT 23

TO SEEK TO PROMOTE A SAFE AND EFFICIENT TRANSPORT NETWORK FOR ALL MODES OF TRAVEL INCLUDING WALKING.

STRAT 24

TO SUPPORT THE MAINTENANCE OF A STRATEGIC LONDON ROAD NETWORK AND TO ENSURE A CONSISTENT ROAD HIERARCHY BETWEEN THE ROYAL BOROUGH AND ADJOINING BOROUGHES.

STRAT 25

TO SUPPORT MEASURES TO REDUCE THE IMPACT OF VEHICLE EMISSIONS.

STRAT 26

TO SUPPORT THE DEVELOPMENT OF A STRATEGIC CYCLE NETWORK.

STRAT 27

TO ENCOURAGE THE APPROPRIATE USE OF RAIL AND WATER FOR CROSS-LONDON PASSENGER AND FREIGHT TRANSPORT.

STRAT 28

TO SUPPORT AN EFFECTIVE LONDON-WIDE CONTROL OF NIGHT-TIME AND WEEKEND LORRY MOVEMENT.

LOCAL POLICIES

1 OBJECTIVES

1.1 The Council's policies for transport reflect the overall aim of the Plan, which is "to maintain and enhance the character and function of the Borough as a residential area and to ensure its continuing role within the metropolitan area as an attractive place in which to live and work". The Borough is heavily developed, it is therefore inappropriate to expect any real increases in road capacity. Because of this, great reliance is placed on the provision of public transport. There will be consideration of pedestrians in all proposals. In this context, the following four overall objectives have been adopted for transport in the Borough:

- (A) To improve public transport so it is more convenient to use and is better able to meet demand.
- (B) To reduce levels of non-essential road traffic, thus allowing better access and movement for essential traffic.
- (C) To minimise the adverse effects of traffic on residential areas, both on the environment and road safety.
- (D) To ensure appropriate access to all land uses through the efficient use of the transport network.

2 THE ROLE OF TRANSPORT IN THE BOROUGH

2.1 Transport is essential to the functioning of the Borough, and influences the location and the range of activities. However, movement in the Borough comes both from trips serving the Borough's needs and from through-trips by people travelling to and from other parts of London and beyond.

2.2 Many trips in the Borough are short, some of these are made on foot or by bicycle. Others, particularly those which begin or end outside the Borough, are made by car, goods vehicle or public transport. It is these motorised trips which are the cause of many of the problems associated with movement and parking in the Borough such as congestion, noise and accidents.

2.3 Private transport provides great flexibility for the movement of people and goods. It can provide a door-to-door service available at any time, and gives a high level of convenience and comfort for those who use it. However, in urban areas space for roads, parking and servicing is very limited, and must be used efficiently, with preference given to those vehicles whose users have the greatest need. Examples of vehicles which will be given priority include:

- (a) buses;
- (b) vehicles conveying goods to, or from, or within, the Borough;
- (c) vehicles used by people with special mobility needs which preclude their use of public transport;
- (d) vehicles used by people for essential journeys at times when public transport is not available.

2.4 Often, private transport is not available to many people in the community, either at any time, or for parts of the day. Public transport, therefore, has an increasingly important role as the main means of travel in, or through, the Borough.

2.5 The policies contained in this chapter seek to achieve the objectives set out in paragraph 1.1 above by measures to improve:

- (a) the reliability and attractiveness of public transport in order to encourage the transfer of trips by car onto public transport;
- (b) the control and safety of road traffic, whilst reducing or restraining unnecessary road movements;
- (c) facilities for safe and convenient movement of pedestrians and cyclists.

Constraints Imposed by other Authorities

2.6 The Borough's transportation policies are subject to a number of constraints and influences imposed upon the Borough by the role of other authorities and the need to consult with such authorities when appropriate. The principal authorities who influence the Borough's transport network are:

A Department of Transport

2.7 The Department of Transport (DoT) implements the transport policies of central government and determines the framework within which all regional and local decisions are made. The DoT works through legislation and also through guidance on highway matters. In addition to its roles in regulating public transport, road vehicles and drivers, the DoT impinges on the Borough through the Strategic London Road Network, Traffic Management and Parking Guidance, the Transport Policies and Programme, and the general oversight of traffic control techniques.

- 2.8** The Strategic London Road Network was determined by the Secretary of State and is made up of Trunk Roads, Priority Routes (Red Routes), and Designated Roads. The DoT is the highway authority for the Trunk Roads. The DoT has a right to direct refusal or impose conditions on any application for development along a Trunk Road and must be consulted when a development has a significant traffic impact on a Trunk Road in the vicinity. There are few Trunk Roads in the Borough. The major Trunk Road is the elevated Westway from which no access for development is possible.

B The Traffic Director for London

- 2.9** The Traffic Director for London is appointed by the Secretary of State and has a specific responsibility for Priority Routes (Red Routes). The Traffic Director for London is to be consulted on all applications for development which may affect the Priority Route or Designated Road networks, although the Director does not possess a power of direction. While the Council is the highway authority for Priority Routes and Designated Roads, the use of any highway or traffic power on or near these roads that would adversely affect such roads is subject to the scrutiny of the Traffic Director. In addition the Traffic Director is responsible for the network plan for Priority Routes and ensuring that local plans which must be drawn up by the Council for Priority Routes are in accordance with the network plan and the Secretary of State's Traffic Management Guidance.

C The Home Office

- 2.10** The Home Office influences transport through the setting of fines for motoring offences and through the control of the Metropolitan Police and its Traffic Wardens. The limited number of Traffic Wardens is confined to parking enforcement on the busiest roads with the Council responsible for all other parking enforcement as a result of the Road Traffic Act 1991. The use of removal and clamping powers by the Metropolitan Police is likewise concentrated on the busiest roads with similar enforcement activity by the Council on all other roads.

D Emergency Services

- 2.11** The London Fire Brigade and the London Ambulance Service are both concerned to maintain quick access to all streets in the Borough. They are consulted on all significant traffic management schemes and their needs will influence and occasionally determine the form of such schemes.

E Traffic Control Systems Unit

- 2.12** The Traffic Control Systems Unit (TCSU) is responsible for the management of London's traffic signals, including new schemes and systems of linked signals under Urban Traffic Control. The organisation is at present managed by the DoT, in the absence of an agreement between the London Boroughs. In addition to implementing traffic signal schemes, TCSU offers technical advice on signalling proposals. Programmes of signal schemes are developed within the Unit's annual budget after individual consultations with the Boroughs and the Department of Transport.

F London Transport

- 2.13** Public transport within London, which is not part of British Rail, is currently supervised by London Transport. The two major bodies within London Transport are London Underground Ltd and London Transport Buses. Although London Transport no longer owns the London Transport bus companies operating in the Borough, London Transport has responsibility for the planning of services on both the Underground and London Transport buses.

G Other Transport Agencies

- 2.14** There are a number of other transport related agencies that provide specific services for particular needs and these will occasionally have a role in relation to proposed developments.

The principal ones include:

1. London and South East Regional Planning Conference
2. London Planning Advisory Committee
3. The Port of London Authority
4. Parking Committee for London.

3 PUBLIC TRANSPORT

Introduction

- 3.1** Public transport services in, or leading to, the Borough comprise:

- (a) British Rail services;
- (b) London Underground services;
- (c) bus services;
- (d) taxi services;
- (e) River Bus services.

- 3.2** Access to, and use of, public transport services in the Borough is determined by:

- (a) location of stations and bus stops;
- (b) type and cost of service;
- (c) frequency of service;
- (d) reliability of service;
- (e) capacity and overcrowding;
- (f) safety.

- 3.3** Good access to public transport services is necessary to increase the attractiveness of the services for all potential users. Paragraph 3.2 indicates the factors which affect access to, and use of public transport services within the Borough. Poor access to public transport services leads to higher levels of car use on the roads within the Borough, and greater pressure for less restrictive parking standards in new commercial developments in some areas of the Borough. Policies relating to commercial developments are set out in the Offices and Industry and Planning Standards Chapters.
- 3.4** The current network of public transport services means that movement north/south in the Borough is more difficult than movement east/west. The Council will seek the improvement and introduction of services to help overcome this problem. North Kensington and the south west of Chelsea, in particular, are areas where the Council considers current service provisions are not adequate.
- 3.5** The Council will seek improved levels of service on existing routes, better reliability of services and the provision of new routes. Any proposed changes to existing services, or provision of new routes, will be considered by the Council having identified the needs of residents in the Borough. The benefits of any changes, for the whole Borough, will be taken into account, for example, the reduction of road traffic.
- TR1** TO SEEK A GENERAL IMPROVEMENT IN BUS, TRAIN AND BOAT PASSENGER SERVICES IN THE BOROUGH.

People with Special Mobility Needs

- 3.6** People with special mobility needs, including some elderly people, people with physical disabilities and/or sensory impairment, and those with young children or carrying heavy loads, have very specific transport requirements. Public transport is often the only means of transport available. However, many people find it very difficult to use public transport for a number of reasons which include restricted access to stations and to certain vehicles and problems in obtaining travel information. Consequently, the Council will have particular regard for the needs of such people when considering proposals to change public transport services and facilities. The Council will also seek to improve facilities that help people with special mobility needs to use public transport more easily. (See policy CD36 of the Conservation and Development Chapter).

British Rail and Underground Services

- 3.7** The Council recognises the importance of rail services as the main means of high capacity travel for people travelling in the Borough at peak times. Overcrowding on existing rail services is of particular concern to the Council, which is encouraging improved services on existing routes. The Council is supportive of the provision of new rail proposals and routes, including the proposals for West London included in the Central London Rail Study report. New routes would relieve overcrowding on existing services and stations, and

encourage a greater movement of people from road to rail to make their journeys. The provision of new routes and services would improve the opportunity to travel by public transport in areas of the Borough such as South West Chelsea and North Kensington which are currently poorly served by rail services. The Council is particularly keen that Westbourne Park area be served by rail links, possibly using the local service between Paddington and Ealing. Any additional rail capacity would help to minimise the traffic generation of new developments in the Borough (see policy E1 of the Offices and Industry Chapter and TR39 of this Chapter). The design of new routes will be carefully examined to minimise environmental impacts and visual intrusion

- TR2** TO SEEK NEW AND IMPROVED SERVICES FOR LOCAL PASSENGERS AND WHEN CONSIDERING PROPOSALS FOR DEVELOPMENT TO HAVE REGARD TO ANY ASSOCIATED IMPROVEMENTS WHICH WOULD ASSIST TRANSPORT SERVICES.

The Chelsea/Hackney Line

- 3.8** The Department of Transport has safeguarded a new line running between Fulham and Leytonstone (see Proposals Map for alignment of the route). This will benefit some areas identified in paragraph 3.4 above. The line will also assist in relieving traffic congestion generally and help reduce overcrowding on existing services. The new underground line is proposed as a bored tunnel for the whole of its route through Chelsea. The safeguarding is needed primarily to control the construction of deep foundations and basement to new development which might prevent the tunnelling of the line at its planned depth. Some additional safeguarding is needed for stations, ventilation shafts, other ancillary works, and working spaces during construction. The Council will seek to maximise the benefits for the Borough by supporting a proposed station near Chelsea Old Town Hall and a further station in South West Chelsea. It will also use its highway and traffic powers to ensure that safe and convenient access to these stations is secured for rail passengers. Interchange with the West London Line resulting in improved access to developments such as the Chelsea and Westminster Hospital, Chelsea Harbour and Stamford Bridge football stadium is seen as a requirement.

- TR3** TO SUPPORT THE DEVELOPMENT OF THE CHELSEA/HACKNEY LINE, INCLUDING THE PROVISION OF STATIONS WEST OF SLOANE SQUARE IN THE BOROUGH.

Crossrail

- 3.9** The Department of Transport authorised the preparation of a British Rail/London Underground proposal for a new route between Paddington and Liverpool Street, linking British Rail suburban services east and west of London. Approval for this scheme has not been given by Parliament in its current form. It is likely that the promoters of the Crossrail project will apply for an order under the Transport Works Act 1994 for an amended scheme to be considered by Parliament. The Council continues to support in principle the aims of such a proposal which should relieve congestion on the Central Line and help in reducing road traffic generally.

The Heathrow Express Link

- 3.10** British Rail together with the British Airports Authority have proposed an express rail link between Paddington and Heathrow Airport, using existing rail lines through North Kensington. The Council supports this proposal because of the benefits it will bring to the Borough, i.e. reducing overcrowding on some underground services, helping to ease congestion on roads, and particularly by reducing the number of taxis which use the Boroughs roads for access to and from the airport.

TR4 TO SUPPORT THE PROPOSAL FOR THE HEATHROW EXPRESS LINK.

The West London Line

- 3.11** This line provides services between Kensington Olympia and Clapham Junction. This allows the opportunity to improve links between areas to the north of the Borough, the Borough and South London as a whole, and also assist north/south journeys in the Borough. Improvements to the service would help to reduce traffic on the roads within the Borough generally. The Council is working with British Rail, the Department of Transport and other West London Boroughs on a proposal for local passenger services from Willesden Junction to Clapham Junction. The Council will encourage the provision of additional stations, in particular an interchange station between the West London Line and the proposed Chelsea/Hackney Line.

TR5 TO SUPPORT AND ENCOURAGE THE IMPROVEMENT OF LOCAL PASSENGER SERVICES ON THE WEST LONDON LINE, INCLUDING THE PROVISION OF NEW STATIONS.

- 3.12** The Council is concerned that proposals to use this rail corridor for trains serving the Channel Tunnel may preclude the improvement of local passenger services. In particular the Council supports the development of the East London (Stratford) approach into London for Channel Tunnel rail traffic, so that the proposed use of the West London Line for Channel Tunnel trains (serving long distance passenger and freight traffic) can be minimised. The Council will wish to see the released track capacity given over to an improved local passenger service between Clapham Junction and Willesden Junction in particular, or as part of an orbital service.

TR6 TO SUPPORT THE DEVELOPMENT OF NEW DEDICATED RAIL LINKS FOR CHANNEL TUNNEL PASSENGER TRAINS AND INTERNATIONAL FREIGHT BETWEEN KENT, CENTRAL LONDON AND THE MAIN LINES NORTH OF THE THAMES.

Station Improvements

- 3.13** The Council will support the provision of new stations, and the redevelopment and improvement of existing stations, to achieve improvements in the accessibility, attractiveness and safety of rail services. In particular, support will be given to measures

that make rail services easier to use for people with special mobility needs. Special consideration should be given to station layout, lighting and other aspects of design to achieve a pleasant and secure environment for all passengers. Designs should also seek to minimise distances which passengers need to walk when changing lines or types of transport. Features such as stairs, and other changes of level, should be avoided wherever possible. The Council will also seek street-level improvements (e.g. to improve interchange facilities) when stations are redeveloped.

TR7 TO SUPPORT PROPOSALS FOR THE IMPROVEMENT OF EXISTING STATIONS AND FOR THE PROVISION OF NEW STATIONS.

Bus Services

3.14 Bus services provide for both local and long-distance trips. Alterations to routes, provision of new routes and service improvements can be achieved in a shorter timescale when compared to other improvements such as the construction of new Underground lines. The Council will seek to encourage greater use of buses in the Borough by alterations in, and improvements to, services which are closely related to the needs of people who live and work in the area. Support will also be given, where practical, to providing shelters with seats at bus stops.

3.15 The frequency and reliability of bus services in the Borough needs to be improved to retain existing users and to encourage people to transfer from other types of motorised road travel (see paragraph 4.39). Bus operators will be encouraged to match the capacity and frequency of their services more closely with passenger demand. This can be done through a review of routes, the introduction of high frequency mini-bus services on some routes, and greater use of telecommunications to improve the control and information relating to bus movements. There are, however, still many Local Roads in the Borough where any type of bus is deemed inappropriate (see also paragraph 4.20).

TR8 TO SEEK IMPROVEMENTS TO THE QUALITY AND RELIABILITY OF EXISTING BUS SERVICES AND WHERE APPROPRIATE, NEW SERVICES, THROUGH IMPROVED TRAFFIC MANAGEMENT ON BUS ROUTES AND CLOSE LIAISON WITH LONDON TRANSPORT AND BUS OPERATORS

New Services

3.16 Mini-bus services can be used not only on existing routes but also on roads not suited to standard-sized vehicles. They can provide improved public transport provision. The higher frequency and greater reliability of these services has been shown to encourage greater use of public transport. Conversion of existing routes to mini-buses will be resisted if they are considered to have an adverse effect on the level of service. For routes on Major Roads at peak times, the Council will seek the retention of larger buses and bus conductors to minimise delays and maintain efficient traffic flow.

- 3.17** Innovative bus services can also provide improved access for people with special mobility needs and can provide services at times of low demand, e.g. night and weekend buses. Financial support will be considered in appropriate cases (referred to in paragraph 6.3).

Deregulation of Bus Services

- 3.18** Following consultation on the possible deregulation of operation of bus services in London, the Secretary of State has postponed the proposal. Bus services have already been deregulated outside London and it is possible that such proposals for London may be reconsidered in the future. The privatisation of London Buses and its operating companies will continue to take place. From 1995 all buses and bus crews will be provided by private sector companies, although all bus services will continue to be controlled by London Transport.

Interchange between Services

- 3.19** During public transport journeys, passengers often change between services or from one type of transport to another. There are some places in the Borough where many people make such interchanges. The Council considers that, at these locations, it is important that adequate interchange facilities are provided and access between bus stops and rail stations is made easier. This can be done, for example, by altering:

- (a) the layout of the parts of stations used for access;
- (b) the highway (by providing adequate pedestrian facilities);
- (c) signs indicating direction; and
- (d) travel information facilities.

Changes of these types can often be achieved during development at locations where interchange takes place. The Council may require that Planning Obligations are entered into in order to secure such improvements.

TR9 TO SEEK IMPROVEMENTS IN FACILITIES AT LOCATIONS WHERE PUBLIC TRANSPORT USERS INTERCHANGE BETWEEN TYPES OF TRANSPORT.

Taxi Services

- 3.20** Taxis can perform an important role in providing public transport, particularly in areas poorly served by bus or rail or at times when other public transport does not operate. They are particularly useful for visitors to shops, offices, restaurants and hotels and their use helps to reduce the demand for parking spaces at such places. They are often the most convenient form of public transport available to people with special mobility needs, a fact recognised by the Council's support for 'Taxi-card' schemes.

Coach Services

3.21 Coaches serve three main markets:

- (a) Express coaches: generally, scheduled services catering for selected long-distance routes or commuters, and typically compete with rail services. The numbers of vehicles involved are relatively small and most services pass through the Borough, making few stops. Such services should only use Major Roads in the Borough.
- (b) Tourist coaches: cater for visitors to London and use the Borough's Major and Minor Roads in large numbers. They cause problems picking up and setting down passengers, especially at the many hotels in the Borough, creating congestion and being very environmentally intrusive in the predominantly residential character of the Minor Roads. This is referred to in the Hotels Chapter. Problems also occur near museums and exhibition centres.
- (c) Education coaches: provide economical transport for groups of pupils and students to the museums and exhibition centres. The activity has its own peak during the education year and is highly concentrated on the most educationally attractive locations.

Measures to reduce the impact of coaches on roads in the Borough are discussed in paragraphs 4.40 to 4.42. In assessing these measures, the efficiency of coaches in conveying large numbers of people will be taken into account.

River and Canal Transport Services

3.22 The River Thames is a valuable transport artery between the south of the Borough, other riparian Boroughs and the Docklands. The Council supports scheduled passenger services between central London and the two piers with convenient access to Chelsea (Cadogan Pier and Chelsea Harbour) which can provide a useful supplement to rail and bus services. Passenger services, where operationally possible, need to be fast, frequent and reliable; they should also be integrated where possible with the rest of the public transport system through ticketing, timetabling and information. The Council also supports the increased use of the river for freight movement subject to other planning and traffic implications. Likewise the Grand Union Canal in the north of the Borough has potential as a freight transport artery in addition to its other uses.

TR10 TO ENCOURAGE INCREASED USE OF THE RIVER THAMES AND GRAND UNION CANAL FOR PUBLIC TRANSPORT AND FREIGHT MOVEMENT.

4 THE RESTRAINT AND CONTROL OF ROAD TRAFFIC

Introduction

4.1 The Council's policies supporting public transport will be complemented by policies that seek to reduce the adverse effects of road traffic on the Borough by encouraging safer and more efficient use of the Borough's roads. There are six main elements to the Council's policies in this respect. These are:

- (a) general reduction of traffic volumes;
- (b) designation of a hierarchy of roads in the Borough;
- (c) improvement of traffic efficiency on Major Roads in the Borough;
- (d) restriction and slowing of traffic flows on Minor Roads;
- (e) restriction of the number and availability of car parking spaces;
- (f) improvement of facilities for pedestrians and cyclists.

Each of these elements is discussed in turn.

General Traffic Restraint

4.2 Motorised traffic in the Borough has many adverse effects on its predominantly residential character. The Borough's roads are unable to meet the unrestricted demands made on them by road users without these effects being considerably worsened. The problems associated with high traffic volumes in the Borough are:

- (a) deterioration in the environment in residential areas and shopping streets;
- (b) traffic noise and vehicle emissions, a health hazard for people using or living near busy roads;
- (c) congestion, resulting in less convenience for people making local trips, by bus and by car;
- (d) restrictions on the movement of cyclists, pedestrians and people with special mobility needs, as well as severance of local communities, through the presence of roads and heavy traffic;
- (e) road safety problems for residents, drivers and other road users;
- (f) shortage of essential parking and loading space.

This situation is unacceptable and needs to be restrained.

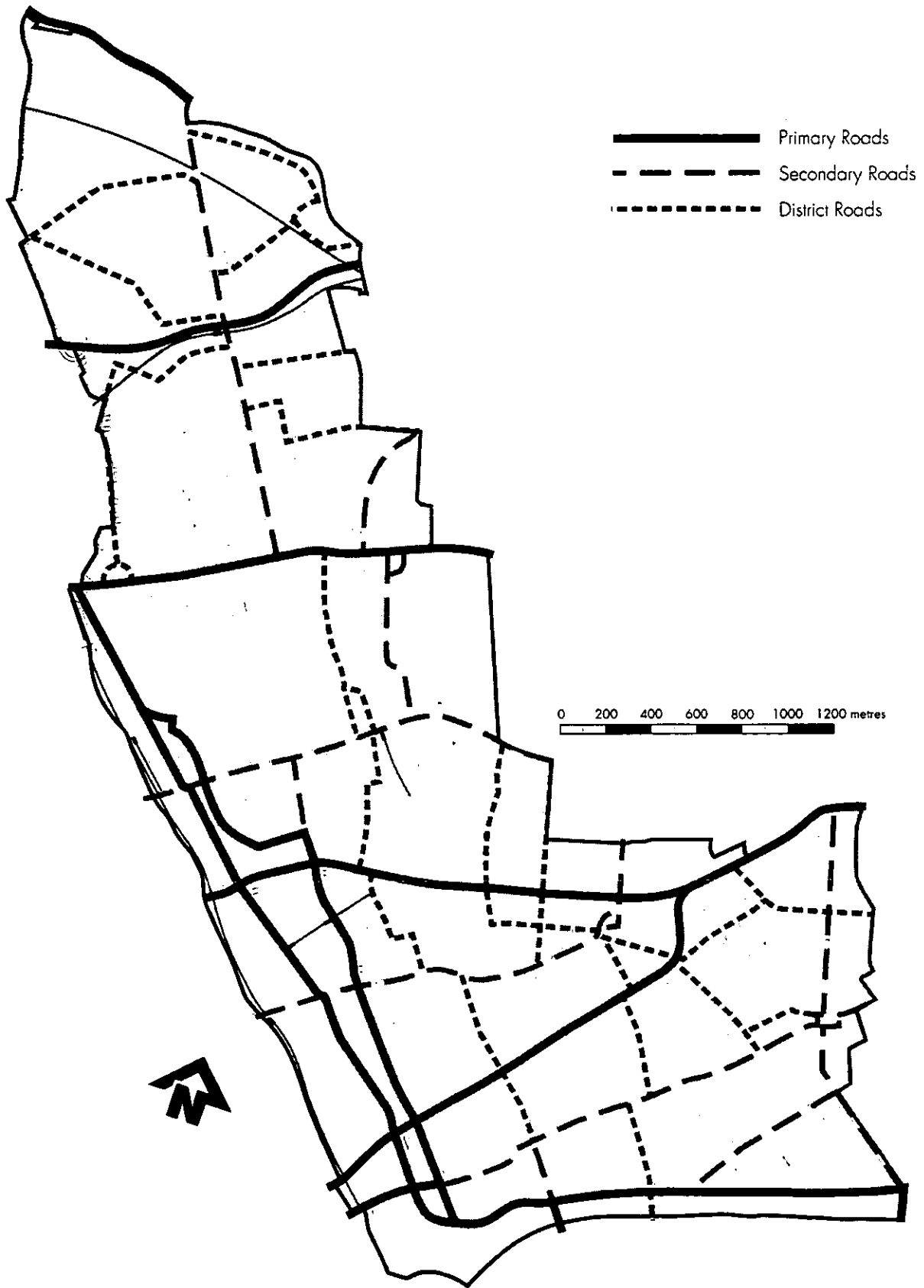
- 4.3** Unplanned restraint of road traffic already occurs in the Borough (and elsewhere in central and Inner London) through congestion. The Council considers that a level of planned restraint is required. The policies for public transport enhancement, detailed in Section 3, seek to encourage further transfer of trips away from private transport. The Council considers that an even greater level of planned and controlled restraint of traffic is necessary to ensure that the Borough's roads are available to those who have the greatest need to use them.
- 4.4** The Council supports the concept of applying strategic measures to restrict traffic. To be effective, such measures need to be implemented over areas larger than a single borough and the Council therefore supports the concept of applying strategic measures in central and Inner London generally. Such measures are likely to include direct charges to road users or limitations on vehicle access over wide areas. The Council will ensure that Borough residents are not unduly penalised by restraint policies and will examine closely any new restraint proposals to ensure that they are directed against the least essential and most intrusive trips. These trips are likely to be longer distance radial journeys from outer London to the centre which cause congestion at numerous locations and which can transfer to public transport with the least inconvenience. The Council recognise that there are still many problems about traffic restraint to be resolved but notes and welcomes the major study that the Department of Transport intends to publish in 1995 into causes and possible cures of congestion in urban areas.
- 4.5** If they are fully accepted, London-wide traffic restraint policies will take several years to implement. In the shorter term, parking control remains the most effective means of restraining traffic volumes. Policies to restrain traffic, through parking control, are contained in Section 5.

The Road Hierarchy in the Borough

- 4.6** RPG3 stresses the importance of the strategic road network in managing traffic throughout London. The elements in the Borough's road hierarchy, and their principal roles, are as follows:
- (a) Major Roads comprise:
- Primary Roads, which are Trunk Roads, Priority Roads (Red Routes), and Designated Roads. (The Council is the highway authority for the Priority Routes and the Designated Roads in the Borough, but they have been designated by the Department of Transport as part of the strategic London road network.)
 - Secondary Roads, which are the links between Primary Roads and District Roads (see below) and which form the main bus routes.

MAP 6

The Royal Borough's Road Network Hierarchy



(b) Minor Roads comprise:

- District Roads, also known as local distributors, which are the links between Secondary Roads (see above) and Local Roads (see below). These consequently have an important traffic distribution function. The capacity of District Roads in the Borough varies considerably. Most District Roads are able to be used for bus routes.
- Local Roads are all the roads in the Borough which do not fall into the above categories. These provide direct access to residential and commercial properties.

The Borough's road network hierarchy is illustrated in Map 6 and shown on the Proposals Map, and a schedule of the network is included as Appendix III at the end of the plan.

TR11 TO ADOPT A HIERARCHY FOR THE ROAD NETWORK AS DESCRIBED IN PARAGRAPH 4.6 AND THE SCHEDULE AT APPENDIX III, AND TO KEEP IT UNDER REVIEW.

- 4.7** The Council considers that most of the Designated Roads in the Borough are not suitable for use as part of London's strategic network, and that they are more appropriately classified as Secondary Roads. However, without acceptance by the Department of Transport of the need for traffic restraint, policy changes to the 'designated' network are unlikely to be agreed. If and when restraint is adopted as a policy for London, the Council will press the Department of Transport to reduce the number of roads designated by the Department of Transport as Priority or Strategic Routes. Those roads with predominantly residential frontages, in close proximity to the carriageway, at ground or upper levels are considered the higher priority for change to Secondary Road status.

New Roads

- 4.8** The Council considers that, given its restraint policies and the predominantly residential character of the Borough, it is inappropriate to propose any significant construction of new roads.

TR12 TO RESIST ANY HIGHWAY PROPOSAL WHICH WOULD LEAD TO AN INCREASE IN THE TOTAL VOLUME OF TRAFFIC IN THE BOROUGH.

- 4.9** Consideration may be given to limited additional highway provision where there will be no overall opportunity to increase the volume of traffic passing through the Borough. Actual proposals are likely to be limited but where proposals are advanced it will be essential to ensure that complementary traffic management schemes are designed to limit the possibility of adding to traffic volumes.

TR13 TO SUPPORT PROPOSALS WHICH, WITHOUT LEADING TO AN INCREASE IN THE TOTAL VOLUME OF TRAFFIC, HELP TO RELIEVE THE EARLS COURT ONE-WAY SYSTEM.

- 4.10** The Council, however, has supported, for a long time, road proposals that could provide some relief to the Earls Court one-way system. The Council supports means of improving the access to Earls Court Exhibition Centre, including where necessary construction of new link roads, where they remove some commercial vehicles and coaches from the residential areas around Earls Court.

Traffic Management in the Borough

- 4.11** The strategy for the management of traffic on the Borough's roads is to:
- (a) reduce the adverse impact of traffic on the Borough's Major Roads, especially shopping streets;
 - (b) improve the environment for residents and to improve conditions for pedestrians, cyclists and people with special mobility needs;
 - (c) identify local areas in the Borough where measures will be adopted to discourage inappropriate traffic and where environmental considerations will be given priority over the use of vehicles;
 - (d) improve road safety on all roads in the Borough.
- 4.12** To implement this strategy, the Council is developing and carrying out a programme of works based on the following:
- (a) measures to make the use of Major Roads safer and more efficient;
 - (b) traffic calming and restraint measures on Minor Roads;
 - (c) accident remedial measures on all roads.
- 4.13** To implement the proposals in the programme efficiently, and with the minimum of inconvenience, it is proposed that, when possible, they will be carried out as an integral part of the Council's continuing programme of highway maintenance.

Traffic Management on Major Roads

- 4.14** Major Roads in the Borough are intended to carry the main traffic flows and longer-distance movements. Heavy goods vehicles and coaches in particular should use these roads, unless they need access to specific premises in the Borough. As discussed in paragraph 4.2 to 4.7, the long-term objective of the Council is to secure a reduction in the flow of traffic on these Major Roads within the Borough.
- 4.15** In the short term, the capacity of the complete road network needs to be maintained. It is only by action from the relevant highway authority and parking enforcement agencies in improving the efficiency of the Major Roads that measures to deter traffic from using the Minor Roads in the Borough can be effective. Such deterrent action by this Council on Minor Roads is normally subject to approval by the Department of Transport or the Traffic Director for London when it transfers traffic to the Primary Roads (as defined in paragraph 4.6).

4.16 The Council will seek to co-operate with the Department of Transport, the Traffic Director for London, and the Metropolitan Police in the preparation and implementation of 'local plans' for changes to the Priority Routes. These 'local plans' are statements of proposals with respect to the operation of Priority Routes to be prepared by the Council after receipt of the Secretary of State's Traffic Management Guidance and the Traffic Director's network plan (Section 54, Road Traffic Act 1991). On these routes the Council will be specifically seeking for each individual route that the following objectives are demonstrably achieved:

- (1) reduced average journey time;
- (2) improved journey time reliability;
- (3) improved bus reliability;
- (4) reduced casualties;
- (5) improved conditions for cyclists;
- (6) improved conditions for pedestrians;
- (7) satisfying the genuine needs of business;
- (8) consistency with the Government's objective of not encouraging further car commuting into central London or across it.

4.17 The Council will seek to improve the efficiency of the Major Roads (see Glossary) for which it is the Highway Authority, to achieve a smoother flow of traffic, by balancing the capacity of the main junctions with the capacity of links between them. This will require the consideration of the layout of junctions and the traffic signal timings to optimise the flow of vehicles, together with regularly spaced and convenient pedestrian crossing facilities and a high level of enforcement of waiting and loading regulations. Changes to these Major Roads will involve the use of highway and traffic powers which will be subject to the scrutiny of the Department of Transport or the Traffic Director for London. This scrutiny arises from the categorisation of the more strategic of these roads as Priority Routes or Designated Roads. The remainder are Secondary Roads. Changes on these may also be subject to scrutiny where any adverse effects on the two higher categories of road may result.

4.18 In developing and implementing these policies, full use will be made of the services provided by the Traffic Control Systems Unit, which supplies and operates traffic signals in London. In particular, a computer programme offers increased efficiency by continuously adjusting and co-ordinating signal timings to the actual flow of traffic in the network. This will assist in providing improved pedestrian crossings facilities.

4.19 Improvements in traffic flow and safety on the Major Roads will also be sought by reducing the number of Minor Road accesses, or improving the control of traffic at junctions with Minor Roads, or both, subject to the procedure for Designated Roads.

TR14 TO IMPROVE THE EFFICIENCY OF THE MAJOR ROADS WITHIN THE BOROUGH FOR ESSENTIAL TRAFFIC IN CO-OPERATION WITH THE TRAFFIC DIRECTOR FOR LONDON AND THE METROPOLITAN POLICE THROUGH THE FOLLOWING MEANS:

- (a) REVIEWING AND ENFORCING CONTROLS ON PARKING, WAITING AND LOADING;
- (b) IMPROVING JUNCTION LAYOUT;
- (c) OPTIMISING TRAFFIC SIGNALS;
- (d) CONTROLLING ACCESS TO AND FROM MINOR ROADS.

Traffic Management on Minor Roads

4.20 The Borough's Minor Roads are intended to provide access to residential and commercial premises. They are typically in local areas bounded by Major Roads or other significant barriers. Local areas contain only Minor Roads. District Roads (i.e. the more important Minor Roads) provide links between Local Roads and the Major Roads. The inadequacy of many of the Major Roads to carry the traffic which is currently generated and attracted by West London results in overspill onto the District and Local Roads. This is undesirable but is particularly the case for many District Roads running north/south. District Roads often form part of the bus route network but many are only suitable for use by smaller buses.

4.21 On Minor Roads the Council considers that traffic not connected with the local area should be restrained or discouraged and that traffic speeds should be appropriately limited, to minimise the adverse effects that traffic has especially when areas are residential. The gains to the environment and in road safety will enable and encourage the freer use of these roads by pedestrians and cyclists. However these roads must continue to cater fully for local vehicle movements.

4.22 The introduction of environmental management measures may be considered for local areas encompassing the minor road network within each area. The priority for action will be to reduce personal injury accidents through various measures aimed at concentrations of accidents at specific locations and dispersed accidents at various sites within local areas. Care will be taken so that traffic management measures in a local area does not lead to an increase in traffic activity in a neighbouring local area.

4.23 In particular restrictions on the use of Minor Roads by coaches and heavy goods vehicles with no access needs will form part of the environmental management. The same measures may also be used to limit the routes available to traditional sized buses, though the use of such measures would be after full consultation with London Transport or other operators. The traffic management measures to be used would aim to ensure that drivers' speeds on Local Roads are limited to values in the low 20's (in miles per hour) and on District Roads to the high 20's. The range of measures used must constitute good urban design (see also Conservation and Development Chapter) and will include the following:

- (a) design to limit speeds to 20 mph;
- (b) reduction of carriageway widths (and widening of footways);
- (c) introducing curves into road alignments to reduce speeds;
- (d) speed humps or speed tables;
- (e) rearrangement of on-street parking facilities;
- (f) improving pedestrian crossing facilities;
- (g) introducing facilities for cyclists.

4.24 In order to introduce these measures, it will be necessary to identify Local Areas and then prioritise each one, to enable the Areas with the greatest need for measures to be established first. To undertake this in a consistent way, a standard set of criteria will be applied to assess each Local Area in the Borough.

TR15 TO IDENTIFY LOCAL AREAS WITH PARTICULAR ENVIRONMENTAL/SAFETY DEFICIENCIES TO ESTABLISH PRIORITIES FOR ACTION AND TO IMPLEMENT SCHEMES TO GAIN AREA-WIDE BENEFITS FROM MEASURES WHICH RESTRICT AND SLOW DOWN TRAFFIC.

4.25 Technology now exists to allow certain drivers with 'route guidance systems' to by-pass congested areas by means of the Minor Road network. The Council does not consider the use of this technology appropriate for Local Areas. However, it may be considered acceptable if use is confined to Major Roads.

TR16 TO OPPOSE PROPOSALS WHICH MAY ENCOURAGE UNNECESSARY TRAFFIC TO USE MINOR ROADS.

Road Safety

4.26 An important objective in all traffic management measures, outlined above, is the reduction of the number and severity of road accidents. This is monitored through extensive use of the accident statistics prepared by the London Accident Analysis Unit. In addition, and in line with Government guidance, the Borough uses these statistics to carry out an annual programme of accident investigation and prevention (AIP). This identifies locations where the accident rates are high and low cost traffic measures are produced that can be implemented quickly to reduce the accident rate. The Council will produce annually, a Road Safety Plan which will be included in the Transport Policies and Programme submission and will encompass the current Accident Investigation and Prevention and educational work being undertaken.

TR17 TO CONTINUE TO IMPLEMENT A PROGRAMME OF ACCIDENT REMEDIAL MEASURES ON ALL THE BOROUGH'S ROADS.

4.27 The Borough's accident statistics are broadly in line with national and London trends, but Inner London has an above-average proportion of accidents to vulnerable road users such as cyclists and pedestrians. Traffic management proposals will concentrate particularly on the needs of vulnerable road users.

- 4.28** The Council will also continue to extend its programme of education, training and publicity on road safety matters to all members of the community but especially to pedestrians, cyclists and motor cyclists.

Pedestrians

- 4.29** The Council recognises the importance of pedestrian access and the need to improve the quality of the pedestrian environment.

TR18 TO MAINTAIN AND IMPROVE FACILITIES FOR PEDESTRIANS.

- 4.30** The Borough's Major Roads and some Minor Roads create barriers to pedestrian movement. The heavy flows of traffic and the width of many roads require pedestrians to divert from their most direct route in order to use crossing facilities or may deter them from crossing the road at all. This is particularly true for people with special mobility needs. The Council recognises the need for pedestrians to have safe and convenient facilities to enable them to cross busy roads. However, in considering the provision of such facilities, the Council will have regard for the extent to which they may adversely affect movement by other modes of travel.

- 4.31** Signal control is generally provided at intersections between Major Roads, and pedestrian crossing facilities will normally be incorporated at all these junctions. Elsewhere, traffic signals, pelican crossings, zebra crossings and pedestrian refuges will be provided where appropriate, taking into account levels of pedestrian activity and traffic flows. Particular consideration will be given to the needs of people with special mobility needs in designing pedestrian facilities, and measures such as tactile and audible features associated with signal-controlled crossings will be introduced. Such facilities will be located as conveniently as possible for pedestrians. Guard-railing will be installed where additional encouragement to use designated crossing places is essential for road safety.

TR19 TO DEVELOP SAFE AND CONVENIENT FACILITIES FOR PEDESTRIANS AT INTERSECTIONS BETWEEN MAJOR ROADS, AND AT REGULAR INTERVALS ON MAJOR ROADS BETWEEN JUNCTIONS.

- 4.32** On Minor Roads, facilities that assist pedestrians to cross roads, such as zebra crossings and pedestrian refuges, will be introduced, subject to sites meeting Department of Transport criteria. In designing such facilities, the Council will take into account the needs of people with special mobility needs and features such as textured paving to indicate the location of crossings for people with impaired sight may be introduced. It is the Council's intention that such facilities will encourage people to make local trips on foot rather than by car or public transport.

TR20 TO INTRODUCE PEDESTRIAN FACILITIES ON MINOR ROADS.

4.33 Footways alongside many streets in the Borough are narrow. In busy areas, such as shopping streets, large numbers of people sometimes make it difficult to walk. In addition, illegally parked cars, street furniture and high kerbs add to the problems that pedestrians can encounter. This is particularly the case for people with special mobility needs. The Council will site street furniture to ensure that it does not create additional difficulties or hazards for pedestrians. Bollards or other approved measures may be introduced where necessary to protect pedestrians on the footway from vehicles.

TR21 TO MAINTAIN, PROTECT AND WHERE NECESSARY IMPROVE FOOTWAYS TO PROVIDE A SAFE ENVIRONMENT FOR PEDESTRIANS.

4.34 One of the pleasant features of the Borough is the existence, in many areas, of pedestrian routes away from roads. Using these, pedestrians can move safely, free from traffic fumes and noise (see paragraph 3.5, Leisure and Recreation Chapter). When considering applications for development, the Council will have particular regard to the access needs of pedestrians. Maintenance of access for pedestrians will be required on all existing rights of way and opportunities sought for additional routes.

TR22 TO CONSIDER PEDESTRIAN ACCESS NEEDS WHEN ASSESSING ALL DEVELOPMENT AND HIGHWAY PROPOSALS.

TR23 TO PROTECT EXISTING AND ENCOURAGE PROVISION OF NEW DIRECT PEDESTRIAN ROUTES THROUGHOUT THE BOROUGH.

Cyclists

4.35 On the Borough's congested roads, it is often quicker to cycle than to travel by car. Cyclists, particularly when travelling at peak times, tend to prefer using Major Roads as these are usually the most direct routes. However, the heavy traffic on these roads makes them relatively dangerous for cyclists. This is reflected in statistics that show cyclists account for up to 14% of traffic casualties but only make up some 4% of traffic volumes (1985-1990).

TR24 TO MAINTAIN AND SEEK IMPROVED FACILITIES FOR CYCLISTS.

4.36 The Council will co-operate with the Traffic Director and neighbouring Boroughs in seeking to establish strategic cycle routes based on the LPAC-recommended 1000 Mile Strategic Cycle Route Network. This network in the Borough is formed predominantly from Minor Roads in the hierarchy (see paragraph 4.6) with limited use of parts of some Major Roads. The cycle network should provide better and safer routes for cyclists who are making longer distance journeys and are not familiar with the local road network. Where the cycle network uses or crosses major roads that are also Priority Routes (Red Routes) the Traffic Director has a particular responsibility for approving and funding implementation. Where the Major Roads are designated as part of the Strategic London Road Network the Traffic Director has a control over any new provision. Where the Cycle Network is on all other roads the Traffic Director has a control only if an adjoining

designated road would be adversely affected. The resources for new facilities are limited through the TPP system to schemes that would reduce accidents in a cost effective way. The routes would consist predominantly of a signed network on the District and Local Roads with some exemptions from traffic prohibitions and a limited number of Major Roads crossing points or junction facilities for cyclists.

TR25 TO INVESTIGATE AND INTRODUCE, WHERE APPROPRIATE, SAFER CYCLE ROUTES TO FORM PART OF A LONDON-WIDE STRATEGIC NETWORK ON ROADS WHICH ARE WITHIN THE CONTROL OF THE COUNCIL.

4.37 The Council considers that it is undesirable to encourage the more intensive use of Primary Roads by cyclists, except when some very specific provision for their movement has been made. This is because the heavy volumes of traffic make conditions dangerous for them. However, it is also recognised that many cyclists will continue to use Major Roads and that provisions should be made to improve their safety. This is particularly true at junctions and other crossing points on Primary Routes. The needs of cyclists will therefore, be considered by the Council in conjunction with the Traffic Director for London when formulating proposals for Primary Roads. In other cases the Council will seek to encourage cyclists to use safer routes on Minor or Secondary Roads and will provide for the safe crossing of cyclists at junctions with major roads where necessary.

TR26 TO CO-OPERATE WITH THE TRAFFIC DIRECTOR IN THE PROVISION OF MEASURES TO ASSIST CYCLISTS ON PRIMARY ROADS WHEN ALTERNATIVE ROUTES ON MINOR OR SECONDARY ROADS ARE NOT AVAILABLE.

4.38 The Council considers that parking facilities for cycles should be provided in association with developments and at locations such as stations and shopping streets, in order to encourage cycling, as well as to protect pedestrian footways and improve safety (see Section 5 of Planning Standards Chapter).

TR27 TO SEEK THE PROVISION OF CYCLE PARKING FACILITIES IN DEVELOPMENTS AND AT OTHER APPROPRIATE LOCATIONS.

Buses

4.39 Paragraphs 3.14 to 3.18 describe the importance of bus services in improving public transport. However the efficiency of bus services is seriously affected by traffic congestion. To improve bus movement, improved traffic management on bus routes, including bus priority measures in specific locations or to serve a particular route, will be introduced by the Council where appropriate. Individual measures may include the provision of bus stop clearways to improve access to bus stops, allowing buses to make movements prohibited by other vehicles; and the introduction of bus lanes where bus flows are high and the road layout permits. In assessing such schemes, the much greater numbers of people carried by buses, compared with private vehicles, will be taken into consideration.

TR28 TO IDENTIFY AND INTRODUCE, WHERE APPROPRIATE, TRAFFIC MANAGEMENT SCHEMES, INCLUDING BUS PRIORITY MEASURES.

Coaches

4.40 Paragraph 3.21 identifies the main coach markets in the Borough. Express coaches generally only cause traffic problems when they divert from Major Roads. This may be resolved by referring to the operator; in other cases, local bans, such as that in Beauchamp Place, can be imposed. The same traffic powers can also be used to control tourist coaches by regulating the means of access to destinations in local areas.

4.41 The main traffic problems caused by coaches occur at tourist hotels and near museums and exhibition centres in the Borough. The problems stem from the lack of, or misuse of, off-street facilities for setting down and picking up passengers, and the use of unsuitable Local Roads. The Council will seek the provision and use of off-street facilities for coaches at these locations, and where possible regulate on-street coach stops for the dropping off and picking up of passengers only, so that the limited number of stops can provide an essential facility for various coach operators.

TR29 TO ENCOURAGE THE PROVISION OF COACH PARKING AT OFF-STREET LOCATIONS SUFFICIENTLY CONVENIENT FOR LOCAL HOTELS AND MAJOR PUBLIC ATTRACTIONS.

4.42 Unrestricted access to local areas for coaches can often lead to a significant loss of environmental quality. Where such impact is deemed to occur the Council will restrict access on specific routes and at particular times and days. The restrictions are subject to the limitations of the 1984 Road Traffic Regulation Act and the Council would not seek to deny essential access to premises for the major part of the day.

Heavy Goods Vehicles

4.43 Goods vehicles are essential to the prosperity of the Borough but they are also very intrusive in Local Areas and on most roads at night and weekends. Restrictions already apply to goods vehicles on some Minor Roads and these restrictions will be extended where required.

4.44 Movement of goods vehicles is also restricted at night. The Council supports the operation of the London-wide night and weekend ban on heavy goods vehicles, which has the appropriate exemptions to allow goods vehicle movements for essential deliveries in the restricted hours. The Council will continue to press for the full and effective enforcement of the London-wide night and weekend ban on heavy goods vehicles. The Council also operates a restriction on night use of the Earls Court one-way system by medium and heavy goods vehicles.

TR30 TO SUPPORT RESTRICTIONS ON GOODS VEHICLE MOVEMENTS AT NIGHT AND WEEKENDS.

4.45 Coaches and goods vehicles (other than light vans) are prohibited from parking on roads in the Borough at most times. During weekdays, this restriction is imposed by the controlled parking regulations. At night and at weekends specific parking bans apply to these vehicles. Off-street coach and lorry parks are provided at certain locations in the Borough and elsewhere in London, and these must be maintained.

TR31 TO RESIST THE LOSS OF OFF-STREET COACH AND LORRY PARKING.

Pollution from Vehicles

4.46 Vehicle emissions are recognised as a major contribution to air pollution. The Council regularly monitors the concentrations of the more noxious emissions at various locations to compare pollution at the busiest sites with the guide and limit values as set by The European Union. The Council will support initiatives to set tighter emission standards for all vehicles and would encourage additional roadside spot checks on heavy goods vehicles. Noise from vehicles, including noise emitted by air brakes, is particularly intrusive in densely populated urban areas. A method of reducing noise intrusion is to limit the movement of lorries in the urban area through schemes such as the Earls Court night-time lorry ban and the London-wide night-time and week-end ban.

TR32 TO SEEK A REDUCTION IN NOISE AND POLLUTANTS FROM VEHICLE EXHAUSTS BY LIMITING THE MOVEMENTS OF HEAVY GOODS VEHICLES.

4.47 In addition, the Council will support measures to encourage vehicle operators to use quieter, less environmentally-intrusive vehicles.

5 PARKING

Introduction

- 5.1** The aims of the Council's strategy for car parking provision are to:
- (a) restrict access to the Borough by non-essential vehicles, by limiting the number of car parking spaces available;
 - (b) provide parking spaces on-street for residents;
 - (c) provide for essential visitor parking.

Parking Controls

5.2 To achieve traffic restraint through the control of parking spaces the Council has imposed restrictions on the use of on-street parking spaces. The Council will also restrict the number of off-street parking spaces provided in new non-residential developments. (See TR41)

- 5.3** On-street parking in the Borough is controlled by waiting and loading restrictions, and the provision of parking meters and residents' parking spaces. The whole Borough, with the exception of the area in the north, is currently subject to such controls. The Council intends to extend the controlled parking zone to cover the whole of the Borough. The details and timing of the introduction of controlled parking to the uncontrolled area, either completely or partially, will depend on local circumstances subject to the levels of parking stress and public consultation.

TR33 TO EXTEND THE CONTROL OF ON-STREET PARKING OVER THE WHOLE BOROUGH.

- 5.4** On Major Roads, on-street parking and servicing can make traffic congestion worse by reducing efficiency. This can lead to greater traffic flows on Minor Roads because of rat-running, resulting in the worsening of the environment in local residential areas. The responsibility for the control of this congestion is now shared between the Traffic Director for London, for the Priority Routes within the Borough, and the Council on the remainder of the major roads.

- 5.5** For some land uses and in many parts of the Borough it is not possible to provide dedicated off-street loading and waiting facilities. In such cases the Council can control servicing by appropriate use of on-street loading and waiting restrictions. It is necessary for the Council to review regularly such restrictions to ensure they accurately reflect changing land-use patterns and the changing requirements of road users, including bus operators. The review will ensure that on-street parking and servicing is only permitted at appropriate locations.

TR34 TO REVIEW THE EXTENT OF WAITING AND LOADING PROVISIONS ON LONDON PRIORITY ROUTES IN CONJUNCTION WITH THE TRAFFIC DIRECTOR FOR LONDON, AND ON THE OTHER MAJOR ROADS AND IMPLEMENT APPROPRIATE MEASURES.

- 5.6** On Minor Roads, the general policy is to provide the maximum number of car parking spaces consistent with satisfactory and safe movement for traffic requiring access and the maintenance of a good residential environment. On these roads, the needs of residents for car parking spaces will be the primary consideration of the Council in allocating parking spaces. The layout of car parking facilities will be reviewed in some areas to examine the possibility of increasing the number of spaces. Additional car parking spaces may also be provided as part of the measures to reduce road space and slow traffic speeds.

TR35 TO REVIEW, AND INCREASE WHERE APPROPRIATE, THE PROVISION OF ON-STREET PARKING FOR RESIDENTS ON MINOR ROADS.

Parking Enforcement

5.7 To be effective, parking controls have to be enforced. Enforcement, therefore, is considered by the Council to be particularly important. The Council has welcomed the provisions in the Road Traffic Act 1991 (RTA) which will allow the Borough to enforce permitted parking regulations and obtain special parking area approvals to cover restrictions on all but the most important Major Roads. It will also permit the finite resources of the traffic warden service under the Metropolitan Police to be concentrated on the most important Major Roads.

5.8 The parking of vehicles on footways in the Borough is illegal and can reduce safety for both pedestrians and drivers. The Borough has shared the responsibility for enforcing this legislation with the Metropolitan Police and will be in a stronger position to act under the new enforcement powers of the RTA 1991. There are no footways in the Borough that are exempt from this prohibition and the Council anticipates being able to take yet more effective action to secure compliance with the ban. At appropriate locations, the provision of bollards, raised kerbs and other physical barriers to deter such parking will be considered by the Council. However, such measures will not be used if they restrict pedestrian movement or transfer the problem elsewhere (see paragraph 4.33). Consideration will also be given to installing bollards at appropriate locations at the expense of the owners of adjacent property.

Parking for Residents

(See also paragraphs 6.16 to 6.19)

5.9 Controlled parking is divided, for administrative purposes, into six zones. Unlike controlled parking schemes in other parts of London and elsewhere, residents' parking permits are valid for parking in all zones, not just the zone in which they live. This can create some additional traffic and may increase demand for residents' parking spaces near main shopping centres and underground stations. Nevertheless, it is a valuable facility to residents, enabling them to move freely in the Borough and encouraging them to conduct business in the Borough.

5.10 Residents with special mobility needs and who require on-street parking facilities are entitled to a parking restriction exemption permit. In addition, exclusive disabled parking bays are provided for those with serious mobility difficulties.

Parking for Visitors

5.11 Visitors who have an essential requirement for parking should be catered for. The Council recognises that in many areas the provision of off-street parking facilities is limited. In these areas the Council will maintain the supply of metered spaces to ensure parking is available to meet essential needs.

TR36 TO MAINTAIN THE NUMBER OF METERED PARKING SPACES IN AREAS WHERE ESSENTIAL OFF-STREET PARKING FOR VISITORS IS LIMITED.

5.12 Consideration may be given to the provision of additional public car parks, where there is a high demand for essential visitor parking (primarily adjacent to shopping centres). However, the scope for such provision is likely to be limited. Provision of new facilities will be strongly resisted in other areas, as it may encourage commuting into the Borough by car. When new off-street parking facilities are provided for visitor parking, or demand for on-street facilities is reduced, the Council will normally convert metered spaces to residents parking bays.

TR37 TO RESIST THE PROVISION OF ADDITIONAL PUBLIC CAR PARKS EXCEPT IN AREAS WITH PROVEN HIGH DEMAND FOR ESSENTIAL VISITOR PARKING.

5.13 The Council will seek Planning Obligations to control pricing mechanisms and use of existing and new off-street car parks. This will encourage short-stay use of the car parks by essential users and discourage long-term use by commuters.

TR38 TO ENSURE THAT PUBLIC OFF-STREET CAR PARKS ARE AVAILABLE FOR ESSENTIAL PARKING OR SHORT-STAY USE ONLY.

6 CONTROL OF DEVELOPMENT

6.1 The Department of Transport, the Traffic Director for London and the Council are concerned about the traffic generation effects of development. The identification in this Plan of Major Sites with Development Opportunities carries no guarantee that particular proposals submitted for planning permission will be accepted on transportation grounds. A detailed view on the transportation implications of individual applications can only be formed at the time when the application is submitted, in the light of known congestion and any available capacity on the relevant road and public transport networks and of any firm proposals for extending that capacity. The proposals must be in a committed programme for the relevant agency or be implementable as a result of a Planning Obligation linked to the permission being sought. Where proposed developments are likely to have a significant effect on the transportation system a full traffic impact assessment will normally be required (see policy E1 of the Offices and Industry Chapter and policy TR2).

TR39 TO RESIST DEVELOPMENT WHICH WOULD RESULT IN ANY SIGNIFICANT INCREASE IN CONGESTION, OR ANY SIGNIFICANT DECREASE IN SAFETY, ON THE ROADS OR ON PUBLIC TRANSPORT.

- 6.2** In assessing proposed developments, as well as the effects of congestion, regard will be paid to the nature of the proposed development, the character of the surrounding development, the effect of coaches on Local Roads and any local adverse impact on bus or Underground operations, or on-street parking facilities.

Financial Support for Public Transport Services

- 6.3** The Council has powers under the Transport Acts to provide financial assistance to public transport operators to support particular services or facilities. The Council will consider providing such financial assistance in accordance with the policies set out in this chapter. The Council will also seek to promote financial support by third parties, such as developers, by means of Planning Obligations.

TR40 TO SEEK DEVELOPER CONTRIBUTION FROM RELATED DEVELOPMENTS FOR IMPROVEMENTS TO PUBLIC TRANSPORT SERVICES.

Parking for Non-residential Development

- 6.4** In considering proposals for development, the Council will have regard to the sensitivity of the local environment, the scale of development, the likely traffic generation, the access of the site to public transport, parking impact and the capacity of nearby roads.

- 6.5** Parking control remains the most effective means of restraining traffic growth (see paragraph 4.5). As an integral part of the policy of traffic restraint, the Council will restrict to essential need the provision of private non-residential parking and service spaces in developments. Where appropriate, rates of provision of essential parking and servicing spaces are contained in the Planning Standards Chapter.

TR41 TO LIMIT THE NUMBER OF OFF-STREET PARKING SPACES PROVIDED IN NON-RESIDENTIAL DEVELOPMENT TO MEET ESSENTIAL NEED ONLY, IN ACCORDANCE WITH SPECIFIC STANDARDS AND CRITERIA.
(See Table 5.1, Planning Standards Chapter)

- 6.6** Essential need is defined as being for:
- (a) servicing vehicles essential for a site to function in its designated role, including both goods and non-goods vehicles, depending on the land use;
 - (b) site-based vehicle fleets;
 - (c) car parking facilities for those who cannot realistically use alternative (public) forms of transport, generally those with special mobility needs.

- 6.7** Essential need does not include provision for:
- (a) the journey-to-work trip;
 - (b) parking for visitor trips to the site, which could be provided by alternative forms of transport or on-street meter or off-street public parking.

6.8 Normally, the Council will require essential parking to be provided, up to the maximum rate, on site.

6.9 In some sites, such as hotels, taxis are likely to be a major way of getting to developments. To enable taxis to pick up and set down passengers, the provision of special facilities may be appropriate, especially where these activities may otherwise cause conflicts with other road users and pedestrians.

TR42 TO SUPPORT THE PROVISION OF SAFE AND CONVENIENT TAXI FACILITIES.

Access to non-Residential Development

6.10 Development in Local Areas can have a significant impact, particularly in the form of local congestion and noise, as a result of the additional traffic that may be generated on Local Roads. This is particularly the case with developments which can be expected to generate coach and Heavy Goods Vehicle traffic. Normally only small developments will be permitted where access to the site is from a Local Road. Some small developments in Local Areas, such as restaurants, may be resisted because of the adverse impact of generated traffic upon residential amenity.

TR43 TO PERMIT ONLY SMALL-SCALE DEVELOPMENT ON SITES IN LOCAL AREAS OR WHERE ACCESS IS FROM A LOCAL ROAD.

6.11 Where appropriate, when a development is proposed adjacent to a Local Area, the Council will require that Planning Obligations are entered into in order to secure a contribution towards the provision of measures to limit the impact of traffic associated with the development, on the adjacent Local Area.

6.12 Where it is considered that a large development is acceptable in traffic terms, access should normally be directly from Major Roads via an appropriately designed junction. These junctions should be controlled by appropriate methods, such as traffic signals. The cost of these measures may be sought from the developer through Planning Obligations. The effects of large commercial developments generally are also discussed in the Offices and Industry, and Hotels Chapters.

6.13 The movement of vehicles and pedestrians gaining access to the large number of commercial and residential sites adjacent to Major Roads can create problems for the safe and smooth flow of traffic on these roads. For this reason the Department of Transport, the

Traffic Director for London, and the Council will strictly limit new vehicular access points to Major Roads. The Council is required to notify or consult the appropriate agency above concerning any significant development which affects a Trunk Road or a Priority Route or a Designated Road. When a new access is exceptionally permitted as a result of this process a high standard of design will be required by the appropriate agency. The Council will normally refuse permanent (footway) crossovers for frontage parking and other minor vehicle accesses on Major Roads within the Council's control for safety reasons.

TR44 NORMALLY TO RESIST THE FORMATION OF NEW ACCESSES ON THE MAJOR ROADS.

Servicing

6.14 The servicing of commercial developments from the street generally gives rise to traffic congestion, conflict with pedestrians, and creates disturbance particularly in or adjacent to residential areas. Redevelopment proposals for non-residential use will therefore normally be required to include, within the site, space for loading and unloading of goods and other essential servicing requirements.

TR45 NORMALLY TO REQUIRE DESIGNATED OFF-STREET SERVICE SPACE FOR DEVELOPMENT SCHEMES.

6.15 For small-scale developments, and in some other cases for townscape reasons, it may be impossible or undesirable to provide off-street servicing space. In other cases, if no off-street servicing is proposed, it will be necessary to demonstrate that the proposed development can function satisfactorily without the adverse effects described in paragraph 6.14. To ensure an off-street service space is retained for its intended purpose and not used for parking, such bays will be required to be clearly marked and conditions restricting its use will normally be applied.

Parking for Residential Development

6.16 The Council recognises the need and desire of residents to be able to park close to where they live. It is also recognised that the availability of on-street parking is necessarily limited and that many existing residential developments do not have off-street spaces. To increase the overall provision of residential parking, all redevelopments must have adequate off-street parking, where acceptable in townscape terms. The levels of provision are given in the Planning Standards Chapter.

TR46 TO REQUIRE ALL NEW RESIDENTIAL DEVELOPMENT TO INCLUDE ADEQUATE OFF-STREET PARKING UNLESS SUCH PROVISION WOULD BE UNACCEPTABLE IN TOWNSCAPE TERMS.

TR47 TO RESIST DEVELOPMENT WHICH WOULD RESULT IN THE LOSS OF OFF-STREET RESIDENTIAL PARKING.

- 6.17** The Council considers it vital to maintain the supply of on-street residents' parking, to ensure that residents have access to parking. The Council will therefore normally resist the loss of on-street residents' parking spaces.

TR48 NORMALLY TO RESIST DEVELOPMENT WHICH WOULD RESULT IN THE NET LOSS OF ON-STREET RESIDENTS' PARKING.

- 6.18** Proposals for access to residential off-street parking which results in a net increase in the number of spaces, may be permitted. Off-street parking must be able to accommodate all sizes of car and meet planning requirements, in particular those in the Conservation and Development Chapter. The additional demand for on-street parking spaces resulting from the conversion of houses into multiple units may also preclude the granting of planning permission for such development (see also Housing Chapter, policy H6).

- 6.19** Consent for permanent crossovers and new vehicle accesses is needed under highway legislation. In cases where an application for planning permission is required the Council may wish to defer consideration of the application under highway powers until the planning position is resolved. The Council will determine such planning applications by references to policy CD46 and to the paramount need for road safety on the public highway. In considering requests for crossovers under highway powers, the Council will likewise give particular attention to safety requirements. Any new crossover to a forecourt or garden will need to satisfy sight-line requirements between the emerging vehicles and all other road users, including pedestrians. The Council will refuse, under the highway legislation, footway crossovers if the proposal results in any diminution of safety for any road users, including pedestrians.

7 AIR TRANSPORT

- 7.1** The demand for air travel is forecast to grow, both for freight and passenger movement. The location of the Borough between central London and Heathrow means that many people pass through the Borough when travelling to or from the airport, both by road and on the Piccadilly underground line. In order to reduce congestion on these routes the Council supports the provision of the Heathrow Express Rail link (see policy TR4).

- 7.2** The Council is aware of the benefits of Heathrow to the economy of West London and the Borough, and to residents who use this airport, but it is concerned about the pressures for further development that it creates in the Borough. It considers that the capacity of Heathrow should not be expanded beyond that presently permitted. The Council believes that further capacity should be provided at Stansted and regional airports in the U.K. and will oppose the provision of a fifth passenger terminal at Heathrow. It is not the Council's intention that the Secretary of State's decision on Terminal 5, Heathrow, will be fettered or pre-empted by policy TR49.

TR49 TO OPPOSE ANY INCREASED CAPACITY AT HEATHROW AIRPORT UNLESS ASSOCIATED IMPROVEMENTS TO THE PUBLIC TRANSPORT NETWORKS ARE DEVELOPED TO RELIEVE INCREASED PRESSURE ON THE NETWORKS WITHIN THE BOROUGH.

7.3 If a decision is made in the national interest to permit an additional terminal, the Council will press for improved public transport access to the airport so as not to increase congestion on any existing transport network in the Borough.

7.4 There is increasing pressure for the provision of further helicopter facilities in central London. The Council is concerned that helicopters flying over the Borough could lead to an increased nuisance from noise. While recognising the demand for helicopter services, the Council believes that these should be restricted to keep noise at an acceptable level. The Council will therefore consider any proposal for additional helicopter facilities in central London in line with its policies on development, but with particular emphasis given to noise and environmental pollution, traffic generation and all other appropriate policies.

TR50 TO RESIST THE DEVELOPMENT OF HELIPORTS WHICH MAY RESULT IN INCREASED PRESSURE ON THE TRANSPORT NETWORKS WITHIN THE BOROUGH AND INCREASED NOISE OVER THE BOROUGH.





GMA PLANNING

Planning and Development Consultants

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LONDON W8 7NX

RECEIVED BY PLANNING SERVICE				
DC N	DC C	DC S	E	Ac Ach
18 NOV 1996				
Exec Dir		Records	ARB	Con Dev
Appeals Office	IC	Fee Office	For ward Plan	Head Off

14 November 1996

Ref: PV/CH/595P

Dear Sir

T. 0234

323 FULHAM ROAD

On behalf of our client, Hip Bagel, please find attached an application for planning permission in respect of a change of use of the premises (ground and basement) from A1 retail use to mixed A1/A3 retail/cafe use. The application comprises 4 copies of application forms, certificate, location plan and a cheque for £160.00. You will also find attached a copy of appeal documentation against the serving of an enforcement notice on our client for the alleged change of use of the premises to A3.

Our client's mixed retail use of the premises serves a positive function in terms of the vitality and character of this part of the Fulham Road shopping frontage. The front half of the premises are devoted to an A1 retail function and, as such, there are window displays, serving area and freestanding displays inside the shop. We have been involved in a number of appeal decisions across the country where these retail characteristics of a mixed use premises are recognised as contributing positively to the shopping function of an area. In this respect, I attach an appeal decision for premises in Richmond Upon Thames in which a similar make-up of uses was found and supported by an Inspector in a Primary Shopping Frontage.

As you know, a planning contravention notice was served on our client in March 1995 at which time our client provided detailed information about the way in which his business operated. We are aware that at this point you were satisfied that there had been no breach of planning control. The circumstances surrounding our client's business have not changed since this time and he and we therefore find it difficult to understand why enforcement procedures have been undertaken against an alleged change to A3 use. We believe that this was triggered by a **proposal** to change the use of the premises to A3 but which does not reflect the current operation. A mixed A1/A3 use is acceptable in the context of the relevant local and national planning policies.



GMA Planning Limited, Development, Land-use and Environmental Planning Consultants
Part of the GMA group of Planners, Architects, Landscape Architects and Interior Designers.

Registered office: Queens House, Holly Road, Twickenham TW1 4EG. Registered number 2078863

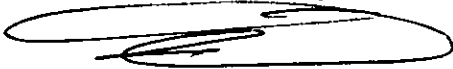
Directors: Simon Neate BA (Hons) MRTPI, Ian Laverick BSc (Arch) BArch (Hons 1) FRAIA, Philip Villars BA (Hons) MRTPI
Consultant: John Spain BBS MRUP ARICS MRTPI.

GMA PLANNING

Our client serves the local community in the range of products that it sells and the value for money that they offer, particularly compared to the majority of other food outlets in the immediate area. This shop also specialises in providing kosher foods for the local Jewish community as well as the synagogue. It also delivers food to the people in the area, many of whom are older residents, many of whom are incapacitated or who do not wish to venture out in the evening. As such, the contribution that this shop makes to the area should be recognised and its retention agreed.

Please let me know should you have any questions.

Yours faithfully

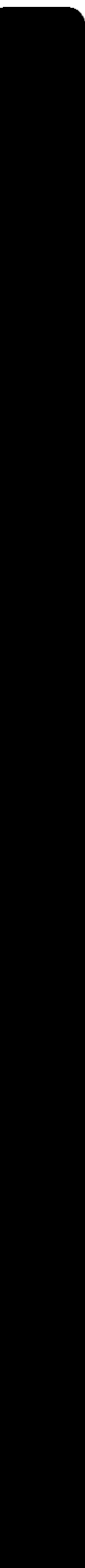


PHILIP VILLARS

Encs: As noted

cc: Mr J Weiner







The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

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Michael Thorncroft
Chartered Surveyor
The Corner House
Vicarage Road
LONDON
SW14 8RS

Council Reference:

LP/MS

Our Reference:

T/APP/C/95/K5600/639368

T/APP/L5600/A/95/255599

Date:

23 JUL 1996

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 78 AND 174 AND
SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
APPEALS BY MR P L MOLINARO
LAND AND BUILDINGS AT 359 FULHAM ROAD, CHELSEA, LONDON, SW10.

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeals against an enforcement notice issued by the Council of the Royal Borough of Kensington and Chelsea and a refusal of planning permission by the same council, both concerning the above mentioned land and buildings. I held an inquiry into the appeals on 18 June 1996.

THE NOTICE

2. (1) The notice is dated 29 June 1995.
- (2) The breach of planning control as alleged in the notice is, without planning permission, the change of use of the land to a cafe.
- (3) The requirement of the notice is to stop using the land as a cafe.
- (4) The period for compliance with this requirement is two months.

GROUND'S OF APPEAL

3. Your client's appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the 1990 Act as amended by the Planning and Compensation Act 1991.

THE APPEAL UNDER SECTION 78

4. The development for which the Council has refused planning permission is the change of use from Retail (Class A.1) to Restaurant/Take Away (Class A.3) including permitted extension.

Preliminary Matters

5. It was established at the beginning of the inquiry that the Section 78 application included a single storey front extension, covering the existing forecourt, and a single storey rear extension covering the existing rear service yard (another application had recently been approved for these extensions but not implemented). The change of use application and appeal was intended to refer to the extended building. It was further established that the Council had no objections to the extensions, only the change of use.

6. In relation to the enforcement notice the parties agreed that for the benefit of any doubt, paragraphs 3 and 5 of the notice (which stated what the breach of planning control and requirements were), should be corrected by adding '(Use Class A3)' after the word 'cafe'. Finally it was agreed that the enforcement notice only included the existing building, not the forecourt area but this was not a significant matter in determining either of the appeals.

The appeal on Ground (a) and the Section 78 appeal

7. From the cases presented to me at the inquiry, my inspection of the site and its surroundings and from the written representations made, I consider that the main issues in this case, having regard to the prevailing policies, are whether the development materially harms firstly, the vitality and viability of the Fulham Road West Principal Shopping Centre and secondly, the living conditions of nearby residential occupiers through disturbance and smells.

8. Dealing with the first main issue, the site is located within a Principal Shopping Centre (PSC) in the Royal Borough of Kensington and Chelsea Unitary Development Plan (UDP), approved in August 1995. Policy S1 of the plan states that the loss of shop units will normally be resisted and the objective of S6 is to maintain and improve the vitality, viability and function of shopping centres throughout the borough. Policy S15, however, states that A2 and A3 uses will normally be acceptable in PSC's unless the development would threaten the character or function of the centre; 75% of the shops should be in A1 use and there should be no more than 3 non-shop uses in adjacent premises. Finally, there should be no significant reduction in an area's residential character and amenity by reason of smells or noise.

9. These policies and their objectives follow national advice as expressed in PPG6 and whilst not yet national guidance, both parties agreed that they were generally in accord with the revised PPG6 (to be published shortly) which, like the current guidance, recognises the importance of diversity to encourage both the viability and vitality of town centres. In my view the policies and their objectives are up to date, in accord with national advice and worthy of considerable weight in the determination of these appeals.

10. On the first main issue, the Council did not dispute that the retail character of this centre has been operating at a reduced level compared to other PSC's in the Borough, nor that the level of A1 uses in the centre has always been well below the 75% level set out in policy S15 in the UDP (it has generally only varied between about 55% and 60% since 1983). Indeed the Council admitted that firstly, this particular centre was only designated as a PSC because of the presence of the hospital and the cinema, not the level of A1 uses within

it and secondly, that it contained a high level of A3 uses within its core frontage area. Finally, the Council admitted that the centre was buoyant and vibrant at night.

11. The Council argued that since 1993 the balance between retail and non retail uses had altered and the retail function of the centre, in so far as it related to comparison shopping, had been steadily reduced thereby undermining the viability of the centre. There was no dispute over the figures produced by the Council regarding the level of different uses in the centre between 1983 and 1995 but I agree with your client that there is no significant change in the various levels revealed by these figures. I accept that the level of A1 users in the core, at 55% in 1994 and 1995, is slightly down on 1993 when it reached 60% but 1991 at 61% was the only other year at 60% or more and through most of the 1980's it was around 57%. Similarly although the level of A1 uses in the whole centre at 60% is lower than 1992 to 1995 when it reached 63%, it is higher than 1983 to 1987 when it was always below 60%. I also note that whilst the table shows that 20 units within the core area were in A3 use in 1995, that was not an increase over 1994 and as far back as 1990 there were 17 units in A3 use; in my view not a significant change over a period of 5 years.

12. In considering these figures, which in my opinion do not reveal any significant changes over a period of 12 years, I have also taken into account that Policy S15 states that A3 uses are acceptable in principal shopping centres providing that the development would not threaten their character or function. There was no evidence of any vacancy problem in the centre nor did the Council produce any evidence to support its contention that your client's proposal would materially harm the character or function of the centre in any way. Indeed many of those who wrote in and those who spoke at the inquiry were firmly of the opinion that the use was entirely in character in the centre; that it was the A3 users who largely created and added to the character and vitality of the centre and the variety of those A3 users provided an attraction that brought people into the centre.

13. Several local people gave evidence that the area contained many small flats occupied by single people who had what they required in the way of convenience shops and eating places; this was not really disputed by the Council. Also, they stated that comparison shopping had reduced but this was because of the very short distance to Knightsbridge, High Street Kensington and Kings Road which gave a much better choice.

14. In my opinion the evidence produced by the Council does not show a significant change in the levels of the various uses within the centre. There was no evidence eg., in terms of vacancies or reducing rents, that the viability of the centre was being affected in a detrimental manner by the level of non A1 uses or, in particular, by the level of A3 uses, either in the core or the centre as a whole.

15. Taking all these factors into account, I conclude that the use, even in the extended premises, would be acceptable and would not materially harm either the vitality or viability of this Principal Shopping Centre.

16. Turning to the second main issue, the appeal premises are located on the ground floor of a building containing 4 floors of flats above and there are residential properties to the rear in Limerston Street and to the rear and slightly to the north in Stanley Studios. Few of the commercial premises fronting Fulham Road have residential use above although there is a flat above 353 immediately to the north east of the appeal site. There was evidence that people

were disturbed by noise from the use of the forecourt but there was no dispute that this would not be the case once the extension had been constructed and the use was contained within a building.

17. There was also no dispute that the area was particularly lively in the evening with many places open late for eating and the presence of the cinema nearby added to the high level of evening activity in the vicinity. Whilst there were some objections on the basis of noise I am satisfied that subject to the imposition of appropriate conditions regarding opening hours, the playing of music on the premises, there should not be a materially harmful effect on the living conditions of nearby occupiers. Similarly, odours can be controlled by the installation of suitable extraction equipment.

18. Taking all these factors into account I am satisfied that subject to the imposition of appropriate conditions planning permission can be granted and I shall, therefore, allow your appeals and quash the enforcement notice. In these circumstances there is no need for me to consider the appeal on ground (g).

19. In considering what other conditions, if any, should be attached to any permission granted I have noted those suggested by the parties and agree that a condition prohibiting 'take away' food would also help reduce possible nuisance to residents, particularly in the evenings. The Council suggested that the number of 'covers' be limited to 70 whilst the appellant stated that he could (and wished) to provide 100. In my view there was no evidence put forward to justify limiting the number to 70 and if other health and safety legislation permits 100 to be seated at any time I can see no reason for any restriction to a lower number. Finally, I recognise that the wording of the conditions may need to be altered a little between the 2 permissions I am granting as the 2 appeals refer to slightly different matters and sites (one refers to an existing use and the other to a proposed operational development covering additional land).

20. It would be appropriate for details to be approved by the Council of any machinery to be installed at the premises, particularly of ventilation and extraction equipment and I shall impose a condition to cover that (the Council's suggested condition regarding machinery appears to me to be unenforceable). Finally, the rear extension will necessitate alternative arrangements being provided for the disposal of refuse and these should be submitted to the Council for approval bearing in mind the proximity of the flats.

21. I have taken account of all other matters raised at the inquiry and in the written representations, including the many letters received, both for and against the development but have found nothing of such significance as to outweigh the material planning considerations that have led to my decisions.

FORMAL DECISIONS

22. In exercise of the powers transferred to me and for the reasons given above I hereby determine these appeals as follows:

Section 174 appeal; Ref: T1APP/C195/KS6001639368

I correct the enforcement notice by the addition of the words "(Use Class A3)" after the word "cafe" in paragraphs 3 and 5 of the enforcement notice. Subject thereto I allow your client's

appeal and quash the enforcement notice as corrected. I hereby grant planning permission, on the application deemed to have been made under S177(5) of the amended Act for the development already carried out, namely the use of the land at 359 Fulham Road, Chelsea, SW10 for a cafe (Use Class A3) subject to the following conditions:

1. The use hereby permitted shall only be operated between 1000 hours and 2300 hours on any day;
2. the use hereby permitted shall only be as a restaurant where food bought by customers is consumed on the premises. This permission does not include any permission for the sale of hot or cold food to be bought and then taken from the premises for consumption;
3. the restaurant hereby permitted shall have not more than 100 covers;
4. no amplified or other music shall be played in the premises at any time that is audible at any of the residential boundaries abutting the appeal site including the flats immediately above the appeal premises;
5. details of any machinery installed at the premises as a result of this change of use (including the details of any ventilation or extraction equipment) shall be submitted to the local planning authority for approval within 1 month of the date of this permission; the approved details, should they require any amendment to what has been installed already, shall be implemented within 1 month of their approval in writing. The use hereby permitted shall cease and any machinery installed for the purposes of the use shall be removed within 28 days if this requirement is not complied with;
6. details of facilities for the storage and disposal of refuse shall be submitted to the local planning authority for approval within one month of the date of this permission; the approved details, should they require any amendment to what has been installed already, shall be implemented within 1 month of their approval in writing. The use hereby permitted shall cease and any equipment brought onto the land for the purposes of the use shall be removed within 28 days if this requirement is not complied with.

Section 78 appeal; Ref: TIAPPIK5600IA1951255599

I hereby allow your client's appeal and grant planning permission for a single storey front extension, single storey rear extension and change of use of the extended premises from retail (Class A1) to restaurant (Class A3) in accordance with the terms of the application (No TP/95/1158/L/22/4246) dated 24 May 1995 and the plans submitted therewith, subject to conditions identical to those set out at 1 to 4 above plus the following additional conditions:

7. details of any machinery to be installed at the premises as a result of this permission (including the details of any ventilation or extraction equipment) shall be submitted to, and approved in writing by, the local planning authority; the approved details shall be implemented before the development hereby approved commences;

8. details of facilities for the storage and disposal of refuse shall be submitted to, and approved in writing by, the local planning authority; the approved details shall be implemented before the development hereby approved commences;
9. full details and/or samples of the materials to be used on the external surfaces of the extensions hereby approved shall be submitted to and approved in writing by, the local planning authority, before the development hereby approved commences.
23. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of these permissions has a statutory right of appeal to Secretary of State if consent, agreement or approval is refused, or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
24. These decisions do not convey any approval or consent required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

RIGHTS OF APPEAL AGAINST DECISIONS

25. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against my decisions to the High Court are enclosed for those concerned.

Yours faithfully

D. E. Morden.
D E MORDEN MRTPI
Inspector

ENC







The Planning Inspectorate

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Mr & Mrs D R H Evans
208 Fulham Road
LONDON SW10 9PJ

RECEIVED BY PLANNING SERVICES

EX	HDC	N	C	SW	SE	ENF	AO ACK
138		21 NOV 1997		Council Ref: DPS/Appeal/E/96/196/S/TT			
APPALS		IO	REC	ARB	FWD PLN	CON DES	FEES
Our Ref: APP/C/97/K5600/646103-5							Date: 18 NOV 1997

Dear Sir and Madam

TOWN & COUNTRY PLANNING ACT 1990 - SECTION 174 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
LAND AT GROUND FLOOR AND BASEMENT OF 208 FULHAM ROAD, LONDON
SW10

1. I have been appointed by the Secretary of State for the Environment to determine the appeals by yourselves, and by your company, Lox Stock and Bagel, against an enforcement notice issued by the Council of the Royal Borough of Kensington concerning the above-mentioned land. I held an inquiry into the appeals on 21 and 22 October 1997, after which I inspected the site during both the afternoon and evening.

THE NOTICE

2. a. The notice was issued on 11 December 1996.
- b. The breach of planning control alleged in the notice is the unauthorised change of use of the land from a shop within Class A1 of the Town and Country Planning (Use Classes) Order 1987 to a bar within Class A3 of that Order.
- c. The requirement of the notice is to cease the unauthorised use of the land.
- d. The period for compliance with this requirement is THREE MONTHS.

GROUND OF APPEAL

3. Your appeals are proceeding on grounds (a), (b), (c) and (g) set out in S.174 (2) of the 1990 Act as amended by the 1991 Act.

4. The appeal site is one unit of a terrace on the north side of Fulham Road which has shops at street level with 3 floors of self-contained accommodation above, some of which appears to be in residential use. Your planning witness said that in 1996 you had enlisted his help in finding suitable premises in Chelsea where you could open a licensed bar. He had recommended the appeal premises, which were then a shoe shop, and with the consent of the landlord, you had taken over the lease and converted the ground floor to a bar, for which the magistrates had granted a licence.

The appeals on grounds (b) and (c)

5. Although these grounds were ticked on the appeal form, they were addressed only cursorily in the written and oral evidence submitted on your behalf at the inquiry. Your argument appeared to be that the basement was not used as part of the bar, and should be excluded from the notice. It was not covered by the licence and had no bar installation. It was used only occasionally for private parties who had to fetch their drinks from the bar on the ground floor.

6. Council records showed that in 1962, 1964 and 1973 the premises, including also the first floor, were used as a restaurant, and confirmation was provided by an article published in November 1968 in "What's on in London" and photocopies of the Post Office Street Directory for various years between 1962 and 1977. Your advocate argued that the use was then established, and although subsequently the premises had been used as a shop, the established restaurant use could be resumed without requiring planning permission and use as a bar was in the same Use Class A3, so it had not involved a material change which needed permission.

7. The Council submitted evidence that confirmed restaurant use between 1962 and 1973, after which they said that the premises reverted to shop use, which continued until 1996, when you changed it to a bar. Until 1972 earlier Use Classes Orders included a restaurant and a shop in the same class, but the 1972 Order no longer did so. Hence the change of use of the appeal premises from restaurant to shop in 1974 was not permitted by the Order, and the shop use was unauthorised until it became immune from enforcement action and hence lawful under the provisions of the 1990 Act.

8. I inspected the basement area, which is subdivided by a longitudinal wall, and found it a long, narrow and rather gloomy place, but furnished with enough comfortable settees and easy chairs to seat about 20 people. Mrs Evans rejected the suggestion (in the magazine "Time Out") that it was an "inner sanctum" for selected customers, but she confirmed that the basement was used, if only occasionally, as an adjunct to the bar above. I am not persuaded, on the balance of probability, that it should be excluded from the notice.

9. I accept, from the evidence submitted, that the use as a restaurant from 1962 would probably have qualified as an "established use" under the relevant provisions of the Town and Country Planning Acts 1968 and 1971, though no application for a certificate confirming that was made. It was agreed that in the mid-1970s the use of the premises changed from restaurant to shop. The Use Classes Order 1972, which was then in force, unlike its predecessors, specifically excludes a hotel, restaurant, snackbar or cafe from the definition of "shop". Part 3 of Schedule 1 of the General Development Order 1973, granted permission for certain changes of use to a shop from certain other specified uses, but they do not include a restaurant. Thus the appeal premises seem to have changed from restaurant to shop without planning permission: no evidence of any specific permission has been put forward by either party. Under the provisions of the Planning and Compensation Act 1991 it became immune from enforcement action, and hence the lawful use of the premises, 10 years after the change took place. As no enforcement action had been taken against the shop use, there is no right, under S.57(4) of the 1990 Act, to revert to a previous lawful use. The Use Classes Order 1987 does not exempt from the definition of development changes from shop (Class A1) to use for the sale of food or drink for consumption on the premises (Class A3). I conclude that Janet's bar constitutes a material change from the shoe shop which previously occupied the premises and that it requires planning permission. The appeals on grounds (b) and (c) therefore fail.

The appeals on ground (a)

10. From the evidence and submissions at the inquiry, the written representations I received and my inspection of the site and surrounding area I consider that these appeals raise 3 main issues. The first is whether the development causes the unacceptable loss of a retail unit in the Principal Shopping Centre; the second whether it causes disturbance to nearby residents; and the third whether it adds unacceptably to congestion in neighbouring residential roads.

11. The statutory development plan for the area is the Royal Borough of Kensington and Chelsea Unitary Development Plan (UDP), adopted in August 1995. Policies Strat 29 and 31 seek to enhance the vitality and viability of principal and local shopping centres, and to ensure that they remain the focus of provision of shopping facilities, and that the needs of those who live in the Royal Borough are met by shops and services which are easily accessible. Chapter 8 of the UDP is devoted to shopping. Policy S6 seeks to maintain and improve the vitality, viability and function of the shopping centres throughout the borough. Paragraph 4.12 explains that Principal Shopping Centres are the main shopping areas in the Borough, offering both comparison and day-to-day convenience shopping. Non-shop uses in Classes A2 and A3 are appropriate in these centres provided the shopping character and function do not suffer. In each centre the main shopping streets have been defined as core frontage. Policy S14 seeks a concentration of shops in the core frontage of Principal Shopping Centres. S15 normally permits uses in Class A2 and A3 unless the proposals would threaten the character or function of the centre or would result in less than 75% of the ground floor units in the core frontage, or 65% in the non-core frontage being in A1 use; or significant increase in traffic or parking; or a significant reduction in residential amenity by smells or late night noise. It seems to me to accord with subsequent advice in paragraph 6 of Annex B of Planning Policy Guidance Note 6.

12. The core frontage comprises Nos 152-232 on the north side and 299-365 on the south side. A survey by the Council in July 1997 identified 33 of those 60 units, (55%) as A1. That includes 3 which the Council describe as "borderline" cases, in mixed A1/A3 use. Thus the retail element is well below the minimum of 75% specified by Policy S15. It was agreed that for several years the proportion of A1 uses in the core frontage had ranged between 55% and 60%. I asked the Council's witness whether for that reason there had been any proposal, during preparation of the UDP, to apply a lower percentage than 75% to Fulham Road (West) in Policy S15. I was told that there had not.

13. Your planning witness argued that Fulham Road (West) differed from other Principal Shopping Centres in the Borough, such as Kensington High Street or Knightsbridge, being much smaller and lacking their range and diversity of shops. He referred to evidence by a Planning Officer at an inquiry in June 1996 concerning A3 use at 359 Fulham Road, which stated that Fulham Road (West) had been designated as a principal shopping centre mainly because of the presence of the hospital and the cinema. Whether that is so or not, I do not think it is right for me to put a gloss on the wording of the statutory development plan, which I have to consider as it stands. The conversion of the appeal premises from shop to bar has decreased the retail proportion in this core frontage by 1.6% to the present figure of 55% and I conclude that it represents an unacceptable loss of a retail unit contrary to policies S14 and S15 (a). Section 54A of the 1990 Act requires me to determine the appeals in accordance with the development plan unless material considerations indicate otherwise.

14. In your grounds of appeal statement, repeated in your pre-inquiry statement under Rule 8, you referred to the popularity of Fulham Road (West) for entertainment and social use, to which you say local proprietors of restaurants, pubs and bars have responded by

investment on refurbishment and upgrading. You continued "In comparison retail units in the area have not fared so well.....clothing and High Street multiples are finding times difficult. Indeed the assignor of the lease of the [appeal] premises, who runs a small chain of shoe shops, was finding trade very difficult....Previous occupiers of the premises traded as a gift shop and a lingerie shop and they all complained of the lack of sufficient retail custom." You later submitted a "Supplemental statement of submissions" of which Appendix F contained photographs of 6 empty A1 properties with the comment "This evidence shows that the Fulham Road (West) Centre is not retaining or attracting sufficient A1 uses to maintain its vitality and viability as a retail area". The Council agree, saying that is due to the large number of shops which have changed, lawfully or unlawfully, to A3 use.

15. At the inquiry your planning witness made no reference to this, but on the contrary asserted that the vitality and health of a town centre was shown by whether it was busy during the day and whether traders were investing in their premises to provide a better service. Fulham Road (West) showed these characteristics: the shop at 210 adjoining the appeal premises had recently installed a new shopfront, and the greengrocer at 206, your other neighbour, had recently put in new shelving. Holmes Place Health Centre had refurbished 2 retail units on the road frontage. Faced by this contradictory evidence and arguments I find it difficult to reach any conclusion about the vitality of the centre as a whole, or to what extent it is attributable to A1 or A3 uses. It seems that some traders are more successful than others.

16. You also referred to other planning decisions by the Council and an appeal decision concerning A3 uses. One of them concerned a part of the cinema, which had until recently been self-contained and used as a wine merchant's. An application to re-integrate it with the cinema foyer as a coffee bar was permitted. Just beyond the core frontage, where A1 uses at 63% were only slightly below the 65% specified by Policy S15(b), its reintegration into the cinema was felt to contribute to the latter's vitality. These features have no parallel in your case.

17. The decision to grant a personal and temporary permission for mixed retail and cafe use at No 323 - one of the "borderline" cases mentioned in paragraph 12 above - was taken mainly because a significant, rather specialised retail operation would be maintained, with a window display of goods for sale. Although your witness said that some retail sales took place from Janet's bar, he conceded that they formed of very small part of its trade. It does not exhibit the features of the mixed A1/A3 use at No 323.

18. The Inspector dealing with 359 Fulham Road, almost opposite the appeal site, (ref A in the appendix to this letter) accepted that the proportion of A1 uses had been well below the 75% figure in Policy S15 for several years, but found no evidence of a decline in the retail activity attributable to the large number of A3 uses. In the present case you drew attention to a decline in retail activity, coinciding with the flourishing of restaurants and bars.

19. The Council also submitted other appeal decisions (refs B-F in the appendix) concerning change of use from shop to non-retail purposes, where Inspectors have upheld development plan policies which seek to avoid the loss of shop units. They included a report (ref E) on a proposal by the Department of Education and Employment to establish a Job Centre at 164 Fulham Road and 18-21 Cavaye Place, The Inspector in his report considered that the loss of a retail unit in the core frontage would be contrary to Policy S15(a) and would need a material consideration of appropriate weight to justify making an exception in terms of S.54A, but he concluded that the advantages to the public at large of an integrated Job Centre in those premises would outweigh the loss of a small retail unit.

20. These are all material considerations which I have taken into account. I do not find those which could be said to support your case sufficient to outweigh the conflict with statutory policy S15(a).

21. I turn to the second issue, noise. The appeal premises are open regularly until 11pm, and from time to time until midnight or later, when you obtain Special Exemption Orders extending the licensed hours for a particular function, usually a private party when the bar would be closed to the public. Your planning witness submitted an affidavit (doc 5) confirming that the Police Officer responsible for issuing Special Exemption Orders for these premises had had no hesitation in supporting those orders, and that there had been no trouble, noise or disturbance attributable to Janet's Bar. The Council agreed that they received no complaints of disturbance from it, and your witnesses emphasised that the Bar was intended to appeal to the more mature type of customer. That may be so in its present configuration, but if permission were granted a future owner could alter its character to appeal to a different and rowdier type of client. Although the floors above the appeal premises are in office use, I have noted that there appear to be residential apartments on the upper floors of other premises nearby, and it seems to me that a different type of A3 use could well cause disturbance to people living near, from the activity and loud conversation of customers departing in the late evening. That could be minimised by making permission personal to you, as the Council suggested. Subject to that and a limitation of the opening hours I believe that the bar use would not cause unacceptable disturbance to residents of nearby property.

22. Finally I deal with traffic congestion and parking. Your Counsel pointed out that this was not mentioned as a reason for issuing the notice: it had been introduced only in response to the appeal, and the Council's transport witness had confirmed that his department had not been consulted about the proposal to take enforcement action. However the notice specifies that the Council regarded the use as contrary to policy S.15(d) which refers to significant increase in traffic or parking. I consider that they were entitled to address the effect of the development on parking congestion in the area in their evidence to the inquiry. Moreover it was an issue raised in oral evidence and letters from local residents, so I should have had to deal with it, whether or not the Council had raised it.

23. Your witnesses said that your bar had a capacity of about 50 people, because the bar counter and facilities took up a great deal of space. Most of the customers lived near enough to walk to and from the bar; they included many American expatriates who particularly favoured the Borough as a place to live. You exhibited a photocopy of comments from your visitors' book, which did not show the signatories' addresses, but you submitted a list of addresses of 15 of them. The majority of them are within 1500m but Strathearn Place W2 and Elsham Road W14 are further away than most people would regard as easy walking distance.

24. Your witnesses also said that customers arrived on foot or by public transport. This assertion was based on what Mr Whittaker described as a "straw poll" of customers he had carried out on 3 October while chatting to customers over a busy 1½ hour period. None of those questioned had arrived by private car and only one by taxi. It was argued that for these reasons the bar generated very little private car traffic which required parking space.

25. The Council contended that you sought customers from further afield, for example by advertising in the magazines "Vogue" and "Time Out", and by leaving notices on parked cars inviting people to hold Christmas and other parties in your bar. They argued that the premises and clientele were not essentially different from other bars. A survey conducted on 2 evenings in October 1996 at a bar in Fulham showed that on one day 13.3% and on the other 8% of customers had driven there. Their transport witness estimated from its

floorspace that Janet's Bar could accommodate 75 people on the ground floor and the same number in the basement when in use. If 13.3% of them came by car, there would be 10-20 extra cars trying to find space to park in the adjoining residential roads, because parking is prohibited at all time on much of this part of Fulham Road.

26. I did not find your witnesses' evidence about the local nature of your clientele very convincing, and I should need some statistical evidence before I accepted that sales of "Vogue" are largely concentrated in Kensington and Chelsea. The "Sunday Times" and "Evening Standard" from which cuttings were provided by Cllr Taylor (doc 8), clearly circulate widely. However I feel that the Council overestimate the capacity of your bar, and the proportion of customers who would arrive by car. Its capacity seems to me nearer the 50 you estimated, or 100 when the basement is in use. Given the wide variation in the proportion of car drivers on the 2 nights of the survey quoted by the Council, I consider it would be more reasonable to take the mean, and assume that 10.6% of customers would have driven to the appeal premises on a typical night - that is to say between 6 and 11 cars. ✓

27. However during my evening visit to the area I walked along several adjoining side streets, including Gilston Road, Hollywood Road and Park Walk. Much of these roads is reserved during the day for residents with permits, but after 6.30pm they are available to all comers, and parking is then legal on single yellow lines as well. I saw only 2 parking spaces which were briefly vacant, but filled within a few minutes, and cars were parked across driveways and several were double-parked in Hollywood Road. A survey carried out by the Council in Spring 1996 showed that within a 300m radius of the appeal site parking spaces, including those on single yellow lines, were more than 90% occupied. The Council's transport witness explained that at that level congestion was caused in those streets by vehicles circulating looking for an available space.

28. I have no reason to think that the evenings of that survey, or of my site visit, were unrepresentative of the normal situation. Against that background I consider that the addition of even half-a-dozen cars to those seeking a place to park is significant. Until recently the bar opened, according to its advertisements, including those displayed on its window, at noon at weekends, and 6pm on weekdays, which suggests that during the week the trade is mainly in the evening. Compared with a shop in a centre intended to cater mainly for the needs of local residents I conclude that the bar use would attract additional traffic which would unacceptably add to the parking and congestion problems which already exist in neighbouring street. I conclude therefore that it is contrary to Policy S15(d) and I find no material considerations which outweigh that conflict.

29. I have considered all other matters raised at the inquiry and in the written representations but found nothing which led me to different conclusions on the first and third issues. The appeals on ground (a) therefore fail and I shall not grant planning permission on the deemed applications.

The appeals on ground (g)

30. In your statement of case you suggested that 3 months was too short a period for compliance. A large sum of money had been invested in the appeal site, and if the appeal was unsuccessful it would be equitable to grant a longer period to enable the appellants to find a suitable alternative use for the site, and reduce their substantial loss on the venture.

31. The Council in response simply said that they consider three months sufficient period for compliance.

32. You did not specify how much had been invested, or what loss you expected to sustain, with compliance periods of 3 months or 6, and although Mr Whittaker repeated this submission in his oral evidence, it was not referred to again during the inquiry. Despite the proposition in your appeal statement that retailers found trading conditions difficult, he argued the opposite, and I have quoted some of his examples earlier. He also referred to others, including the expansion of Pan Bookshop into the former shoe shop at No 164 (which was part of the premises intended as a Job Centre), the move of Oddbins from their former shop in the cinema to No 341 in the shopping core, and the decision of Prime Time Video to seek a renewal of their lease at No 168 (doc 4). He also mentioned that the shoe shop continued trading up to the time you acquired the appeal premises. Hence I have no evidence that 3 months is an unreasonably short period for you to find a retailer willing to take them over for their lawful use as a shop (Class A1). So the appeals on ground (g) fail.

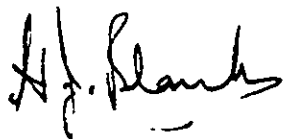
FORMAL DECISION

33. For the above reasons and in exercise of the powers transferred to me I hereby dismiss your appeals, uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under S.177(5) of the 1990 Act.

RIGHT OF APPEAL AGAINST DECISION

34. This letter is issued as the determination of the appeals before me. Details of the rights of appeal against the decision to the High Court are enclosed for those concerned.

Yours faithfully



H J BLANKS BA(Oxon)
INSPECTOR

APPEARANCES

FOR THE APPELLANTS

- Mr R D White - of Counsel, instructed by Mr David Evans, Solicitor
- He called
- Mrs J K Evans JD - Appellant
- Mr W D Whittaker MA(Hons) Cantab - Financial & Business Consultant

FOR THE LOCAL PLANNING AUTHORITY

- Ms LeVerne Parker - Solicitor to the Council
- She called:
- Mr Tony Trotter BA(Hons) MRTPI - Planning Officer
- Mr R W Mount - Leader, Transportation & Road Safety Group
BSc(Hons) M Phil CEng MICE

INTERESTED PERSONS

- Councillor Mrs F Taylor - Borough Councillor for Redcliffe Ward 37, Hollywood Road, LONDON SW10.
- Mr J MacNair - 29 Gilston Rd, LONDON SW10 (former Chairman of The Boltons Association)
- Mr K Hallett - 242-244 Fulham Rd, LONDON SW10 (Trader & resident)

DOCUMENTS

- Document 1 - List of persons present at the inquiry
- Document 2 - Letter of notification of the inquiry and persons notified
- Document 3 - Replies received to letter of notification
- Document 4 - Letter dated 15 Oct 1997 from Leaver Charles re lease renewal at 168 Fulham Road (submitted by the appellants)
- Document 5 - Affidavit by Mr W D Whittaker (submitted by the appellants)

- Document 6 - Maps showing public transport routes serving the area
(submitted by the Council)
- Document 7a,b - Proofs of evidence given at inquiry concerning 359-361
Fulham Rd (submitted by the appellants)
- Document 8 - Bundle of correspondence and cuttings
(submitted by Cllr Mrs Taylor)
- Document 9 - Addresses of some signatories of visitors' book
(submitted by the appellants)
- Document 10 - Copy of extracts from Town & Country Planning Act 1990
(submitted by the appellants)
- Document 11 - Extract from Glossary included in UDP
(submitted by the Council)
- Document 12 - Conditions proposed by the Council

Other Planning Appeal Decisions referred to at the inquiry:

1. By the appellants:

A. T/APP/C/95/K5600/639368 dated 25 July 1996

2. By the Council:

B. T/APP/K5600/A/95/258086/P7 dated 8 Mar 1996

C. T/APP/K5600/A/95/256097/P2 dated 4 Oct 1996

D. T/APP/X5990/A/96/275001/P7 dated 11 Jun 1997

E. LRP222/K5600/02 dated 10 June 1997

F. T/APP/G5180/A/96/269879/P2 dated 28 May 1997



The Royal Borough of
Kensington & Chelsea

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

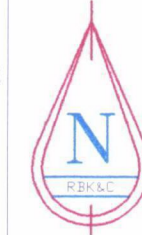
The Town Hall
Hornton Street
London W8 7NX

Notes

Base map produced using GGP. © Crown Copyright reserved - Survey Date: 21 February 1996

Rev	Description	By	Date	Chk'd

Directorate of
Transportation and Highways



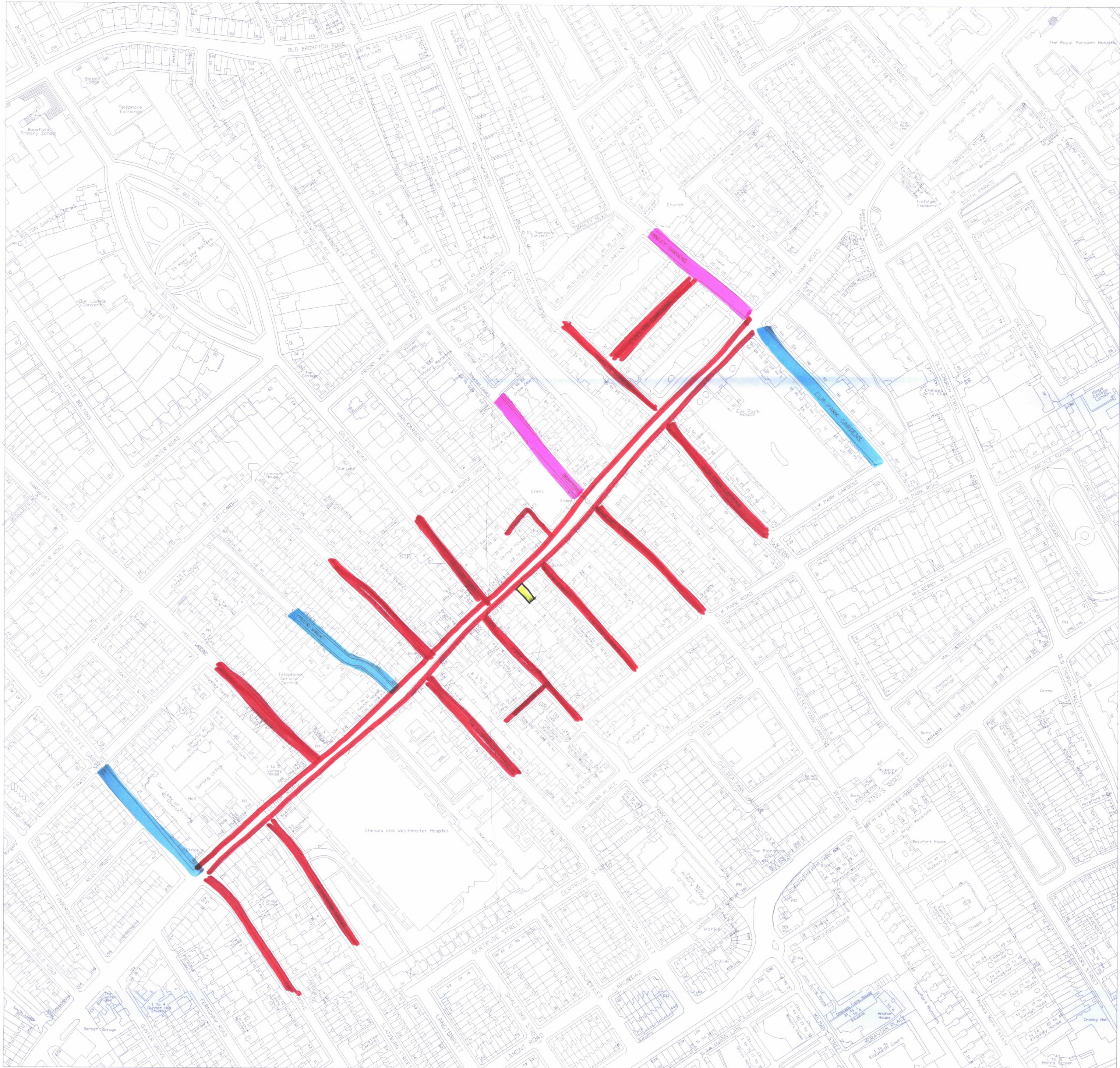
The Town Hall
Hornton Street
London W8 7NX

Tel. 0171 361 2209
Fax. 0171 938 5478

Project
323 FULHAM ROAD.

Title **MAP 1
PARKING OCCUPANCY**
— 90%+ — 80-89% — <80%
 Saturday 9pm 3/7/99

Original Scale 1:2500	Prepared By Date	Checked Date	A2
Drawing Number TM/	File Number	Rev	




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PUBLIC TRANSPORT ACCESSIBILITY INDEX

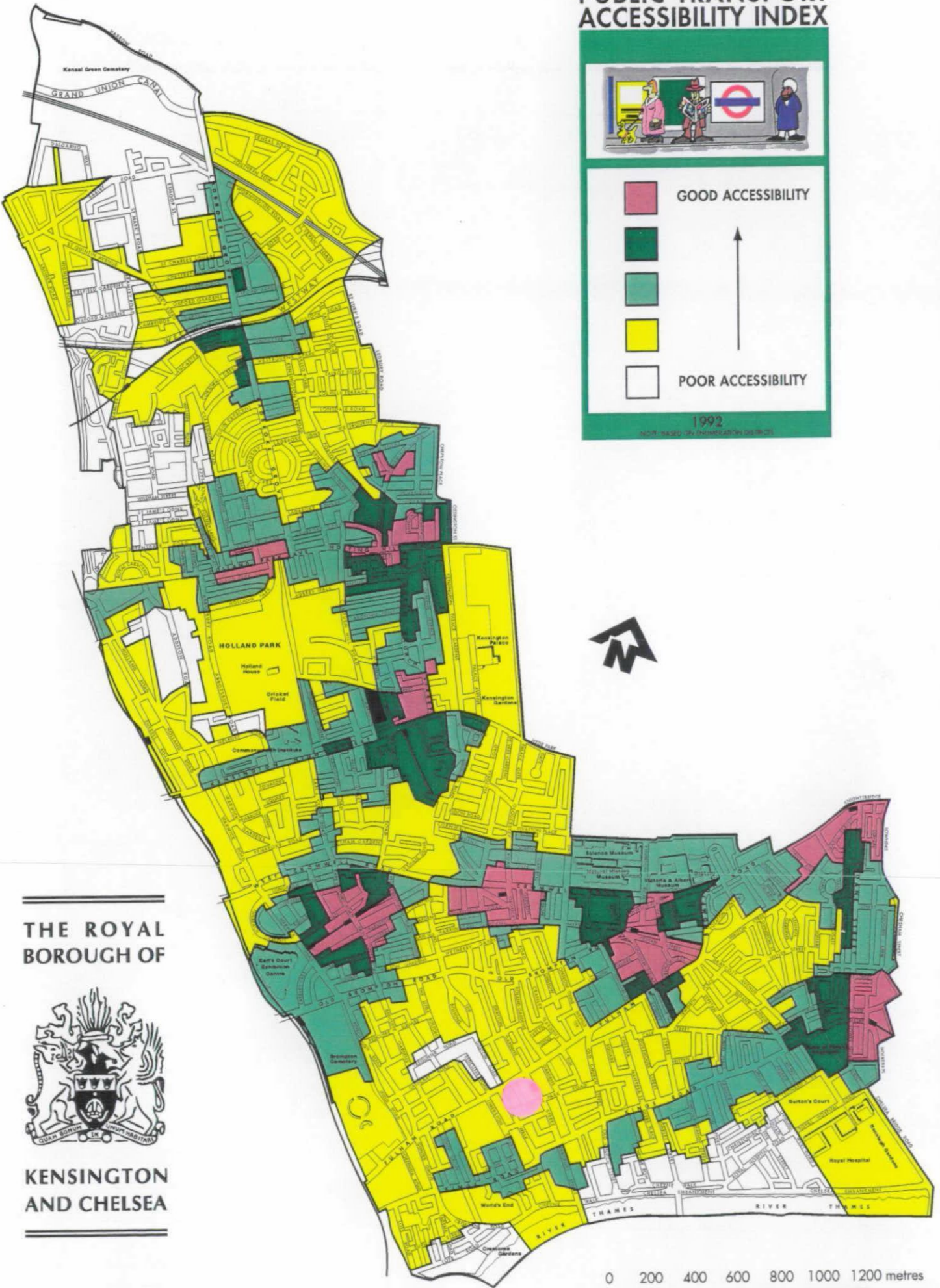


1992

GOOD ACCESSIBILITY

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POOR ACCESSIBILITY



THE ROYAL BOROUGH OF



KENSINGTON AND CHELSEA

0 200 400 600 800 1000 1200 metres



**TABLE OF PARKING OCCUPANCIES IN THE "BEACH" AREA
JULY 1999**

ROAD	9pm	10pm	11pm	12pm	1am	2am	3am
Hollywood	100 / 94	100 / 97	94 / 90	94 / 90	90 / 87	94 / 87	94 / 87
Seymour	83 / 60	80 / 73	80 / 57	77 / 60	57 / 60	53 / 50	53 / 46
R'cliffe Rd	100/100	100/100	100/89	92 / 97	84 / 97	79 / 95	79 / 87
R'cliffe Gd	70 / 55	79 / 61	76 / 61	58 / 63	66 / 82	58 / 63	58 / 52
Edith Grve	100/100	100/ 80	80 /100	80 /100	80 / 60	80 /100	80 /100
Park Walk	97 / 95	97 /100	95 / 95	86 / 86	84 / 89	78 / 89	73 / 78
Winterton	86 /100	86 / 86	86 /86	100 / 72	100 /58	100 /58	86 / 72
Beaufort	89 /91	93 /89	91 /67	47 / 44	47 / 42	44 / 49	44 / 49
Netherton	80 /100	100 /100	100 /100	80 /100	80 /100	80 /100	100 /95
Limerston	100 / 97	100 / 97	100 / 97	70 / 76	76 / 54	73 / 54	65 / 57
Gilston	100 / 93	100 / 96	100 / 63	74 / 63	48 / 82	40 / 59	40 / 30
Cavaye	88 / 100	100 / 63	88 / 50	63 / 50	63 / 38	63 / 38	63 / 38
Drayton	95 / 86	95 / 95	95 / 81	71 / 48	52 / 43	67 / 38	57 / 48
Evelyn	88 / 98	93 / 98	95 / 66	92 / 68	91 / 68	89 / 65	89 / 71
Cranley	79 / 88	76 / 86	83 / 71	83 / 67	81 / 69	79 / 71	79 / 76
Callow	97 / 97	95 / 97	97 / 95	95 / 95	95 / 92	95 / 80	95 / 77
Elm Pk Gdns S	100/100	93/100	93 / 89	78 / 74	82 / 78	78 / 78	78 / 78
Elm Pk Gdns N	94 / 70	87 / 77	90 / 60	94 / 73	90 / 73	87 / 73	87 / 77
Fulham Rd South	16 / 90	32 / 90	21 / 63	21 / 26	21 / 21	21 / 21	21 / 16
Fulham Rd North	57 / 97	57 / 92	51 / 65	05 / 46	43 / 35	19 / 38	16 / 14

- surveys undertaken on Thurs 1/7/99 and Sat 3/7/99
- weather was fine ,dry and warm
- first fig = Thurs, 2nd = Saturday
- fig = %age occupancy of legal parking spaces
- 90%+ means saturated parking, no spaces available
- shaded figs = 90%+





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PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

~~Executive Director M. FRENCH FRICS Dip.TP MRTPI Cert. TS~~

FILE COPY

file copy

file copy

file copy

Switchboard: 0171-937-5464

Direct Line: 0171-361-2734

Extension: 2734

Facsimilie: 0171-361-3463



**KENSINGTON
AND CHELSEA**

Date: 06/01/2000

My Ref: DPS/DCSW/PP/99/01282

DETR's Reference: App/K5600/A/99/1033002

Please ask for: Mr. A. Paterson

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Notice of a Planning Appeal relating to: 323 Fulham Road, London, SW109QL

A planning appeal has been made to the Planning Inspectorate in respect of the above property. The appeal will be heard at an **INFORMAL HEARING** before an Inspector from the Planning Inspectorate, which will take place on **24/02/2000 at 10.00 am** in **Committee room 1** at the **Town Hall, Hornton Street, Kensington, W8**. This appeal is against the Council's decision to refuse planning permission for: **Change of use from mixed Class A1/A3 unit to Class A3 (restaurant) use.**

As a local resident or interested party, you may attend the hearing and, at the discretion of the Inspector, make representations. You may also make representations in writing to:

**The Planning Inspectorate
(Room 1003) Tollgate House
Houlton Street
Bristol BS2 9DJ**

Please quote the DETR's reference given above and send all representations at least **21 days** before the Hearing. 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.

The Council's reasons for refusal, the Appellant's grounds of appeal and the Council's written statement may be inspected in the Planning Information Office at the Town Hall (please telephone ahead in order to ensure that these are available). I attach a copy of the Code of Practice for Informal Hearings. Please note that the Inspectorate will only forward a copy of the Inspector's decision letter to those who request one.

Yours faithfully,

M. J. FRENCH

Executive Director, Planning and Conservation





1. FILE COPY

file copy

file copy

file copy

2. THE SHOP

317 FULHAM ROAD

LONDON

SW10

3. THE SHOP

319 FULHAM ROAD

LONDON

SW10

4. THE SHOP

323 FULHAM ROAD

LONDON

SW10

5. THE SHOP

170 FULHAM ROAD

LONDON

SW10

6. THE SHOP

172 FULHAM ROAD

LONDON

SW10

7. OFFICES NORTH EAST

317-321 FULHAM ROAD

LONDON

SW10

8. OFFICES NORTH WEST

317-321 FULHAM ROAD

LONDON

SW10

9. FLAT A

321 FULHAM ROAD

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SW10

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321 FULHAM ROAD
LONDON
SW10

11. FLAT C
321 FULHAM ROAD
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12. FLAT D
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13. FLAT E
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14. FLAT F
321 FULHAM ROAD
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15. FLAT 1
323A FULHAM ROAD
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17. FLAT 3
323A FULHAM ROAD
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18. FLAT 4
323A FULHAM ROAD
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SW10

19. FLAT 5
323A FULHAM ROAD
LONDON
SW10

20. THE RESTAURANT
325 FULHAM ROAD
LONDON
SW10

21. FLAT 1ST FLOOR
325 FULHAM ROAD
LONDON
SW10

22. FLAT 3RD FLOOR
325 FULHAM ROAD
LONDON
SW10

23. MAISONETTE 1/3RD FLRS
325 FULHAM ROAD
LONDON
SW10

24. BASEMENT FLAT
2 CALLOW STREET
LONDON
SW3

25. 1ST FLOOR FLAT
2 CALLOW STREET
LONDON
SW3

26. 2ND FLOOR FLAT
2 CALLOW STREET
LONDON
SW3

27. GROUND FLOOR FLAT
2 CALLOW STREET
LONDON
SW3

28. FLAT 8
PEONY COURT
PARK WALK
LONDON
SW10

29. FLAT 9
PEONY COURT
PARK WALK
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30. FLAT 10
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31. FLAT 11
PEONY COURT
PARK WALK
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32. FLAT 12
PEONY COURT
PARK WALK
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SW10

33. FLAT 13
PEONY COURT
PARK WALK
LONDON
SW10

34. FLAT 14
PEONY COURT
PARK WALK
LONDON
SW10

35. J.NAJJAR
4 CALLOW STREET
LONDON
SW3 6BE

36. THE OCCUPIER
329-331 FULHAM ROAD
LONDON
SW10

37. A.LAMAN
2A CALLOW STREET
LONDON
SW3 6BE

38. GEO JOSLIN ESTATE AGENTS
327 FULHAM ROAD
LONDON
SW10 9QL

39. LONGSHOT LTD
333 FULHAM ROAD
LONDON
SW10 9QL

40. COUNCILLOR M COCKELL
20 PHILBEACH GARDENS
LONDON
SW5 9DY

41. THE LONDON OPPORTUNITY FUND PLC
176A IFIELD ROAD
LONDON
SW10 9AF

42. C L R JACKSON
THE BOLTONS ASSOCIATION
3 GILSTON ROAD
LONDON SW10 9SJ

43. HUGH KRALL
THE CHELSEA SOCIETY
51 MILMANS STREET
LONDON
SW10 ODA

44. MISS A. WOOD, SECRETARY,
ELM PARK GARDENS RESIDENTS ASSOCIATION,
24 ELM PARK HOUSE,
FULHAM ROAD,
LONDON, SW10 9QD

45. COUNCILLOR MRS. I. FRAZER,
THE WORSHIPFUL THE MAYOR,
THE MAYORS PARLOUR,
W8 7NX

(INTERNAL)

46. COUNCILLOR J. SEIDLER,
GARDEN FLAT,
48 BASSET ROAD,
LONDON, W10 6JL

47. COUNCILLOR MRS. F. TAYLOR,
THE TOWN HALL,
LONDON,
W8 7NX

(INTERNAL)

48. COUNCILLOR A. WHITFIELD,
28 POOLES LANE,
LONDON,
SW10 0RH