





POMIS SQUARE

TALBOT ROAD

POMIS TERRACE  
Wedgegate Court

POMIS SQUARE

POMIS MENS  
7 to 8

LEBURY ROAD

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31/10  
5 sets of  
drawings  
+ Env. Health  
+ Westminster  
sent plans

### PLANNING SERVICES APPLICATION CONSULTATION SHEET

APPLICANT:

Stafford Bell,  
Tackyard Cottage,  
Fyfield,  
Wilst. SN8 1PP

3265

Application No:

Application dated

SITE: DPS/DCN/TP/96/2274  
127 LEDBURY ROAD,  
W.11

09/10/96

NATURE OF PROPOSAL:

New fire escape staircase from  
• basement bar area rising in  
• forecourt demise, new sound  
attenuated plant enclosure to  
1st floor flat roof plant area  
to rear and additional timber  
louvred intake grille in place  
of high level window.

**OBJECTORS  
NOTIFIED  
18 DEC 1996**

<b>Application complete</b>
17/10/96
<b>Date to be decided by</b>
12/12/96
<b>Date Acknowledged</b>
18/10/96

	Address to be consulted	Letter sent	Reply received	Observations		Decision letter sent
				For	Against	
1	123, 125 L Rd - 123 (A photographic studio + flat)					
2	99 99a-c Turner Rd 99 (1-3 + shop)					
3	104 - 108 (E) ~ 99c-D				125 (shop)	
4	104 (off licence + flat)				125B (flat)	
5	104A-D				127 (flat)	
6	104B-D					
7	106 (workshops)					
8	108 (warehouse, flats A-C)					
9						
10						

20  
31/10

#### CHECK Section 65 certificate/Environmental Impact Statement

#### CONSULT STATUTORILY (GDO)

- HBMC**
  - (a) Circ. 8/87 (Para. 82) Listed Buildings
  - (b) Circ. 8/87 (Para. 28) Setting of Grade I or II
  - (c) Demolition in Conservation Area
- Demolition Bodies - Circ. 8/87 (para 81)
- Department of Transport
  - (a) Trunk Road - increased traffic
  - (b) Westway etc.
- Neighbouring Local Authority
- Strategic View Authorities
- Department of Environment (Kensington Palace)
- Civil Aviation Authority (over 300')
- Development affecting Theatres (Theatre Trust)
- National Rivers Authority
- Thames Water
- Crossrail Project Team
- LRT - Chelsea/Hackney Line

#### ADVERTISE

- Effect on CA\*
  - Setting of Listed Building\*
  - Works to Listed Building\*
  - Demolition in CA\*
  - Departure from DPt
  - "Major" Developmentt
  - Environmental Assessmentt
- Note:** \*Site Notice is required  
†Site Notice or Neighbour Notification required (GDO)  
A Site Notice will normally be produced if advert requested
- If no Site Notice required

#### OTHER SITE NOTICES

If Site Notice required for case not in above categories

#### OTHER CONSULTATION

- 1. Police
- 2. L.P.A.C.
- 3. British Waterways Board
- 4. Environmental Health

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31/10  
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31/10



Mike.

127 Hedden Road. Kasouletti Restaurant

Planning Permission was granted by the Council on 2 January 1997, for the installation of a first floor plant room at the rear of the premises and erection of rear ducting for ventilation and smell extraction.

The Permission contained 9 conditions which were imposed following several meetings with the local residents and the applicant, all parties agreed to the conditions (~~and the~~ ~~are letters from residents agree to conditions~~).

The Planning Dept was advised on 25 February 1997 that the main ground condition (concerning the air conditioning units had not been complied with, but the work had commenced. The applicant advised me the first floor occupant would not allow the work to be done, thus none would result.

A meeting was set up on 27 Feb 97 to resolve the matter at the Council Centre to resolve the problem. The meeting took place and in attendance were 12 people, including representatives of the residents, the restaurant, Betty, Mr. McHenry and myself.

The first floor tenant admitted he was not allowing work to be carried out because he did not like what was happening. I explained that the restaurant were only carrying out the work as shown on the approved drawings and that he along with the other residents had agreed to and if the work were not undertaken the noise would continue.

The meeting continued with much acrimony but I

managed to broker a deal in which both Parties were happy.

( this took the form of a handscraping proposal to the wall, to hide any potential view of a boxed in unit ).

MR Mahagy was happy with the agreement but served a notice to take effect until the work was completed.

The agreement did not go forward because the Restant did not give plans of the handscraping to the flat floor tenant. on Wednesday 5 march 97, I advised the Restant that as they had not sent the plans and the noise was still taking place I would have to seek compliance of the Conditions and effectively shut down the restant.

The Plans were sent to the occupier of the flat floor flat on Tuesday 6 march 97, but according to the occupier showed him nothing that was agreed, at the meeting a week before.

The Restant on Friday 7 march 97, commenced ~~work~~ work on the wall to attenuate the noise. The Police were called. and I was asked to attend to mediate. This I did by sending the letter dated 7 march 97 to the owners of the restant, and at the same time agreed a last meeting to resolve the matter.

The last meeting took place at 3.30 and all parties sat on the flat roof and a drawing was made that all parties agreed and signed.

Work commenced on Sat 8 march 97, I visited on Monday 10<sup>th</sup> march 97 and work was fully underway and near completion.

The noise is controlled by Berto and the residents have been advised to call the Berto call out service if the plant is operated outside the stipulated hours.

In Conclusion, the applicant showed not of agreed until the matters stipulated on the PP had been undertaken, however they did and were then stopped ~~from~~ there after from doing the work.

The applicant has attempted to finish the work and it is in doubt whether a prosecution could of been successful. but they have not helped the situation by taking an ~~agg~~ arrogant stance with the residents.

The planning authority have never had control over the time or hours because it was primarily a Pub and no change of use was required. We have only controlled the air cadet units and ducting, which we conditioned to cease at 12:00 midnight.

Once Condition no 5 is complied with (shown by Friday 14 March 97) the noise problem hopefully will be no more

The other two conditions are cosmetic but ~~was~~ I have asked they are undertaken within a month.

Berto has spoken to the police they say there is no problem with late night only.



# NOTICE OF A PLANNING APPLICATION

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



KENSINGTON  
AND CHELSEA

---

Notice is hereby given the Royal Borough of Kensington and Chelsea Council have received an application:

(a) for development of land in or adjacent to a Conservation Area.

Details are set out below.

Members of the public may inspect copies of the application, the plans and other documents submitted with it at:

The Planning Information Office, 3rd Floor, The Town Hall, Hornton Street, W8 7NX between the hours of 9.15 and 4.45 Mondays to Thursdays and 9.15 to 4.30 Fridays;

For applications in the Chelsea area: The Reference Library, Chelsea Old Town Hall, Tel. 0171-361-4158.

For postal areas W10, W11, and W2: The 1st floor, North Kensington Library, 108 Ladbroke Grove, W11. Tel. 0171-727-6583.

Anyone who wishes to make representations about this application should write to the Executive Director of Planning and Conservation at the Town Hall (Department 705) within 21 days of the date of this notice.

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## SCHEDULE

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Reference: TP/98/1121/N

Date: 19/06/98

THE NORTH HALL NURSERY SCH. ST. PETER'S HALL, 59A PORTOBELLO ROAD, W.11

Permission to continue to run a stall from within the North Hall of St. Peter's Hall between 8.00am and 5.30pm on Saturday only. This stall has run for 3 years from this location and sells Scottish goods.

APPLICANT Andrew Cunninghame,



# The Ladbroke Association



please reply to  
Robert Meadows  
19 Stanley Crescent  
W11 2NA

Director of Planning  
The Town Hall  
Hornton Street  
W8 7NX

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AD AC
12 AUG 1998				58			
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEES	

07 August 1998

AP

Dear Sir

I am writing in connection with the Planning Applications currently before you regarding buildings in this Conservation Area. We would like to comment on some of them as follows.

- dyj 98/1368 56 Elgin Crescent. The new conservatory may concern the neighbours, infringing their privacy.
- dyj 98/1318 91A Clarendon Road. These proposals appear to be acceptable.
- dyj 98/1245  
1246 35 Lansdowne Road. We are increasingly concerned at attempts to make alterations to listed buildings. They are unacceptable in principle.
- dyj 98/1297  
1298 41 Kensington Park Gardens. The relatively recent removal of the structure from the balcony was clearly a good thing, but the sub-structure remains crude and obtusive.
- Support 98/1238 12 Ladbroke Road. The restoration of the original character is commendable. Care should be taken to match the new railings as far as possible to those adjacent.

Yours faithfully

Robert Meadows

# DAVID NICHOLSON

Surveyors · Valuers

*File*

*AP*  
*Book c*

L/DN/al

ESTABLISHED  
1974

*✓*  
*CT*  
*6/7/98.*

David Nicholson ARICS  
Chartered Surveyor  
Jane Nicholson

Mr Paterson  
Planning Department  
Royal Borough of Kensington & Chelsea  
Town Hall  
Hornton Street  
London W8 7NX

INDEPENDENT CONSULTANT CHARTERED SURVEYORS

Keith G. Brampton FRICS	John Hughes FRICS MCIOB
David J. Brown FRICS	Lawrence Park BSc FRICS
Edward S. Brown ARICS	Bernard Pett FRICS
Nigel Carter FRICS Dip TP MRTPI	Robin Symondson ARICS
Geoffrey A. Cooch Dip Bldg Cons FRICS	Robert W. Timms FRICS
Paul Hill BSc ARICS	

July 3, 1998

Dear Mr Paterson,

**Re: 70 Lansdowne Road, London W11 - Reference DPS/DCN/TP/98/0324**

I understand that the next Committee is on 21 July.

Would you be kind enough to confirm that the above proposal will be placed before this Committee for consideration.

I look forward to hearing from you.

Yours sincerely

David Nicholson ARICS

cc: Mr & Mrs D Steyn

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*file*

DAVID NICHOLSON

Surveyors · Valuers

*response please.  
P.*

*AP*

*Bochi*

*✓ CT  
18/6/98*

ESTABLISHED  
1974

L/DN/al

David Nicholson ARICS  
Chartered Surveyor  
Jane Nicholson

Mr Paterson  
Planning Department  
Royal Borough of Kensington & Chelsea  
Town Hall  
Hornton Street  
London W8 7NX

INDEPENDENT CONSULTANT CHARTERED SURVEYORS

- |                                       |                         |
|---------------------------------------|-------------------------|
| Keith G. Brampton FRICS               | John Hughes FRICS MCIOB |
| David J. Brown FRICS                  | Lawrence Park BSc FRICS |
| Edward S. Brown ARICS                 | Bernard Pett FRICS      |
| Nigel Carter FRICS Dip TP MRTPI       | Robin Symondson ARICS   |
| Geoffrey A. Cooch Dip Bldg Cons FRICS | Robert W. Timms FRICS   |
| Paul Hill BSc ARICS                   |                         |

June 17, 1998

Dear Mr Paterson,

**Re: 70 Lansdowne Road, London W11 - Reference DPS/DCN/TP/98/0324**

Further to my letters of 7 and 21 May, would you be kind enough to let me know the decision taken by the Planning Committee.

I look forward to hearing from you.

Yours sincerely

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18 JUN 1998							106
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	

David Nicholson ARICS

Andrew Patterson  
Royal Borough of Kensington & Chelsea  
Planning Dept  
The Town Hall  
Hornton Street  
London  
W8 7NX

Our Ref: CMM/TS/393 L05/1

13<sup>th</sup> May 1998

*File*

*CT*  
*19/5/98*



**QUAD ARCHITECTS** *Bahri*

11 DEVONSHIRE ROAD  
CHISWICK  
LONDON W4 2EU

TELEPHONE 0181 994 3344  
FAX 0181 742 1988  
E-MAIL [quad.architects@dial.pptx.com](mailto:quad.architects@dial.pptx.com)

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AD ACK
19 MAY 1998							(124)
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Dear Mr Patterson,

**2 EXMOOR STREET, LONDON W10**

I refer to our telephone conversation before I went on holiday in early April, regarding the imminent approval for the above scheme.

We are still awaiting written confirmation of the approval, which our client is anxious to receive as he wishes to proceed with the building works as soon as possible.

Please can you advise me when we can expect to receive this or if there are any outstanding queries/issues, which need to be addressed.

Kind regards.

Yours sincerely

C.M. Mocke  
**QUAD ARCHITECTS**

CC: A.North - Chinacraft

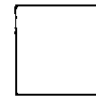
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✓  
1/7/98

Bookin

AP

Andrew Patterson  
Royal Borough of Kensington & Chelsea  
Planning Dept  
The Town Hall  
Hornton Street  
London  
W8 7NX



**QUAD**  
ARCHITECTS

11 DEVONSHIRE ROAD  
CHISWICK  
LONDON W4 2EU

TELEPHONE 0181 994 3344

FAX 0181 742 1988

E-MAIL [quad.architects@chsl.ppcps.com](mailto:quad.architects@chsl.ppcps.com)

Our Ref: CMM/TS/393 L06/1

30<sup>th</sup> June 1998

RECEIVED BY PLANNING SERVICES							
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APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	

Dear Mr Patterson,

**2 EXMOOR STREET, LONDON W10**

Thank you for the confirmation of planning approval for the above dated 23 June 1998.

Please can you confirm if this includes the revisions noted in our letter of 13<sup>th</sup> March 1998 accompanying the revised drawings.

Kind regards

Yours sincerely

Cathy Mocke  
QUAD ARCHITECTS

# FACSIMILE

Attention: Andrew Paterson

From: George Klein

Fax: 361 3463

Pages: 2 Including this page

Date: 30 June '98

If there is any problem with the transmission of this fax please call on 0171 792 4477.

*Please see attached -*

*Thank you*

*[Signature]*



**SERIOUS**  
PICTURE(S)

RECEIVED  
29 JUN 1998  
R.B.K. & C  
TOWN PLANNING



# George Klein

127 Ledbury Rd.  
W11 2AQ

June 30, 1998

ANDREW PATERSON  
RBKC Planning and Conservation  
The Town Hall  
Hornton Street  
London W8

Re: **DAKOTA - 127 Ledbury Rd - Flat Roof**

Dear Andrew,

Welcome back, Dakota has constructed a structure on top of the air conditioning casing which increases the height of the existing unit by over 12 inches!

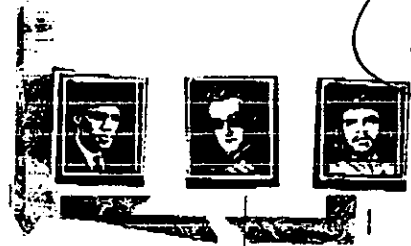
From my kitchen, this has almost entirely blocked my view and from the Flat roof it has completely blocked any view I had left. I am certain that they did not receive Planning Permission for this unit; therefore, would you please ask them to remove it.

Best regards.

Sincerely,



George Klein



**SERIOUS**  
PICTURE(S)

# FACSIMILE

Attention: Andrew Paterson

From: Geo. Klein

Fax: 361 3463

Pages: 2 including this page

Date: 18 June 98

If there is any problem with the transmission of this fax please call on  
0171 792 4477.

R.B.K. & C.  
TOWN PLANNING  
19 JUN 1998  
RECEIVED



# George Klein

127 Ledbury Rd.  
W11 2AQ

June 18, 1998

ANDREW PATERSON  
RBKC Planning and Conservation  
The Town Hall  
Hornton Street  
London W8

Re: **DAKOTA - 127 Ledbury Rd - Flat Roof**

Dear Andrew,

Hopefully we will have spoken by the time you receive this. I have been notified by Dakota that they intend to place an additional unit on top of the air conditioning casing, increasing the height of the present unit. Because of past design flaws the current structure causes a leak in their kitchen.

Please take this as my strong objection to them doing this and please inform them that currently the unit does not meet the plans which you approved. The cement casing still has not been finished and the metal grate is not flush to the cement as was promised.

I apologise for having to involve you with this matter again; however, I am unable to find any other solution.

Best regards.

Sincerely,



George Klein

cc: Charles Hickey

George Klein

127 Ledbury Rd.  
London W11 2AQ

RECEIVED BY PLANNING SERVICES				
DC M	DC C	DC S	E	As Ack
5 JUN 1997				(73)
Exec Dir		Records	ARB	Can Dir
Appeals Office	10	Fees Officer	Forward Plan	He-1

June 3, 1997

To: Piers Adam cc: Charles Hickey, Andrew Paterson

From: George Klein

Re: 127 Ledbury Road

Piers,

According to your solicitor you received authority from Mr. Hickey to enter my roof terrace and rip up my deck boards which have now been replaced in the wrong positions, some are chipped, and the deck is now destroyed, who and when will this be repaired.

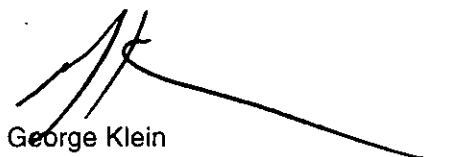
I have not been able to use my roof terrace for several months and even today, you have stacks of equipment sitting outside of my roof terrace. The design of your system overhangs the wall onto my property which causes the water to drip onto my deck. I would like you to remove the lip which is clearly on my property. I am still being kept awake from the air duct below my bedroom. You have now installed a lighting system which illuminates into my flat.

I believe in your lease there is a clause 3.16(4) which requires that you not do anything which may grow to become a nuisance, annoyance, disturbance, inconvenience or damage to the owners .... Clearly you are in violation of this entire clause and have been since you opened your restaurant. The residents of the building, the neighbours and the council have written you repeated letters, made repeated calls to your management all with no result.

In a letter you wrote to Mr. Mehaffey on 5th March (see attached) you state "I can assure you that my staff have strictly adhered to the times you set; namely Air extraction to be off at 11:00 pm and the air conditioning to shut at 10:00pm". A letter written on behalf of the Council's Legal services (see attached) 15 days later states that and Environmental Health call out officer visited your restaurant witnessing that it was in violation on the 15th and again on the 19th and that the manageress "did not appear to be aware that a time restriction applied to these systems." It is now 3 June and since Noise Abatement Notice was served on you on 4 March there have been well over 20 complaints of the continued noise nuisance.

Additionally, The Environmental Health Officer reported that the level of music emanating from the premises was unreasonable. There have also been several occasions where the Environmental Officer has witnessed this.

I am asking you for the final time to stop operating your air conditioning system and ventilation systems until they have been properly sound attenuated. Immediately complete the work on the air conditioning system, and make the replacements and repairs to my roof terrace which you promised in writing and witnessed by Mr. Paterson months ago. Remove the lip from the structure you built which is on my property and causes rain to drip onto my deck, and finally remove your sign lights which are well above your property and illuminate into my flat.



George Klein

# LEGAL SERVICES

THE TOWN HALL, HORNTON STREET, LONDON W8 7XX

DIRECTOR OF LEGAL SERVICES

A.G.PHILLIPS LL.B. SOLICITOR

Mrs Kelly  
Licensing Justices  
DX 124800 HAMMERSMITH 8

TELEPHONE 0171-361-2617

FACSIMILE 0171-361-3488

DX 84015 Kensington High Street 2

INTERNET tclbr@rbkc.gov.uk

20 March 1997

My reference:

BR/mu

Your reference:

Please ask for:

Bernie Ryan

Dear Mrs Kelly,

Re: KASSOULET - 127 LEDBURY ROAD, LONDON W11  
APPLICATION FOR A FINAL ORDER AND SUPPER HOUR CERTIFICATE

I write in relation to the above applications which are due to be determined on Wednesday 26th March. The Council are not, at this stage, objecting to the applications but wish to bring certain matters which concern the Council, to the attention of the Licensing Justices.

Planning permission was issued on 2nd January 1997 for various works at the above premises, including the erection of a first floor plant area and a rear extract duct. I enclose a copy of this planning permission which was subject to various conditions.

Conditions 3, 5 and 8 of the planning permission were breached when the premises opened in February and the Council's planning officer dealing with this matter wrote to Mr Piers Adam concerning these breaches on 7th March 1997. The planning officer's primary concern related to the breach of condition 5, as the ventilation system and the air conditioning systems were causing noise nuisance to nearby residents. I am informed that works to enclose these systems are now almost completed.

At a meeting with the applicant's representatives on 27th February 1997, attended by one of the Council's Environmental Health Officers, it was verbally agreed to limit the hours of operation of the air conditioning plant and kitchen extract system until an acoustical enclosure to these systems was completed. The purpose of this was to minimise the noise nuisance to nearby residents until these works were carried out. It was agreed that the air conditioning plant should operate between 10pm and 11am and that the kitchen extract system should not operate between 11pm and 11am. Having received further complaints from residents that these times were not being adhered to, the Council issued a noise abatement notice under section 80 of the Environmental Protection Act 1990 on 4th March 1997. A copy of this was sent to Mr Adam on the same day with an explanatory letter. The notice restricted the hours of operation of the systems as set out above.

The noise abatement notice was intended to be an interim measure until an acoustical enclosure system was completed. In any event you will see that condition 4 of the planning permission provides that "The ventilation and air conditioning system shall not operate between

2/...

the hours of 12.00 midnight and 11am the following day". The hours set out in the abatement notice were more restrictive.

Following complaints from residents, an Environmental Health call out officer visited the premises on Saturday the 15th March 1997 and found that both the extractor fan and ventilation system were on at 15 minutes past midnight, in breach of the planning condition. He spoke to the manageress of the premises who did not appear to be aware that a time restriction applied to these systems. The Council will shortly be serving a planning enforcement notice (breach of condition notice) in respect of the breach of this condition. The systems were turned off at 15 minutes past midnight on the request of the call out officer. A further visit by a Council's Environmental Health Officer on 19th March 1997 found that the kitchen extract system was operating at 9.45am, again in breach of the planning condition.

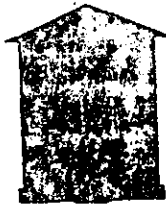
Complaints were also received from residents on the evening of 15th March 1997 regarding music emanating from the premises. An Environmental Health officer visited a neighbouring resident's premises at 9.25pm and found that the level of the music emanating from the premises was unreasonable.

This letter is being copied to the solicitors acting for Applicants. If you have any queries on the enclosed, please do not hesitate to contact me.

Yours sincerely

**Bernie Ryan**  
**For Director of Legal Services**

cc Eversheds Solicitors  
DX 33016 CARDIFF (Ref: 3/MLP/74)

**EDITH HOUSE**

N°1 EDITH GROVE, LONDON SW10 0JZ  
TEL: 0171 349 9167 FAX: 0171 349 9169  
ACCOUNTS: 0171 351 1088

**FACSIMILE MESSAGE**

**TO: MR K MEHAFFEY**  
**FAX NO: 0171 341 5645**  
**FROM: PIERS ADAM**  
**DATE: 5TH MARCH 1996**  
**RE: KASSOULET, 127 LEDBURY ROAD, W11**

---

Dear Mr Mehaffey

Further to our meeting last week I wish to thank you for the time you spent on the project. Although you may have received complaints relating to the turning off of the units, I can assure you that my staff have strictly adhered to the times you set; namely:

1. Air extraction to be off by 11.00 pm
2. The air conditioning to shut at 10.00 pm

This is to remain the case until we have sufficiently sound proofed the units. The builder unfortunately is still denied access by Mr Kline and we are awaiting the key to be sent from the landlords, which incidentally he has lost, to us. We are as desperate as the local residents to finish it so that we can get extra bookings and look to cook beyond the time that has been imposed by these restrictions.

Yours sincerely

Piers Adam



329-331 FULHAM ROAD  
LONDON SW10



**HANOVER**  
*Grand*

N°6 HANOVER STREET  
LONDON W1



the  
**BASEMENT**

329-331 FULHAM ROAD  
LONDON SW10

127 Ledbury Road - flat 2  
London W11 2AQ

Tel/Fax (0171) 221 5414				
RECEIVED BY PLANNING SERVICES				
DC N	DC C	DC S	E	As Ack
5 JUN 1997 SS				
Exec Dir		Records	ARB	Con Des
Appeals Office	IO	Fees Office	Forward Plan	Head DC

29 May 1997

Mr. Keith Mehaffy  
Royal Borough of Kensington & Chelsea  
Environmental Health Department  
Council Offices  
Pembroke Road  
London W8 6PW

Re: Kassoulet restaurant

Dear Mr. Mehaffy,

On the 27th of February 1997, Kassoulet owner Mr. Piers Adam wrote you a note saying:

"Thank you for all the time, patience and understanding you have shown towards our predicament at this site. It is much appreciated and we will endeavour to follow the instructions and resolutions we agreed upon"  
(see attached)

A representative of your office had to be called in yesterday night to check the excessive noise levels in the back court-yard. Almost 4 months after opening, Kassoulet has been a nuisance non-stop, and whatever instructions and resolutions had been agreed between yourselves, presumably regarding sound disturbance, have not been respected.

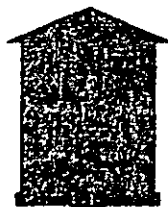
We, the residents, have been shown no understanding for our predicament by Mr. Adams, despite our patience.  
This patience has now run out.

Yours sincerely,



Aude Grasset Sigismund

cc: Mrs. I. Hanham - K&C Council  
Mr. MJ French, Mr. A. Patterson - Planning & Conservation Department  
Ms. Sharon Dyball - Environmental Services  
Ms. Nivene Powell - Residents Information Center  
Mr. George Klein (flat 1) - Mr. Ed Shearmur (flat 3) - 127 Ledbury Road



# EDITH HOUSE

Nº: EDITH GROVE, LONDON SW10 0JZ  
TEL: 0171 349 9167 FAX: 0171 349 9169  
ACCOUNTS: 0171 351 1698

## FACSIMILE MESSAGE

TO: MR MEHAFFEY  
FAX NO: 0171 341 5645  
FROM: PIERS ADAM  
DATE: 27TH FEBRUARY 1997  
RE: KASSOULET

Dear Mr Mehaffey

Thank you for all the time, patience and understanding you have shown towards our predicament at this site. It is much appreciated and we will endeavour to follow the instructions and resolutions we agreed upon.

Yours sincerely

Kind regards

Piers Adam



329-331 FULHAM ROAD  
LONDON SW10



HANOVER  
*Grand*  
Nº 6 HANOVER STREET  
LONDON W1



the  
BASEMENT  
329-331 FULHAM ROAD  
LONDON SW10

*Mr  
Patterson*

127 Ledbury Road - flat 2  
London W11 2AQ  
Tel/Fax (0171) 284 3878

29 May 1997

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

Re: Kassoulet Restaurant

Dear Mr. French,

The Kassoulet restaurant has now been operating for almost 4 months and the various disturbances we, the residents, have had to endure since then, specially regarding unacceptable noise levels, are still occuring today. Despite our numerous letters, including to owner Piers Adam, and the intervention of Mr. Mehaffy from Environmental Health, very little has been achieved in view of solving these issues.

Therefore, I would like to mention the following points:

1) In your letter to Piers Adam dated 7 March 1997, you wrote: "I would request you immediately cease the operation of the air conditioning and extraction ducting until such time as the [Planning permission] conditions have been formally complied with".

This has been ignored, despite the subsequent Breach of Condition Notice. Conditions 3,5 and 8 still have not been met to this date.

2) The equipment is still switched off too late, despite Environmental Health's restriction to 11pm.

I called Kassoulet several times long after 11pm during the past month, once after midnight, to complain than the equipment was still operating and causing a nuisance. Ms. Bernice Coyle, one of the restaurant managers at Kassoulet, repeatedly told me, including yesterday night at 11.30pm, that, since some sound-proofing work had been done in the rear court-yard, she had been told by the owners that the machines could now be switched off at midnight instead of 11pm.

3) It is my right to enjoy my flat at any time of the day or the night without being disturbed by Kassoulet's noisy ventilation equipment. The 11pm restriction is arbitrary and unfair. I do not see that anyone has a right to tell me that my bed-time is 11pm, or midnight.

I can't see any valid reason why Kassoulet have not managed in the past 4 months to sort out essential issues which should have been dealt with prior to the opening of the restaurant.



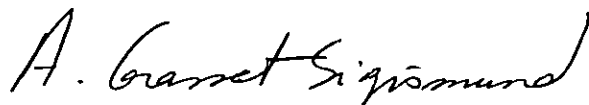
4) In the 22 May letter by sound engineer AP Traexler to Mr. Mehaffy, we learn that the recent soundproofing work carried out was of bad quality, resulting in:

- the "airflow through the vertical extract duct [to be] considerably more than it should be",
- a "non-return damper which was apparently making some rattling noises".,
- the "extract ducting was not sealed properly into the concrete slab leaving large gaps open",
- etc.

Despite this, the use of the ventilation equipment continues unabated. The sound is worse than before, and yesterday loud hisses were occurring on a regular basis. A representative of Environmental Health had to be called in late at night.

Kassoulet's owners have failed in their professional obligations vis-à-vis the Planning Commission and vis-à-vis the residents.  
I urge you to take immediate action.

Yours sincerely,



Aude Grasset Sigismund

cc: Mrs. I. Hanham - K&C Council  
Mrs. P. Abdelrahman Patterson - Planning & Conservation Department  
Mr. A. Patterson - Planning & Conservation Department  
Mr. Keith Mehaffy - Environmental Health Department  
Ms. Sharon Dyball - Environmental Services  
A.G. Phillips, Bernie Ryan - Legal Services  
Mr. George Klein (flat 1) - Mr. Ed Shearmur (flat 3) - 127 Ledbury Road  
Mr. William Weber, Mr. Wyniard Wilkinson - 99D Talbot road  
Ms. Nivene Powell - Residents Information Center  
Mr. Charles Hickey - Landlord, 127 Ledbury Road

**PLANNING AND CONSERVATION**

THE TOWN HALL, HORNTON STREET LONDON W8 7XX

**THE ROYAL  
BOROUGH OF**

Executive Director: M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr Piers Adam  
Edith House  
1 Edith Grove  
London SW10 0JZSwitchboard: 0171-937 5464  
Extension: 2096  
Direct Line: 0171-361 2096  
Facsimile: 0171-361 3463**KENSINGTON  
AND CHELSEA**

07 March 1997

My reference: DPS/DCN/TP/96/ Your reference:  
2274/AP

Please ask for: Andrew Paterson

Dear Sir

TOWN AND COUNTRY PLANNING ACT, 1990  
127 LEDBURY ROAD W11

I write to you with reference to the Planning Permission granted by the Council in a letter dated 2nd January 1997, concerning the above mentioned premises.

I have been advised that certain conditions attached to the Planning permission have not been complied with, yet the extraction and air conditioning machinery is being operated in breach of the conditions.

There are three conditions that have not been complied with these being condition numbers 3, 5 and 8. Condition number 3 states: Before operation commences, the ducting shall be painted to match the colour of the masonry rendered finish of the rear elevation. This condition has not been met and the system is being operated every day.

Condition number 5 states: The noise levels generated by the system installed shall not at any time exceed three decibels above the ambient noise levels to be agreed by the Executive Director of Planning and Conservation. This condition has not been complied with and whilst I am aware of the problems you have been encountering in relation to the installation of the approved acoustic enclosure, I would advise you however that these matters should of been resolved before the system was operated.

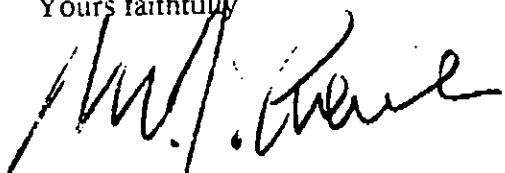
The Council's Environmental Health Officer has issued a noise pollution notice as he is of the opinion that the noise levels created are above acceptable levels. I would advise you that in my opinion the system should not be operated at all until the condition is complied with.

Condition number 8 states: Before operation commences, a coated material shall be attached to the ducting upon the roof to deaden the noise of rain. This condition has not been complied with but operation of the system is occurring on a daily basis.

I would inform you that until the conditions attached to the Planning Permission have complied with the Planning Permission is not valid and I would request you immediately cease the operation of the air conditioning and extraction ducting until such time as the conditions have been formally complied with.

I have instructed the Director of Legal Services to prepare a Breach of Condition Notice to secure compliance of the outstanding conditions and take any other legal steps considered necessary to achieve compliance. I hope that this course of action will be allayed by your immediate response to my request to cease operation of the air conditioning and extraction systems until the conditions have been met.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M.J. French', written over the typed name.

M.J. French  
Executive Director of Planning and Conservation

cc S Purvis

# LEGAL SERVICES

THE TOWN HALL, HORNTON STREET, LONDON W8 7NX

DIRECTOR OF LEGAL SERVICES

A.G. PHILLIPS LL.B. SOLICITOR

Mrs Kelly  
Licensing Justices  
DX 124800 HAMMERSMITH 8

TELEPHONE 0171-361-2617

FACSIMILE 0171-361-3488

DX 84015 Kensington High Street 2

INTERNET telbr@rbkc.gov.uk

20 March 1997

My reference:

BR/mu

Your reference:

Please ask for:

Bernie Ryan

Dear Mrs Kelly,

Re: KASSOULET - 127 LEDBURY ROAD, LONDON W11  
APPLICATION FOR A FINAL ORDER AND SUPPER HOUR CERTIFICATE

I write in relation to the above applications which are due to be determined on Wednesday 26th March. The Council are not, at this stage, objecting to the applications but wish to bring certain matters which concern the Council, to the attention of the Licensing Justices.

Planning permission was issued on 2nd January 1997 for various works at the above premises, including the erection of a first floor plant area and a rear extract duct. I enclose a copy of this planning permission which was subject to various conditions.

Conditions 3, 5 and 8 of the planning permission were breached when the premises opened in February and the Council's planning officer dealing with this matter wrote to Mr Piers Adam concerning these breaches on 7th March 1997. The planning officer's primary concern related to the breach of condition 5, as the ventilation system and the air conditioning systems were causing noise nuisance to nearby residents. I am informed that works to enclose these systems are now almost completed.

At a meeting with the applicant's representatives on 27th February 1997, attended by one of the Council's Environmental Health Officers, it was verbally agreed to limit the hours of operation of the air conditioning plant and kitchen extract system until an acoustical enclosure to these systems was completed. The purpose of this was to minimise the noise nuisance to nearby residents until these works were carried out. It was agreed that the air conditioning plant should operate between 10pm and 11am and that the kitchen extract system should not operate between 11pm and 11am. Having received further complaints from residents that these times were not being adhered to, the Council issued a noise abatement notice under section 80 of the Environmental Protection Act 1990 on 4th March 1997. A copy of this was sent to Mr Adam on the same day with an explanatory letter. The notice restricted the hours of operation of the systems as set out above.

The noise abatement notice was intended to be an interim measure until an acoustical enclosure system was completed. In any event you will see that condition 4 of the planning permission provides that "The ventilation and air conditioning system shall not operate between

2/...

the hours of 12.00 midnight and 11am the following day". The hours set out in the abatement notice were more restrictive.

Following complaints from residents, an Environmental Health call out officer visited the premises on Saturday the 15th March 1997 and found that both the extractor fan and ventilation system were on at 15 minutes past midnight, in breach of the planning condition. He spoke to the manageress of the premises who did not appear to be aware that a time restriction applied to these systems. The Council will shortly be serving a planning enforcement notice (breach of condition notice) in respect of the breach of this condition. The systems were turned off at 15 minutes past midnight on the request of the call out officer. A further visit by a Council's Environmental Health Officer on 19th March 1997 found that the kitchen extract system was operating at 9.45am, again in breach of the planning condition.

Complaints were also received from residents on the evening of 15th March 1997 regarding music emanating from the premises. An Environmental Health officer visited a neighbouring resident's premises at 9.25pm and found that the level of the music emanating from the premises was unreasonable.

This letter is being copied to the solicitors acting for Applicants. If you have any queries on the enclosed, please do not hesitate to contact me.

Yours sincerely

**Bernie Ryan**  
**For Director of Legal Services**

cc Eversheds Solicitors  
DX 33016 CARDIFF (Ref: 3/MLP/74)



**APT Acoustics**  
Alpina  
Rochester Way  
Crowborough  
East Sussex  
TN6 2DR  
Tel/Fax 01892-652545  
VAT Reg No 210 6766 77  
**CONSULTANTS IN ACOUSTICS**  
**NOISE & VIBRATION CONTROL**  
- Since 1970 -

The Royal Borough of  
Kensington & Chelsea  
Environmental Services  
Pembroke Road  
LONDON W8 6PW

**FAX > 0171 341 5645 (1p)**

Att Mr K Mehaffy

your ref: res2b/klm  
my ref: 830-b

22 May 1997

Dear Mr Mehaffy

**Kassoulet - 127 Ledbury Road - Notting Hill - W11**

With reference to my letter of 10<sup>th</sup> May I was wondering if you had an opportunity to look into the questions raised.

Following my day-time site visit a number of deficiencies were noted relating to the possible marginal noise problem experienced. As a result of a mistake during installation the airflow through the vertical extract duct was considerably more than it should be. I understand that this has now been rectified in addition with a non-return damper which was apparently making some rattling noises. In addition the extract ducting was not sealed properly into the concrete slab leaving large gaps open. Finally the floor underneath one of the condensing units collapsed and has to be replaced. This involved the re-building of the bad floor sections and asphaltting.

Clearly this rectification work will take some time, especially since some of it is weather dependant. I shall let you know once the modifications have been implemented.

Yours sincerely

A P Traexler

cc Charterhouse Regeneration Limited (by fax)  
Kassoulet Notting Hill Limited (by fax)



---

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

AP

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

Mr G Klein  
127 Ledbury Road  
London W11 2AQ

Switchboard: 0171-937 5464

Extension: 2944

Direct Line: 0171-361 2944

Facsimile: 0171-361 3463

03 June 1997

---

My reference: MJF/MJ

Your reference:

Please ask for: Mr M J French

Dear Mr Klein

**THE KASSOULET - 127 LEDBURY ROAD**

Thank you for your letter of the 28th of May regarding the extractor system noise at the above Restaurant. I have now spoken with the Planning Officer who is dealing with this property and also with Officers from the Environmental Health Department.

Whilst I understand the Environmental Health Officer is reluctant to take action on the noise, my Planning Officer advises that in his opinion there has been a Breach of Condition and therefore action can be taken. I have asked, therefore, that Breach of Condition notices are served on the Restaurant and I have also asked that you be kept informed of progress on this matter.

Yours sincerely

M.J. French  
Executive Director of Planning and Conservation





Mike

127 Hedbury Road,  
Winnipeg

I have spoken to the Complainant, MR Klein and advised we will take legal action, ~~to~~ Prosecute, the owners of the restaurant for Non Compliance of the (condition).

NOT: A Breach of Condition Notice was served in March 97, (either a new notice will be served or we will use the ~~one~~ one already issued).

Beito will send over surveys undertaken by themselves which prove the noise levels are above those stated in the Condition, on the strength of the surveys we will prosecute. Beito themselves will not prosecute as they consider the noise levels almost high to be on the borderline. I am trying to persuade them to jump onto the park and prosecute as well (but I don't hold out much hope).

Mike

RECEIVED BY PLANNING SERVICES

DC N	DC C	DC S	
28 MAY 1997			
Exec	Records	ARB	Con Dcs
Appeals Office	10	Fees Officer	Forward Plan

FAX



# FACSIMILE

## SERIOUS PICTURE(S)

Attention: Mr. MJ Finch

From: Mr. George Khan

Fax: 361 3463

Pages: 6 including this page

Date: May 28 '97

If there is any problem with the transmission of this fax please call on 0171 792 4477.

*PK/AP*

*Can this be resolved please*

*Mile 26/5/97*

28 may 97 >>>>> Audé

*George Klein*

127 Ledbury Rd.  
London W11 2AQ

VIA FAX

May 28, 1997

To: MJ French

From: George Klein

Re: **Extract System Noise - The Kassoulet - 127 Ledbury**

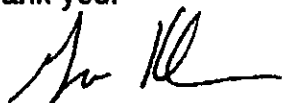
Mr. French,

I attach a letter which you wrote to Piers Adams almost 3 months ago. With regard to paragraphs 4 and 5 of your letter, these items have never been resolved. The restaurant continues to operate their equipment until midnight each night. The noise is clearly a nuisance as documented many times by the call out service and the noise has recently increased.

I understand that they are attempting to address the problem; however, I have heard this excuse for months. It is very clear to me from your letter that they should not be permitted to continue operating their equipment until the noise levels have been reduced, they still have not and I am not clear why this establishment continues to operate outside of the law and can not be stopped.

I can not hear the continued buzz and hiss of their machinery for another evening. Please let me know what I must do to stop this activity.

Thank you.



George Klein

cc: Mrs. Iain Hanham

**ENVIRONMENTAL SERVICES**

COUNCIL OFFICES PEMBROKE ROAD LONDON W8 6PW

Executive Director MICHAEL STROUD BSc DipTE CEng MICE FIHT FIMgt

Director of Environmental Health PAUL MORSE MSc MCIEH

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

Mr George Klein  
Second floor flat  
127 Ledbury Road  
London  
W11 2AQ

Switchboard: 0171-937 5464

Extension: 5702

Direct Line: 0171-341 5702

Facsimile: 0171-341 5645/5234

17 April 1997

My reference: res2b/klm

Your reference:

Please ask for: Mr K Mehaffy

Dear Mr Klein,

**Noise from the extract system - Kassoulet - 127 Ledbury Road W11.**  
**Environmental Protection Act 1990 - section 80.**

I am in receipt of your copy letter forwarded to Mr Morse, Director of Environmental Health, regarding the disturbance you are experiencing from the extract system of the above restaurant.

We have recently discussed the matter in detail. The current situation is that I am awaiting a detailed specification of the attenuation works to the system. This will include the identification of the type of silencers to be installed to the air intake under your bedroom window and details of the time scales involved. I have been in contact with Mr Purvis, the architect, he has promised to forward this information as soon as possible. I have also requested that an acoustical assessment of the effectiveness of the rear enclosure, housing the air-conditioning units and the extract system, is carried out by the consultant to identify whether it complies with the criteria we agreed at the design stage.

I appreciate that you are being disturbed by the use of this equipment, I have requested that you use the Directorate's Out of Hours Service to assess the disturbance. If nuisance is established, action under the above legislation can be taken. I have also suggested that you seek legal advice for any damages action you consider appropriate, for the annoyance you are experiencing from the use of the inadequately attenuated system.

I have also tentatively agreed with your neighbour, Mr Sigismund, to undertake a series of readings at the property on Thursday 24th April 1997 at 22.00 hours. This will assess the effectiveness of the acoustical works and the degree of disturbance from the use of the units. I shall confirm this appointment with your neighbour and advise you if this appointment is still convenient.

I hope that I have clarified the action this Directorate is taking in regard to your complaints, please do not hesitate to contact me on the above telephone number should you wish to discuss this matter further.

Yours sincerely,

Mr K Mehaffy

Senior Environmental Health Officer.

07-MAR-1997 12:41 FROM RBKC PLANNING DEPT

TO

92290039 P.02

**PLANNING AND CONSERVATION**

THE TOWN HALL, HORNTON STREET LONDON W8 7NN

Executive Director: M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr Piers Adam  
Edith House  
1 Edith Grove  
London SW10 0JZ

Switchboard: 0171-937 5464  
Extension: 2096  
Direct Line: 0171-361 2096

Facsimile: 0171-361 3463

07 March 1997

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

My reference: **DPS/DCN/TP/96/** Your reference:  
**2274/AP**

Please ask for: **Andrew Paterson**

Dear Sir

**TOWN AND COUNTRY PLANNING ACT, 1990  
127 LEDBURY ROAD W11**

I write to you with reference to the Planning Permission granted by the Council in a letter dated 2nd January 1997, concerning the above mentioned premises.

I have been advised that certain conditions attached to the Planning permission have not been complied with, yet the extraction and air conditioning machinery is being operated in breach of the conditions.

There are three conditions that have not been complied with these being condition numbers 3, 5 and 8. Condition number 3 states: Before operation commences, the ducting shall be painted to match the colour of the masonry rendered finish of the rear elevation. This condition has not been met and the system is being operated every day.

Condition number 5 states: The noise levels generated by the system installed shall not at any time exceed three decibels above the ambient noise levels to be agreed by the Executive Director of Planning and Conservation. This condition has not been complied with and whilst I am aware of the problems you have been encountering in relation to the installation of the approved acoustic enclosure, I would advise you however that these matters should of been resolved before the system was operated.

The Council's Environmental Health Officer has issued a noise pollution notice as he is of the opinion that the noise levels created are above acceptable levels. I would advise you that in my opinion the system should not be operated at all until the condition is complied with.

Condition number 8 states: Before operation commences, a coated material shall be attached to the ducting upon the roof to deaden the noise of rain. This condition has not been complied with but operation of the system is occurring on a daily basis.

I would inform you that until the conditions attached to the Planning Permission have complied with the Planning Permission is not valid and I would request you immediately cease the operation of the air conditioning and extraction ducting until such time as the conditions have been formally complied with.

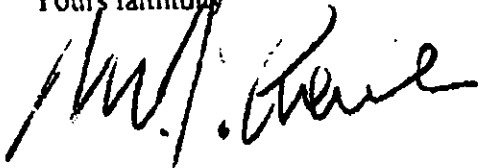
07-MAR-1997 12:42 FROM RBKC PLANNING DEPT

TO

92290039 P.03

I have instructed the Director of Legal Services to prepare a Breach of Condition Notice to secure compliance of the outstanding conditions and take any other legal steps considered necessary to achieve compliance. I hope that this course of action will be averted by your immediate response to my request to cease operation of the air conditioning and extraction systems until the conditions have been met.

Yours faithfully



M.J. French  
Executive Director of Planning and Conservation

cc S Purvis

*George Klein*

127 Ledbury Rd.  
London W11 2AQ

VIA FAX

April 21, 1997

To: Keith Mehaffy

From: George Klein

Re: **Extract System Noise - 127 Ledbury**

Mr. Mehaffy,

Thank you for your letter dated 17 April 1997. I can appreciate that you are awaiting detailed specification for the attenuation works; however, that is the same answer I was given by you over a month ago. The Kassoulet seems not to take us very seriously and I suggest we take an alternative action.

I have used the Out Of Hours Service and I think that disturbance has clearly been determined as I can hear the humming in my flat until 23:00 every evening.

Thank you.

  
George Klein

cc: Mr. Morse



# Memorandum

DATE: July 10, 1997  
TO: Director of Planning  
Andrew Paterson  
FROM: Director of Environmental Health  
Keith Mehaffy -extension 5702

RE: **127 Ledbury Road London W10**  
**Planning reference DPS/DCN/AP/97/1389**

I am in receipt of your planning application notification letter dated 8<sup>th</sup> July 1997 regarding the above planning application to extend the hours of operation of the kitchen extract and air conditioning system to between 10.00am and midnight.

My recent visit to the property indicated that the equipment has been silenced to the satisfaction of this Directorate, hence I have no objection to the operation of this equipment for the extra period between 10.00 and 11.00am. This Directorate has also had complaints of cooking smells caused by preparation cooking in the kitchen, between the hours of 10.00 and 11.00 am, when the plant is not operational. Permission to allow the use of the equipment during this period would ensure that this problem would be resolved.

Please do not hesitate to contact me on the above extension should you wish to discuss this matter further.



Keith Mehaffy

Senior Environmental Health Officer

*lwbk*

*AP/KSP  
157.*

**George Klein**

127 Ledbury Rd.  
London W11 2AQ

RECEIVED BY PLANNING SERVICES				
DC N	DC C	DC S	E	Ao Ack
15 JUL 1997 <i>GM</i>				
Exec Dir		Records	ARB	Con Des
Appeals Office	10	Fees Officer	Forward Plan	Head DC

July 10, 1997

To: Planning and Conservation - RBKC

From: George Klein

Re: **Ventilation/AC System - The Kassoulet - 127 Ledbury -  
Reference Number DPS/DCN/AP/TP/97/1389**

Dear Sir,

I attach a letter which your department wrote to Piers Adams over 4 months ago. Several items have never been resolved. The restaurant continues to periodically operate their equipment past midnight and have shown a complete disregard for the Planning Conditions .

I am not clear why this establishment continues to operate outside of the law and has not been stopped and I do not wish to see the establishment have the ability to operate their equipment beyond what they have been initially granted as this increases the noise in the building as well as the community in addition to the fact that they have never operated the equipment within the framework of what they were initially granted.

Today Kassoulet is still in violation of their planning conditions as they have not completed the painting of the air duct and they have not removed the illumination from the signs which they were instructed to do by Mr. Kelsey in a letter dated the 28 May (please see attached).

*being dealt with  
by Karin*

Thank you.



George Klein

cc: Helen Brooks

**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 ES

Mr Piers Adam  
Edith House  
1 Edith Grove  
London SW10 0JZSwitchboard 0171-937 5464  
Extension 2096  
Directorate 0171-361 2096  
Facsimile 0171-361 3463**KENSINGTON  
AND CHELSEA**

07 March 1997

My reference: DPS/DCN/TP/96/ Your reference  
2274/AP

Received by Andrew Paterson				
<b>RECEIVED BY PLANNING SERVICES</b>				
DC N	DC C	DC S	E	Ac Act
15 JUL 1997				
Exec Dir		Records	ARB	Con Des
Appeals Office	IO	Fees Officer	Forward Plan	Head DC

Dear Sir

TOWN AND COUNTRY PLANNING ACT, 1990  
127 LEDBURY ROAD W11

I write to you in reference to the Planning Permission granted by the Council in a letter dated 2nd January 1997 concerning the above mentioned premises.

I have been advised that certain conditions attached to the Planning permission have not been complied with, yet the extraction and air conditioning machinery is being operated in breach of the conditions.

There are three conditions that have not been complied with these being condition numbers 3, 5 and 8. Condition number 3 states: Before operation commences, the ducting shall be painted to match the colour of the masonry rendered finish of the rear elevation. This condition has not been met and the system is being operated every day.

Condition number 5 states: The noise levels generated by the system installed shall not at any time exceed three decibels above the ambient noise levels to be agreed by the Executive Director of Planning and Conservation. This condition has not been complied with and whilst I am aware of the problems you have been encountering in relation to the installation of the approved acoustic enclosure, I would advise you however that these matters should of been resolved before the system was operated.

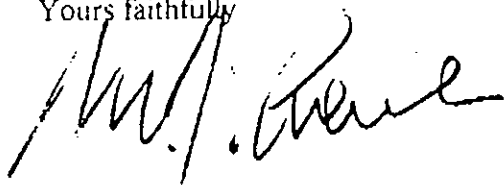
The Council's Environmental Health Officer has issued a noise pollution notice as he is of the opinion that the noise levels created are above acceptable levels. I would advise you that in my opinion the system should not be operated at all until the condition is complied with.

Condition number 8 states: Before operation commences, a coated material shall be attached to the ducting upon the roof to deaden the noise of rain. This condition has not been complied with but operation of the system is occurring on a daily basis.

I would inform you that until the conditions attached to the Planning Permission have complied with the Planning Permission is not valid and I would request you immediately cease the operation of the air conditioning and extraction ducting until such time as the conditions have been formally complied with.

I have instructed the Director of Legal Services to prepare a Breach of Condition Notice to secure compliance of the outstanding conditions and take any other legal steps considered necessary to achieve compliance. I hope that this course of action will be allayed by your immediate response to my request to cease operation of the air conditioning and extraction systems until the conditions have been met.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M.J. French', written in a cursive style.

M.J. French  
Executive Director of Planning and Conservation

cc S Purvis



# EDITH HOUSE

N°1 EDITH GROVE, LONDON SW10 0JZ  
TEL 0171 349 9167 FAX: 0171 349 9169  
ACCOUNTS: 0171 351 1680

RECEIVED BY PLANNING SERVICES				
DC N	DC C	DC S	E	Ao Ack
15 JUL 1997				
Exec Dir		Records	ARB	Con Des
Appeals Office	IO	Fees Officer	Forward Plan	Head DC

## FACSIMILE MESSAGE

TO: MR K MEHAFFEY  
 FAX NO: 0171 341 5645  
 FROM: PIERS ADAM  
 DATE: 5TH MARCH 1996  
 RE: KASSOULET, 127 LEDBURY ROAD, W11

Dear Mr Mehaffey

Further to our meeting last week I wish to thank you for the time you spent on the project. Although you may have received complaints relating to the turning off of the units, I can assure you that my staff have strictly adhered to the times you set; namely:

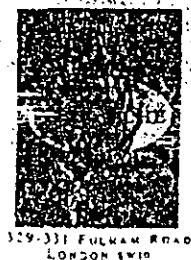
1. Air extraction to be off by 11.00 pm
2. The air conditioning to shut at 10.00 pm

This is to remain the case until we have sufficiently sound proofed the units. The builder unfortunately is still denied access by Mr Kline and we are awaiting the key to be sent from the landlords, which incidentally he has lost, to us. We are as desperate as the local residents to finish it so that we can get extra bookings and look to cook beyond the time that has been imposed by these restrictions.

Yours sincerely

Piers Adam

*see attached letter please*



HANOVER  
Grand  
N°6 HANOVER STREET  
LONDON W1



the  
BASEMENT  
329-331 FULHAM ROAD  
LONDON SW10

**LEGAL SERVICES**

THE TOWN HALL, HORNTON STREET, LONDON W8 7XX

DIRECTOR OF LEGAL SERVICES      A.G.PHILLIPS LL.B. SOLICITOR

Mrs Kelly  
Licensing Justices  
DX 124800 HAMMERSMITH 8

TELEPHONE 0171-361-2617

FACSIMILE 0171-361-3488

DX 84015 Kensington, High Street 2  
INTERNET telbr@rbkc.gov.uk

20 March 1997

<b>RECEIVED BY PLANNING SERVICES</b>				
DC N	DC C	DC S	E	Ao Ack
15 JUL 1997				
Please ask for: Bernie Ryan				
Exec Dir		Records	ARB	Con Des
Appeals Office	IO	Fees Officer	Forward Plan	Head DC

My reference:  
BR/mu

Your reference:

Dear Mrs Kelly,

Re: KASSOULET - 127 LEDBURY ROAD, LONDON W11  
APPLICATION FOR A FINAL ORDER AND SUPPER HOUR CERTIFICATE

I write in relation to the above applications which are due to be determined on Wednesday 26th March. The Council are not, at this stage, objecting to the applications but wish to bring certain matters which concern the Council, to the attention of the Licensing Justices.

Planning permission was issued on 2nd January 1997 for various works at the above premises, including the erection of a first floor plant area and a rear extract duct. I enclose a copy of this planning permission which was subject to various conditions.

Conditions 3, 5 and 8 of the planning permission were breached when the premises opened in February and the Council's planning officer dealing with this matter wrote to Mr Piers Adam concerning these breaches on 7th March 1997. The planning officer's primary concern related to the breach of condition 5, as the ventilation system and the air conditioning systems were causing noise nuisance to nearby residents. I am informed that works to enclose these systems are now almost completed.

At a meeting with the applicant's representatives on 27th February 1997, attended by one of the Council's Environmental Health Officers, it was verbally agreed to limit the hours of operation of the air conditioning plant and kitchen extract system until an acoustical enclosure to these systems was completed. The purpose of this was to minimise the noise nuisance to nearby residents until these works were carried out. It was agreed that the air conditioning plant should operate between 10pm and 11am and that the kitchen extract system should not operate between 11pm and 11am. Having received further complaints from residents that these times were not being adhered to, the Council issued a noise abatement notice under section 80 of the Environmental Protection Act 1990 on 4th March 1997. A copy of this was sent to Mr Adam on the same day with an explanatory letter. The notice restricted the hours of operation of the systems as set out above.

The noise abatement notice was intended to be an interim measure until an acoustical enclosure system was completed. In any event you will see that condition 4 of the planning permission provides that "The ventilation and air conditioning system shall not operate between

the hours of 12.00 midnight and 11am the following day". The hours set out in the abatement notice were more restrictive.

Following complaints from residents, an Environmental Health call out officer visited the premises on Saturday the 15th March 1997 and found that both the extractor fan and ventilation system were on at 15 minutes past midnight, in breach of the planning condition. He spoke to the manageress of the premises who did not appear to be aware that a time restriction applied to these systems. The Council will shortly be serving a planning enforcement notice (breach of condition notice) in respect of the breach of this condition. The systems were turned off at 15 minutes past midnight on the request of the call out officer. A further visit by a Council's Environmental Health Officer on 19th March 1997 found that the kitchen extract system was operating at 9.45am, again in breach of the planning condition.

Complaints were also received from residents on the evening of 15th March 1997 regarding music emanating from the premises. An Environmental Health officer visited a neighbouring resident's premises at 9.25pm and found that the level of the music emanating from the premises was unreasonable.

This letter is being copied to the solicitors acting for Applicants. If you have any queries on the enclosed, please do not hesitate to contact me.

Yours sincerely

**Bernie Ryan**  
**For Director of Legal Services**

cc Eversheds Solicitors  
DX 33016 CARDIFF (Ref: 3/MLP/74)

---

---

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

---

WITH THE COMPLIMENTS OF THE  
**DIRECTOR OF LEGAL SERVICES**

Andy  
copy of letter sent to  
court. I will keep you  
updated

*Bernie*

THE TOWN HALL  
HORNTON STREET  
LONDON W8 7NX

Telephone: 0171-361 2152

Fax: 0171-361 3488

DX: 84015 Kensington High Street 2



**LEGAL SERVICES**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Director of Legal Services A G PHILLIPS LLB

The Clerk to  
the West London Licensing Justices,  
West London Magistrates' Court,  
181 Talgarth Road,  
Hammersmith,  
London W6.

Direct Line: **0171 361 2617**  
Facsimile: **0171 361 3488**  
DX: **84015 Kensington High Street**  
INTERNET: **tblbr@rbkc.gov.uk**

**BY FAX: 0181-741 3657**

My reference: BR/cr

Your reference:

Dear Madam,

**KASSOULET, 127 LEDBURY ROAD, LONDON W11**  
**HEARING: 16 JULY 1997**

Please ask <b>Bernie Ryan</b>				
<b>RECEIVED BY PLANNING SERVICES</b>				
DC M	DC C	DC S	E	Ao ack
- 7 JUL 1997				
Exec Dir		Records	ARB	Con Des
Appeals Office	10	Fees Office	Forward	Head

The Council have received notification regarding various applications relating to the above premises due to be heard on 16 July 1997. These applications are for a Transfer of the existing licence, an extension of the Supper Hour Certificate to the basement and an application for a Section 70 Extended Hours Order.

By way of background, I have written to you in the past regarding problems associated with these premises since they opened (see letter of 20 March 1997 - further copy attached). These problems amounted to breach of conditions attached to the planning permission for the premises and noise nuisance being caused to local residents. The Council served notices under both the planning and environmental legislation. Furthermore, an application for a music and dancing licence was submitted previously in respect of the basement of these premises. The licence as applied for would have permitted the premises to be open until 1:00am Thursday, Friday and Saturday and 12 midnight Monday, Tuesday and Wednesday. The Council's Licensing (Hearings) Committee meeting on 26 March 1996 refused this application. Following appeal and a lengthy hearing, the Council's decision was upheld in the Crown Court on 25 September 1996.

The Council are not objecting to the application for a transfer and extension of the Supper Hour Certificate to the basement of the premises. However, Committee authority is being sought to object to the application for an Extended Hours Order and such an objection is likely to be sent to you shortly.

The area surrounding these premises is predominantly residential and is considered unsuitable for an extension to 1:00am. Furthermore, condition 4 of the planning permission relating to these premises provides that:

"The ventilation and air conditioning system shall not operate between the hours of 12:00 midnight and 11:00am the following day."

If the premises are open until 1:00am then this will lead to a breach of this condition.

*Cont'd.../..*

I will lodge the formal objection as soon as Committee authority is received. I also understand that residents are intending to object. I have also received a telephone call from a resident alleging that no notice of the Section 70 application was placed on the premises.

I presume this matter will be re-scheduled from 16 July 1997. I will write to you with the Council's dates to avoid shortly. If you have any queries on the enclosed, please do not hesitate to contact me.

Yours faithfully,

*Bernie Ryan*

Bernie Ryan  
For Director of Legal Services

**cc:** *Field Fisher Waterhouse, Solicitors (Ref: BGG/clt/062) - BY FAX: 0171-~~481 671~~ 488 0084*

**bcc:** *Nivene Powell, Residents Information Centre, Colville Project, 108 Talbot Road, W11 1JR  
George Kline Esq., Flat 1, 127 Ledbury Road, London W11 2AQ*

## LEGAL SERVICES

THE TOWN HALL, HORNTON STREET, LONDON W8 7XX

DIRECTOR OF LEGAL SERVICES      A.G.PHILLIPS LL.B. SOLICITOR

Mrs Kelly  
Licensing Justices  
DX 124800 HAMMERSMITH 8

TELEPHONE 0171-361-2617

FACSIMILE 0171-361-3488

DX 84015 Kensington High Street 2  
INTERNET telbr@rbkc.gov.uk

20 March 1997

My reference:

BR/mu

Your reference:

Please ask for:

Bernie Ryan

Dear Mrs Kelly,

Re: KASSOULET - 127 LEDBURY ROAD, LONDON W11  
APPLICATION FOR A FINAL ORDER AND SUPPER HOUR CERTIFICATE

I write in relation to the above applications which are due to be determined on Wednesday 26th March. The Council are not, at this stage, objecting to the applications but wish to bring certain matters which concern the Council, to the attention of the Licensing Justices.

Planning permission was issued on 2nd January 1997 for various works at the above premises, including the erection of a first floor plant area and a rear extract duct. I enclose a copy of this planning permission which was subject to various conditions.

Conditions 3, 5 and 8 of the planning permission were breached when the premises opened in February and the Council's planning officer dealing with this matter wrote to Mr Piers Adam concerning these breaches on 7th March 1997. The planning officer's primary concern related to the breach of condition 5, as the ventilation system and the air conditioning systems were causing noise nuisance to nearby residents. I am informed that works to enclose these systems are now almost completed.

At a meeting with the applicant's representatives on 27th February 1997, attended by one of the Council's Environmental Health Officers, it was verbally agreed to limit the hours of operation of the air conditioning plant and kitchen extract system until an acoustical enclosure to these systems was completed. The purpose of this was to minimise the noise nuisance to nearby residents until these works were carried out. It was agreed that the air conditioning plant should operate between 10pm and 11am and that the kitchen extract system should not operate between 11pm and 11am. Having received further complaints from residents that these times were not being adhered to, the Council issued a noise abatement notice under section 80 of the Environmental Protection Act 1990 on 4th March 1997. A copy of this was sent to Mr Adam on the same day with an explanatory letter. The notice restricted the hours of operation of the systems as set out above.

The noise abatement notice was intended to be an interim measure until an acoustical enclosure for the systems were completed. In any event you will see that condition 4 of the planning permission provides that "The ventilation and air conditioning system shall not operate between

2/...

the hours of 12.00 midnight and 11am the following day". The hours set out in the abatement notice were more restrictive.

Following complaints from residents, an Environmental Health call out officer visited the premises on Saturday the 15th March 1997 and found that both the extractor fan and ventilation system were on at 15 minutes past midnight, in breach of the planning condition. He spoke to the manageress of the premises who did not appear to be aware that a time restriction applied to these systems. The Council will shortly be serving a planning enforcement notice (breach of condition notice) in respect of the breach of this condition. The systems were turned off at 15 minutes past midnight on the request of the call out officer. A further visit by a Council's Environmental Health Officer on 19th March 1997 found that the kitchen extract system was operating at 9.45am, again in breach of the planning condition.

Complaints were also received from residents on the evening of 15th March 1997 regarding music emanating from the premises. An Environmental Health officer visited a neighbouring resident's premises at 9.25pm and found that the level of the music emanating from the premises was unreasonable.

This letter is being copied to the solicitors acting for Applicants. If you have any queries on the enclosed, please do not hesitate to contact me.

Yours sincerely

**Bernie Ryan**  
**For Director of Legal Services**

cc Eversheds Solicitors  
DX 33016 CARDIFF (Ref: 3/MLP/74)

6/28/97  
Frygh A8

99° TALBOT ROAD  
W11 RECEIVED BY PLANNING SERVICES  
0171-229

DC	DC	DC	DC	AO
DC	S	E	E	ACK

56 JUN 1997  
56 JUN 1997

Exec Dir.	H. Col. AHB	Con Dos
Appeals Office	Forward Plan	Head DC

Dear Mr. French, Lobby Rd

re: Karoulet restaurant. Lobby Rd

Wynyard Wilkinson and I are in full agreement with Aude Sigismund, and we thoroughly endorse the points which she raises in her comprehensive letter to you dated 29th May, 1997.

IC is now our profound hope that the Council will protect us residents who are affected by The Karoulet and its irresponsible owners, who have brought our

community to a state of sleepless misery and discord.

I remain,

yours truly,

William L. Weber

W. L. WEBER.

M. J. French, ESQ.,  
Planning and Conservation,

R. B. H. C.

Town Hall,

W. S.

C. C. H. McHaffey, ESQ.

Mrs. I. Hamham. Sharon Dyball.

Mrs. P. Abdelrahman A. G. Phillips ESQ.

Patterson. G. Klein ESQ.

Nivene Powell

A. Patterson ESQ. ✓ Mrs Aude Sigismund.

99° TALBOT ROAD

W11 2A RECEIVED BY PLANNING SERVICES

0171-229

0808 N	DC C	DC S	E	AO ACK
Exec Dir	PA	Records	ARB	Con Des
Appeals Office	IO	Fees Officer	Forward Plan	Head DC

5th JUN 1997

Dear Mr French,

re: Karoulet restaurant.

Wynyard Wilkinson and I are in full agreement with Aude Sigmund, and we thoroughly endorse the points which she raises in her comprehensive letter to you dated 29th May, 1997.

IC is now our profound hope that the Council will protect us residents who are affected by The Karoulet and its irresponsible owners, who have brought our

community to a state of sleepless misery and discord.

I remain,

yours truly,

William L. Weber.

W. L. WEBER.

M. J. French, ESQ.,  
Planning and Conservation,

R. B. H. C.

70000 Hall,

W. 8.

C. C. M. McHaffey, ESQ.

Mrs. I. Hamham. Sharon Dyball.

Mrs. P. Abdelrahman / A. G. Phillips ESQ.

G. Klein ESQ.

Nivene Powell

A. Patterson ESQ. Mrs Aude Sigmund.



For the personal attention of the addressee.

99<sup>th</sup> TALBOT ROAD

RECEIVED BY PLANNING SERVICES AT				
DC N	DC C	DC S	E	0171-229-0539 A A
- 6 JUN 1997				
Exec Dir		Records	ARB	Com Des
Mr. French	Mr. French	Mr. French	Mr. French	Mr. French

5th. June, 1997.

re: Kassoulet restaurant.

Wynyard Wilkinson and I are in full agreement with Aude Grasse-Sigismund, and we thoroughly endorse the points which she raises in her comprehensive letter to you dated 29th May, 1997.

It is now our profound hope that the Council will protect us residents who are affected by the Kassoulet and its irresponsible owners, who have brought our



community to a state of sleepless  
misery and discord.

I remain,

yours truly,

William L. Weber

W. L. WEBER.

M. J. French, ESQ.,

Planning and Conservation,

R. B. H. C.

7000 Hall,

W. 8.

C. C.

Mrs. I. Hankam.

Mrs. P. Abdelrahman  
Patterson.

A. Patterson ESQ.

H. Mehaffy, ESQ.

Sharon Dyball.

A. G. Phillips ESQ.

G. Klein ESQ.

Nivene Powell

Mrs Aude Sigmund.

---

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

Mr G Klein  
127 Ledbury Road  
London W11 2AQ

Switchboard: 0171-937 5464

Extension: 2944

Direct Line: 0171-361 2944

Facsimile: 0171-361 3463

03 June 1997

---

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

My reference: MJF/MJ

Your reference:

Please ask for: Mr M J French

Dear Mr Klein

**THE KASSOULET - 127 LEDBURY ROAD**

Thank you for your letter of the 28th of May regarding the extractor system noise at the above Restaurant. I have now spoken with the Planning Officer who is dealing with this property and also with Officers from the Environmental Health Department.

Whilst I understand the Environmental Health Officer is reluctant to take action on the noise, my Planning Officer advises that in his opinion there has been a Breach of Condition and therefore action can be taken. I have asked, therefore, that Breach of Condition notices are served on the Restaurant and I have also asked that you be kept informed of progress on this matter.

Yours sincerely

M.J. French  
Executive Director of Planning and Conservation



# EDITH HOUSE

N 1 EDITH GROVE LONDON SW10 0JZ  
TEL 0171 349 9167 FAX 0171 349 9169  
ACCOUNTS 0171 351 1698

The Occupier  
Flat 1  
127 Ledbury Road  
London W11 2AQ

11th June 1997

Dear Sir

RECEIVED BY PLANNING SERVICES				
DC N	DC G	DC S	E	Ao Ack
(59) 12 JUN 1997				
Exec Dir		Records	ARB	Con Des
Appeals Office	10	Fees Officer	Forward Plan	Head DC

**RE: KASSOULET, 127 LEDBURY ROAD, W11**

I am writing to inform you of certain happenings which we can only attribute to vandalism. We are making you aware of these problems so that you will be able to safeguard your own homes too.

The builders can confirm that the following has happened to our flat roof:

1. Tankering with the air conditioning unit so that it causes problems when switched on.
2. The sound attenuation materials have been removed.
3. After substantial refurbishment to the flat roof there have been leakages from vandalism to the drain pipes.

Hopefully all three have now been rectified but we wish to inform you that the police have been notified and hopefully will keep a watchful eye to the benefit of us all.

Yours sincerely

Piers Adam

- cc. ~~Mr. Mehaffy~~ - RBKC Town Hall  
 Mr Patterson - RBKC Town Hall  
 David Phelps - Kartouche Restaurant Group  
 Simon Edwards - Julian Holy Solicitors



329-331, FULHAM ROAD  
LONDON SW



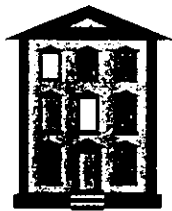
HANOVER  
*Grand*

N. CHANCERY STREET  
LONDON WC2E 7JL



the  
BASEMENT

329-331 FULHAM ROAD  
LONDON SW10



## EDITH HOUSE

Nº 1 EDITH GROVE, LONDON SW10 0JZ  
TEL: 0171 349 9167 FAX 0171 349 9169  
ACCOUNTS 0171 351 1698

The Occupier  
Flat 2  
127 Ledbury Road  
London W11 2AQ

11th June 1997

Dear Sir

**RE: KASSOULET, 127 LEDBURY ROAD, W11**

I am writing to inform you of certain happenings which we can only attribute to vandalism. We are making you aware of these problems so that you will be able to safeguard your own homes too.

The builders can confirm that the following has happened to our flat roof:

1. Tankering with the air conditioning unit so that it causes problems when switched on.
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Yours sincerely

Piers Adam

cc. Mr Mehaffy - RBKC Town Hall  
Mr Patterson - RBKC Town Hall  
David Phelps - Kartouche Restaurant Group  
Simon Edwards - Julian Holy Solicitors



329-331 FULHAM ROAD  
LONDON SW10



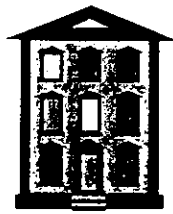
HANOVER  
*Grand*

N 6 HANOVER STREET  
LONDON W1



the  
BASEMENT

329-331 FULHAM ROAD  
LONDON SW10



## EDITH HOUSE

N 1 EDITH GROVE, LONDON SW10 0JZ  
TEL 0171 349 9167 FAX: 0171 349 9159  
ACCOUNTS: 0171 351 1698

The Occupier  
Flat 3  
127 Ledbury Road  
London W11 2AQ

11th June 1997

Dear Sir

**RE: KASSOULET, 127 LEDBURY ROAD, W11**

I am writing to inform you of certain happenings which we can only attribute to vandalism. We are making you aware of these problems so that you will be able to safeguard your own homes too.

The builders can confirm that the following has happened to our flat roof:

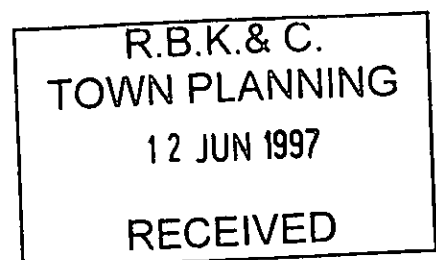
1. Tankering with the air conditioning unit so that it causes problems when switched on.
2. The sound attenuation materials have been removed.
3. After substantial refurbishment to the flat roof there have been leakages from vandalism to the drain pipes.

Hopefully all three have now been rectified but we wish to inform you that the police have been notified and hopefully will keep a watchful eye to the benefit of us all.

Yours sincerely

Piers Adam

cc. Mr Mehaffy - RBKC Town Hall  
Mr Patterson - RBKC Town Hall  
David Phelps - Kartouche Restaurant Group  
Simon Edwards - Julian Holy Solicitors



129-131 FLUHAM ROAD  
LONDON SW10



N 6 HANOVER STREET  
LONDON W1



the  
BASEMENT  
129-131 FLUHAM ROAD  
LONDON SW10



To EDP&C - Roy Thomson

---

**CHIEF EXECUTIVE AND TOWN CLERK**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

THE ROYAL  
BOROUGH OF

AP

Chief Executive and Town Clerk ALAN TAYLOR LLB

---



**KENSINGTON  
AND CHELSEA**

Mr Walker Sigismund  
127 Ledbury Road  
London W11 2AQ

Switchboard: 0171-937 5464  
Extension: 2947  
Direct Line: 0171-361 2947  
Facsimile: 0171-361 2764  
Email: tclgae@rbkc.gov.uk

20 May 1998

---

My reference: GE/

Your reference:

Please ask for: Mr G. Ebenezer

Dear Mr Sigismund

**DAKOTA RESTAURANT**

Thank you for your letter received last month which has previously been acknowledged. I am replying to you on behalf of the Chief Executive and Town Clerk who is currently out of the country on business. This is a complex case and I am sorry it has taken a little time to look into matters fully. I have now consulted with the Council Directorates involved and I have been advised as follows.

**Environmental Health Matters**

The Director of Environmental Health states that his comments included in the Council's letter to you of 17th March are still pertinent (I have attached a copy of this letter for ease of reference). He has discussed this case with officers in the Noise & Nuisance Section, at least five of whom have had some involvement, for example by responding to your complaints. However, none of these officers consider that current levels of noise from the air conditioning plant constitute a nuisance.

By way of background, it is probably worth going back to last July when the Directorate's officer, Mr Mehaffy, was dealing with the previous owners, Kassoulet. In the third paragraph of your letter you have stated that Mr Mehaffy "wrongly" gave the restaurant owners a letter stating that the air conditioning plant met his specifications. In fact Mr Mehaffy inspected a report from APT Acoustics who had carried out sound monitoring on behalf of the restaurant and he was satisfied that their results were comparable with his own measurements. These indicated that the difference in sound pressure levels between the lowest background level and that recorded when the plant was running was less than 3 decibels. The human ear will only perceive an increase in sound pressure level in excess of 3-5 dB and it was therefore considered that the operation of the plant would not cause nuisance to occupiers of neighbouring properties.

Mr Mehaffy confirmed this in writing to the acoustic consultants. He therefore considered that the nuisance had been abated and in discussions at the time you confirmed that you were happy with the level of attenuation. It was stressed that if circumstances changed we would need to reassess the situation to establish whether further formal action may be necessary, but, despite your statements to the contrary, no nuisance has yet been witnessed.

Turning to the specific wording of your letter, the Council's officers have not witnessed, nor are they aware of any "noise and licensing violations". In response to your complaints officers have visited you on 23rd November, 8th December, 13th January and 29th January. On none of these occasions was the noise considered to be a nuisance - indeed it was barely audible. I understand that on one occasion, the officers pointed out to you that the only noise they could hear was that of your own central heating boiler.

The Environmental Health officers refute your statement that they have "witnessed the substantial noise it (the plant) makes in the hallway, first floor flat and second floor bedroom on numerous occasions during the last year". The air conditioning units are housed within a brick enclosure topped with six inches of reinforced concrete. Furthermore, the air intake is acoustically attenuated with absorbent material. These measures have been competently executed and thus exceed the normal standards of noise reduction the Council's officers generally encounter in such circumstances.

The acoustic survey to which you refer in the fifth paragraph of your letter has been delayed to await the completion of additional works to the air conditioning system as outlined in the previous response. However, this was never a condition that would have a bearing on the operation of the restaurant. It is not the Council's role to approve or prevent the commissioning of air conditioning plant. More specifically, our role is to abate or prevent the occurrence of nuisance and, until such time as a noise nuisance has been witnessed, we are not in a position to consider further action.

I am afraid the Council cannot really comment on the suggestion that the restaurant is contravening the terms of its liquor licence. This is a matter for the police and the licensing magistrates. As discussed in the Council's previous response, public order offences associated with rowdy behaviour as patrons leave the premises can only be dealt with by the police. The Directorate's officers have formed the impression, however, that the operators of Dakota enjoy a good relationship with more of their immediate neighbours than was the case of the proprietors of the previous business.

Mr Keay in the Environmental Health Directorate has stated that he did in fact telephone you twice over the Bank Holiday weekend (2nd-4th May) in an attempt to arrange to come and see you himself (and hopefully witness any nuisance at first hand). On each occasion he left a message on your answerphone but you have not as yet returned his calls. Mr Keay is away on annual leave until 8th June at present but I have established that Mr Hodgson in the Environmental Health Directorate on 0171-341 5133 is aware of the circumstances of your case and I would encourage you to telephone him.

## **Planning Matters**

The Executive Director of Planning and Conservation states that efforts are being made to address your concerns in association with colleagues from the Environmental Health Directorate. A recent site meeting was held to address the issues relating to the ventilation system, and wider issues which are not planning matters.

As previously stated by the Executive Director, his involvement is limited to ensuring that the relevant planning conditions detailed in the Council's letter of 17th March are adhered to/complied with.

As at this present moment of time some of these conditions cannot be strictly complied with. However, it would not be prudent to take enforcement action at the moment whilst the current negotiations/discussions with the owners and other residents are taking place.

I have requested the Chief Officers involved to keep me updated on these matters and I will write to you again when there are significant developments, particularly in respect of compliance with the necessary conditions.



Yours sincerely

  
Assistant Town Clerk

cc. Director of Environmental Health - Mr Tim Keay/ Mr Adrian Hodgson  
~~Executive Director of Planning and Conservation - Mr Roy Thomson~~

}

Please inform me of any major  
developments as I have  
promised to write to  
Mr Sigismund again.

G. Eberer x 2947

## Memorandum

**DATE:** 17 April 1998  
**TO:** Gareth Ebenezer  
**FROM:** Executive Director, Planning and Conservation - attn Roy Thompson  
**RE:** **Dakota Restaurant, 127 Ledbury Road.**

Further to your memo' dated 15 April 1998 I respond as follows.

Strenuous efforts are being made to resolve this issue in association with colleagues from Environmental Health. A recent site meeting was held to address the issues relating to the ventilation system, and wider issues which are not planning matters.

As previously stated we have little control over much of what Mr Sigismund complains about, apart from ensuring that the relevant conditions set out in my memo to Steve Thomson dated 4 March 1998 are adhered to/complied with.

After a further chat with Andy Paterson , I can advise that some of these conditions cannot be strictly complied with until the wider issues have been dealt with.

Thus conditions (ii) and (iv) identified in Steve Thomson's letter to Mr Sigismund cannot be fully addressed at the moment. However, it would not be prudent to take enforcement action at the moment whilst the current negotiations/discussions with the owners and other residents are taking place. Further I understand that condition (v) has not been complied with, but this matter is to be resolved shortly, although this is not one of the most crucial matters.

As an aside I understand that Mr Sigismund is being particularly difficult in that he is seeking to frustrate the discussions at every opportunity, and his ultimate aim is to see the restaurant close down which is not a realistic option.



Roy Thompson

Area Planning Officer

For Executive Director, Planning and Conservation.

RT

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## MEMORANDUM

---

DATE: April 15, 1998  
TO: ~~EDP&G~~ - Michael French  
DEH - Tim Keay  
FROM: Gareth Ebenezer - Senior Committee Administrator  
RE: Letter from Mr Sigismund  
CC:

The Chief Executive and Town Clerk has received a further letter from Mr Walker Sigismund concerning the Dakota Restaurant (Copy enclosed).

In order that I can prepare a response on behalf of Mr Taylor, please may I have your comments (preferably in electronic form) by 21st April. Thanks.

Gareth Ebenezer

Senior Committee Administrator

14 APR 1998

~~ST/CE~~

[44] (171) 221-5414

**Walker Sigismund**  
127 Ledbury Road  
London, W11-2AQ  
UK

GE Ack me  
leave job  
commitments & the  
rept to CE  
to sign  
Steve  
14/4

Sunday, April 12, 1998

Mr Alan Taylor  
Chief Executive and Town Clerk  
**The Royal Borough of Kensington and Chelsea**  
The Town Hall, Hornton Street  
London, W8 7NX

re: **Dakota**

Dear Mr Taylor:

Thank-you for recently writing to me with your preliminary findings on the planning, noise and licensing violations of Dakota restaurant.

The reason I choose to write to you, after so many months of being bounced between the narrow responsibilities of each office which deals with this matter under you is so that the various strands can be drawn together and effective action taken. It is for the same reason that I am writing to you again today, for the fact is, Mr Taylor, that Dakota have not complied with each individual planning condition which you so kindly noted and the noise from the plant is a nuisance at times.

With summer fast approaching, the plant will again be operating at a maximum producing undue noise at exactly the moment when we will need most to keep our windows open for ventilation. This was first brought to Mr Mehaffey's attention last July, after, it would appear, that he had wrongly given the former owners of the restaurant a letter stating that the plant met his specifications.

You state that the environmental officers are unaware of any breaches, but the fact is that the call out officers have visited the premises in the morning when the plant was in operation hours before it is licensed to operate, and have also witnessed the substantial noise it makes in the hallway, first floor flat, and second floor bedroom on numerous occasion during the last year. Without hiding behind technical mumbo-jumbo, Mr Taylor, a plant that is clearly

audible behind half-meter thick walls with music playing in the background surely is not three decibels above background with windows open.

Where is the sound study they were required to produce before operation? This was in the second instance supposed to be available last December. Why do you allow the restaurant to remain in operation when they have not complied with these simple criteria in a timely manner? Can you explain, Mr Taylor, why the environmental department has not made sure that the plant has been properly commissioned at all levels of operation?

Further, it has been brought to the council and police attention that Dakota consistently serves alcohol after licensing hours and at times has un-approved after hours parties where the guests leave inebriated at odd hours of the early morning with great fanfare sharply disturbing the otherwise peaceful residential community. I believe that the council has an ongoing duty to make sure that the Dakota restaurant is not surreptitiously operating as a late night cafe and entertainment spot without approval and in contravention of the court case you won against the former owners.

Looking forward to your effective resolution of this drawn out matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Walter Sign".

127 Healsbury Road

Council Control - Planning

Ground floor Reduction = No control regarding use at time.  
Basement " " " " " " " " " " " "

Fireproof = No control:

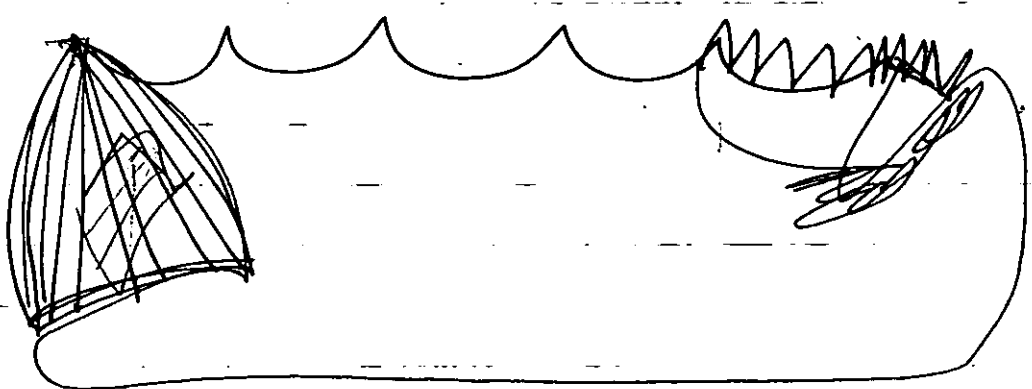


Council Control = Planning

Vert System = noise level = 3 Dbs above ambient noise.  
= Painted to match masonry:

operation 12-00 - 11.00 am  
?????

Outstanding application for 12-00 - 10.00 am





1995 planning permission: (credit 3):

Approved by Betty Chest more insulation under eaves than necessary:

---

Noise: None noted by William + Wynne's neighbors.

Activity: after 12:30 - mini cabs etc.

✓ Show he only staff - Liverpool Central  
Show he covered by Resident - -

Burglary work? Report under review with William + Wynne.

---

Police = Sgt. Aclve = no evidence over many visits of license breaching.

Causes a domestic dispute.





Conclusion.

George Kline  
withher Sigismund } do not want on A3 use below their  
parts.

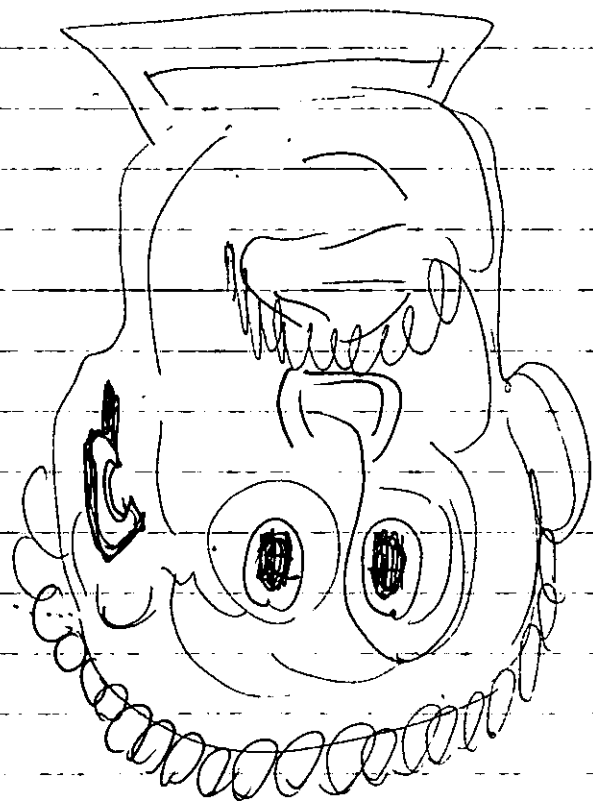
What has to be sorted out is noise of restaurant between  
grand + mt does.

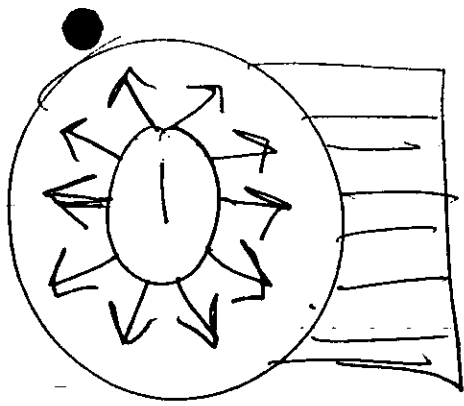
If noise of exhaust ducting is as stated by adjoining residents, no  
problem.

(A) = intake above garage room fixed.

(B) = noise insulation undertaken to fund prog completely, the restaurant.

(C) = Restaurant to ensure the skip leave quiet and request any  
to mini cells who called turn off the engine and don't play  
their music.



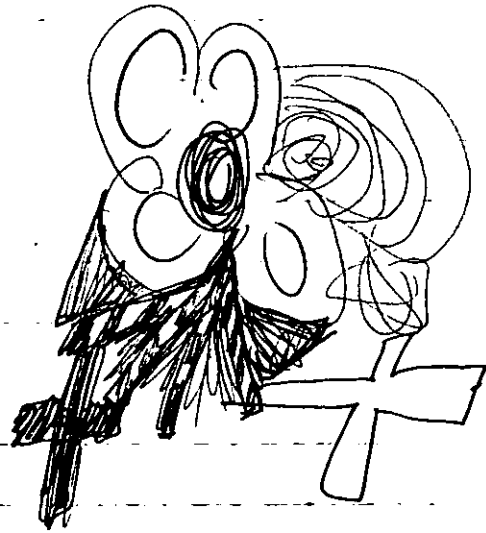


Sand insulation. First Floor  
ground

①

m. Polystyrene insulation







# George Klein

127 Ledbury Rd.  
W11 2AQ

March 10, 1998

To: Andrew Patterson, Adrian Hodgson. & Drew Barwick

From: George Klein

Re: **DAKOTA Restaurant - 127 Ledbury Rd**

Dear Andrew, Adrian & Drew,

The following are the problems that I am having with the above restaurant:

• Music comes through the floor boards every evening - M. Poxley - ...

✓ • Ventilation system makes low frequency noise/humming on both sides of the flat every evening

✗ • Clients depart as late as 2:30 in the morning making noise in street under residents bedroom windows

• Mini cab company honks horn to pick up clients or sit in front talking, playing music etc...

• Banging sound continuous late in evenings (back door and kitchen areas)

• Work on Air Condition system in back has not been finished. Needs to paint back wall, grating and vent system

• Occasionally (1x per week) can smell food preparation



Tony

Could you please co-ordinate an investigator in respect of the highlighted text.

Andy P has had prior dealings with the site, and has the current ~~per~~ application which seeks to vary the hours of use of the ventilated equipment.

We don't have to report back as such, but clearly if there are any breaches, we ought to follow them up.

Ray 5/3.

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INTEROFFICE MEMORANDUM

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TO: STEVE THOMSON - SENIOR COMMITTEE ADMINISTRATOR  
FROM: M J FRENCH - EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION  
SUBJECT: DAKOTA RESTAURANT, LEDBURY ROAD (no 127)  
DATE: 4 MARCH 1998  
CC:

---

Thank you for your memorandum dated 26 February 1998, concerning the above. I respond on the planning issues as follows.

Firstly, the hours of operation of the restaurant cannot be controlled. The property was previously a long established pub with no restrictive condition. Similarly, late night disturbance and activity outside of the restaurant cannot be controlled for the same reason.

The planning restrictions which do apply were imposed as consequence of a recent (January 1997) planning permission for erection of a first floor plant area and rear extract duct. These relevant conditions require:

- a) the operation of the ventilation and air conditioning system only between the hours of 11am to midnight;
- b) that the noise levels of the system shall not exceed three decibels above ambient noise levels;
- c) that the noise levels are reviewed, and further work undertaken if found to be unsatisfactory;
- d) that the system is serviced every 3 months;
- e) that a coated material shall be attached to the ducting to deaden the noise of the rain.

Complaints during the middle part of last year resulted in the service of a breach of condition notice which required the closing down of the ventilation and air conditioning system between the hours of midnight and 11 am the following day, in accordance with condition no.4 of the January 1997 permission. This took effect on 29 April 1997, with a 28 day time for compliance.

Other general noise related complaints were made around the same time, and as a result the system was acoustically enclosed. I am not aware of any recent complaints until the latest letter from Mr Sigismund

To clarify the current position, I will ask one of my enforcement officers to contact the owners and establish whether the requirements of the above conditions

have been carried out, and/or being adhered to. This should reveal whether there are still any outstanding planning issues/problems.

Finally, I would advise that a planning application has been received to vary the terms of planning condition no.4 attached to the January permission to allow the ventilation and air conditioning system to be operated between 10am and midnight - i.e. an extension of 1 hour in the morning. This has not yet been determined.

M J French

Executive Director, Planning and Conservation.

RT/BEHO memo

# 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



Anthony J. Blyth & Co.,  
17 Sequoia Park,  
Hatch End,  
Pinner,  
Middlesex HA5 4DG

Switchboard: 0171-937 5464  
Direct Line: 0171-361 2646

Facsimile: 0171-361 3463

KENSINGTON  
AND CHELSEA

16 FEB 1995

My reference: Your reference:  
DPS/PV/TP/94/1958/K/05/57

Please ask for: Miss P. Vallely

Dear Sir/Madam,

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

Permission for development (Conditional) (TP6P)

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

Construction of a brick and rail forecourt boundary enclosure, erection of canopies over ground floor window and door openings, formation of a staircase leading to basement and change of use of first floor into self-contained flat, at 127 LEDBURY ROAD, KENSINGTON, W.11, as shown on submitted drawing(s) No(s). TP/94/1958, TP/94/1958/A and TP/94/1958/C, Applicant's drawing(s) No(s). PMB/94/1531/1, /2, /3A, /4C and /5C, in accordance with your application dated 21/09/94, completed 23/09/94, revised 28/12/94 and 03/02/95.

/ CONDITIONS ...

D4/1949

4. The details are considered to be material to the acceptability of the proposals and to safeguarding the amenities of the area. (R.68)
5. To ensure a satisfactory standard of external appearance. (R.71)

#### INFORMATIVES

1. This permission does not permit the use of the premises as temporary sleeping accommodation (including holiday lets or short lets; or any purpose specified in Section 25 of the Greater London Council (General Powers) Act 1973 as substituted by the Greater London Council (General Powers) Act 1983 or as timeshare accommodation as specified in Section 5 of the Greater London Council (General Powers) Act 1984. Use for such purposes would constitute a change of use requiring planning permission and it is the Council's policy to resist such changes of use. (I.2)
2. Any advertisements to be erected at the premises may require consent under the Control of Advertisement Regulations 1992. You are advised to consult the Directorate of Planning Services. (I.5)
3. Separate approval for the works hereby granted planning permission may be required by the Building Act 1984 and the Building Regulations 1991, and the grant of planning permission does not imply that such approval will be given. The Director of Building Control, Council Offices, 37 Pembroke Road, W8 6PW should be consulted before works commence. (I.21)
4. Your attention is drawn to the British Standards Code of Practice for Demolition (CP 94 : 1971) the observance of which should considerably reduce the risks inherent in demolition work (particularly in relation to fire hazards arising from the practice of burning materials on site) both to operatives on the site and to the general public. (I.31)
5. The use of the premises for public entertainment or purposes which require a licence under the Private Places of Entertainment (Licensing) Act 1967 may require a separate application to the Council. The Director of Environmental Health should be consulted at an early stage. (I.36)
6. Planning permission is hereby granted for the development as shown on the approved drawings and subject to the conditions. Any alteration to the approved scheme, resulting from the requirements of the Building Regulations or for any other reason, may require further permission. You are advised to consult the Directorate of Planning Services before commencing work. (I.9)

/7. Demolition and...

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C.1)
2. Full particulars of the following shall be submitted to and approved in writing by the local planning authority before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved:
  - (a) the blinds over the door and window openings;
  - (b) any proposed walls, fences or railings;
  - (c) the means of external ventilation;(C.11)
3. Before the use hereby permitted commences the premises shall be insulated so as to prevent the transmission of excessive airborne and impact noise from the premises in accordance with details to be submitted to and approved in writing by the local planning authority and the insulation shall be installed only in accordance with the details so approved and shall be so maintained. (C.54)
4. The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the local planning authority. (C.68)
5. All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing. (C.71)

REASONS FOR THE IMPOSITION OF CONDITIONS

1. As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions. (R.1)
2. The particulars reserved are considered to be material to the acceptability of the development and the local planning authority wishes to ensure that the details of the development are satisfactory. (R.11)
3. To safeguard the amenities of neighbouring properties. (R.54)

/4. The details are...

# CHIEF EXECUTIVE AND TOWN CLERK

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Chief Executive and Town Clerk ALAN TAYLOR LLB

Mr W. Sigismund  
127, Ledbury Road  
Kensington  
London  
W11 2AQ

Switchboard: 0171-937 5464  
Extension: 2264  
Direct Line: 0171-361 2264  
Facsimile: 0171-361 2764  
Email: tclsju@rbkc.gov.uk

17 March 1998

My reference: SJT/ESC

Your reference:

Please ask for: Mr S.J. Thomson

Dear Mr Sigismund,

## DAKOTA RESTAURANT

I refer to your letter dated 21 February, which was acknowledged on 26 February, 1998 regarding the Dakota Restaurant. I have now received the comments of the Executive Director of Planning and Conservation and the Director of Environmental Health on the matters that you raised and would advise you as follows:-

### Planning Matters

I understand that the hours of operation of the restaurant cannot be controlled as the property was previously a long established public house with no restrictive planning condition. Similarly, late night disturbance and activity outside the restaurant cannot be controlled by planning conditions.

The planning restrictions which do apply were imposed on a planning permission granted in January, 1997 for the erection of a first floor plant area and rear extract duct. The relevant conditions require:-

- (i) The operation of the ventilation and air conditioning system only between the hours of 11.00am to midnight.
- (ii) That the noise levels of the system shall not exceed three decibels above ambient noise levels.
- (iii) That the noise levels are reviewed and further work undertaken if found to be unsatisfactory.
- (iv) That the system is serviced every three months.
- (v) That a coated material shall be attached to the ducting to deaden noise of the rain.

Complaints received by the Planning Department during the middle of last year resulted in the service of a breach of condition notice which required the ventilation and air conditioning system being closed down between the hours of midnight and 11.00am the following day in

accordance with the above planning permission. Other general noise complaints were made at the same time and as a result the system was acoustically enclosed.

2.

In response to your letter the Executive Director of Planning and Conservation is arranging for one of his enforcement officers to contact the owners of the restaurant and to establish whether the requirements of the planning conditions have been carried out and are being adhered to. I would mention, however, that a planning application has been received to vary the terms of the planning condition relating to the hours of operation of the ventilation and air conditioning system between 10.00am and midnight i.e. an extension of one hour in the morning. This application has yet to be determined.

### **Environmental Health Matters**

The Director of Environmental Health has advised me that at the present time there is no evidence to suggest the Dakota Restaurant is breaching any of its licensing conditions or that the management is acting unreasonably. I understand that the restaurant management actually approached the police and the District Environmental Health Officer in an effort to resolve the problem of noise from patrons leaving the premises and lingering in the street. Following this, the management have agreed to instruct patrons to leave the premises quietly and they have put up notices to this effect inside the restaurant.

With regard to the noise from the restaurant's ventilation system, I understand that the owners are in the process of modifying the system to redistribute the air more evenly in the restaurant following its refurbishment. These works will not have any noise implications but the owners of the restaurant have agreed to have a noise survey carried out when the works are completed which is expected to be towards the end of this month.

Finally, with regard to your complaints about the noise from the air conditioning system, I understand that officers have visited your premises on at least two occasions and witnessed the noise in your bedroom but, the noise was barely audible and therefore it does not constitute a nuisance.

I apologise for the length of this letter but I thought that you would wish to have a full response to the matters that you raised with me.

Yours sincerely,

**Chief Executive and Town Clerk.**

cc **Executive Director of Planning and Conservation**  
**Director of Environmental Health**



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INTEROFFICE MEMORANDUM

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TO: STEVE THOMSON - SENIOR COMMITTEE ADMINISTRATOR  
FROM: M J FRENCH - EXECUTIVE DIRECTOR, PLANNING AND  
CONSERVATION  
SUBJECT: DAKOTA RESTAURANT, LEDBURY ROAD  
DATE: 4 MARCH 1998  
CC:

---

Thank you for your memorandum dated 26 February 1998, concerning the above. I respond on the planning issues as follows.

Firstly, the hours of operation of the restaurant cannot be controlled. The property was previously a long established pub with no restrictive condition. Similarly, late night disturbance and activity outside of the restaurant cannot be controlled for the same reason.

The planning restrictions which do apply were imposed as consequence of a recent (January 1997) planning permission for erection of a first floor plant area and rear extract duct. These relevant conditions require:

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- d) that the system is serviced every 3 months;
- e) that a coated material shall be attached to the ducting to deaden the noise of the rain.

Complaints during the middle part of last year resulted in the service of a breach of condition notice which required the closing down of the ventilation and air conditioning system between the hours of midnight and 11 am the following day, in accordance with condition no.4 of the January 1997 permission. This took effect on 29 April 1997, with a 28 day time for compliance.

Other general noise related complaints were made around the same time, and as a result the system was acoustically enclosed. I am not aware of any recent complaints until the latest letter from Mr Sigismund

To clarify the current position, I will ask one of my enforcement officers to contact the owners and establish whether the requirements of the above conditions

have been carried out, and/or being adhered to. This should reveal whether there are still any outstanding planning issues/problems.

Finally, I would advise that a planning application has been received to vary the terms of planning condition no.4 attached to the January permission to allow the ventilation and air conditioning system to be operated between 10am and midnight - i.e. an extension of 1 hour in the morning. This has not yet been determined.

M J French

Executive Director, Planning and Conservation.

RT/BEHO memo

RECEIVED BY PLANNING SERVICES							
EX	HDC	N	C	SW	SE	ENF	AO ACK
24						27 FEB 1998	
APPLS	IO	REC	ARB	FWD PLN	CON DES	FEES	

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# MEMORANDUM

---

**DATE:** February 26, 1998  
**TO:** Executive Director of Planning and Conservation  
**AND** Director of Environmental Health  
**FROM:** Steve Thomson - Senior Committee Administrator  
**RE:** DAKOTA RESTAURANT, LEDBURY ROAD W11

I attach a copy of a letter from Mr Sigismund dated 21 February, 1998 on the above matter which has been acknowledged.

Alan Taylor would like to respond to the letter personally so I should be grateful for your comments within the next seven days please.

Thanks.



Steve Thomson

Senior Committee Administrator.

Enclosure

127 Ledbury Road  
London, W11-2AQ  
UK

9/1/88  
russell  
Ally + EP

Saturday, February 21, 1998

Mr Alan Taylor  
Chief Executive and Town Clerk  
**The Royal Borough of Kensington and Chelsea**  
The Town Hall, Hornton Street  
London, W8 7NX

re: **Dakota**

Dear Mr Taylor:

For the last several months the Dakota Restaurant in the ground floor and basement of my building has failed to meet the planning restrictions attached to its use of the premises and has also caused frequent disturbances late at night which wake myself and other local residents.

The planning problems which concern me most relate to the noise of the ventilation system used by the restaurant which is clearly audible in my flat whenever it is in operation, but especially at night when I am trying to go to sleep. This noise is well above the guidelines laid down both by the planning department and also the environmental noise nuisance regulations. It has been duly witnessed by the Environmental Health officers. Dakota have also failed to produce an independent sound survey of their plant as required by your officers.

At night the restaurant patrons frequently linger on the pavement and private forecourt of the building talking or shouting to one another. This is especially annoying as it would be a rather simple matter for the Restaurant manager to ask people to leave quietly as they pay their bills and depart, and also to police their forecourt area and encourage any revellers to leave quietly and come back again soon. In addition, as large groups sometimes leave the premises well after the licensing hours of the restaurant, between one and two in the morning, obviously so drunk that they need to sit on the curb and regain their sobriety, it would lead me to suspect that the licensing hours in the basement bar are not being respected after hours every day of the week. This nuisance is loud enough to easily wake me from my sleep.

Undoubtedly you will be aware of the of the succession of problems related to the former Duke of Cornwall pub, in particular the late night licence and club

proposed by Kassoulet and the Council's opposition based on unanimous local opposition which went through several court hearings before being successfully resolved in favour of the council and the local community. I myself, like many other neighbours, was particularly concerned by the way a poorly managed facility would lead precisely to the sorts of problems that we have had with first Kassoulet and now Dakota.

When Dakota took over the premises it appeared at first that the new owners were keen to respect not only the planning, environmental and licensing laws but also the preponderant character and needs of this residential building and neighbourhood. Unfortunately, they have not acted in the last four months to correct their planning violations nor to control their patrons on the forecourt and pavement area and so we are faced with a frequent, ongoing and unresolved nuisance. Their letters and verbal comments also make clear that they intend to take as much as they can from the situation. Their impact on the community is therefore detrimental.

I am writing you today, therefore to ask you to have Dakota fully comply with its planning application, the environmental health regulations and its licensing hours. Would you please let me know of the actions you intend to take in this regard.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walker Sigismund', written in a cursive style.

Walker Sigismund

# FACSIMILE

Attention: Andrew P.

From: George Klein

Fax: 301 3463

Pages: 2 Including this page

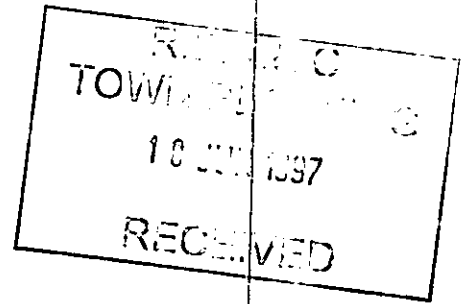
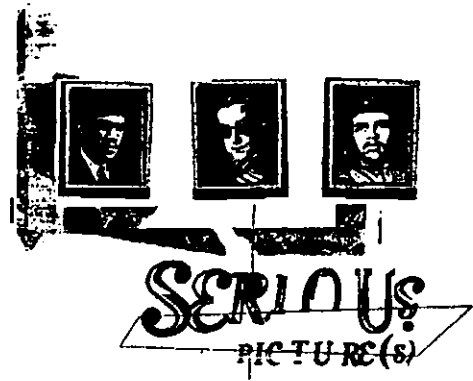
Date: 10 June

If there is any problem with the transmission of this fax please call on 0171 792 4477.

Andrew -

Please call me...

*[Signature]*



**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr G Klein  
127 Ledbury Road  
London W11 2AQ

Switchboard: 0171-937 5464  
Extension: 2944  
Direct Line: 0171-361 2944

Facsimile: 0171-361 3463

03 June 1997

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

My reference: MJF/MJ

Your reference:

Please ask for: Mr M J French

Dear Mr Klein

**THE KASSOULET - 127 LEDBURY ROAD**

Thank you for your letter of the 28th of May regarding the extractor system noise at the above Restaurant. I have now spoken with the Planning Officer who is dealing with this property and also with Officers from the Environmental Health Department.

Whilst I understand the Environmental Health Officer is reluctant to take action on the noise, my Planning Officer advises that in his opinion there has been a Breach of Condition and therefore action can be taken. I have asked, therefore, that Breach of Condition notices are served on the Restaurant and I have also asked that you be kept informed of progress on this matter.

Yours sincerely

M.J. French  
Executive Director of Planning and Conservation

Andrew  
has this been done  
the systems are still  
operating. No  
road proofing.

TA/97/508.

1-A Farm Place.

3 June 97.

The planning application which was submitted with this CAC application was withdrawn. See letter dated 13 May 97 on planning file withdrawing the application. (P.O). Given the circumstances.... it would be prudent to withdraw this application.

~~Walter~~  
Kerry Sutar

0171 221 7200.



AP

127 Ledbury Road - flat 2  
London W11 2AQ  
Tel/Fax (0171) 221 5414

29 May 1997

5702  
Mr. Keith Mehaffy  
Royal Borough of Kensington & Chelsea  
Environmental Health Department  
Council Offices  
Pembroke Road  
London W8 6PW

Re: Kassoulet restaurant

Dear Mr. Mehaffy,

On the 27th of February 1997, Kassoulet owner Mr. Piers Adam wrote you a note saying:

"Thank you for all the time, patience and understanding you have shown towards our predicament at this site. It is much appreciated and we will endeavour to follow the instructions and resolutions we agreed upon"  
(see attached)

A representative of your office had to be called in yesterday night to check the excessive noise levels in the back court-yard. Almost 4 months after opening, Kassoulet has been a nuisance non-stop, and whatever instructions and resolutions had been agreed between yourselves, presumably regarding sound disturbance, have not been respected.

We, the residents, have been shown no understanding for our predicament by Mr. Adams, despite our patience.  
This patience has now run out.

Yours sincerely,

*A. Grasset Sigismund*

Aude Grasset Sigismund

cc: Mrs. I. Manham - K&C Council  
Mr. M. French, Mr. A. Patterson - Planning & Conservation Department  
Ms. Sharon Dyball - Environmental Services  
Ms. Nivene Powell - Residents Information Center  
Mr. George Klein (flat 1) - Mr. Ed Shearmur (flat 3) - 127 Ledbury Road



# EDITH HOUSE

Nº1 EDITH GROVE, LONDON SW10 0JZ  
TEL: 0171 349 9167 FAX: 0171 349 9169  
ACCOUNTS: 0171 351 1698

## FACSIMILE MESSAGE

TO: MR MEHAFFEY  
FAX NO: 0171 341 5645  
FROM: PIERS ADAM  
DATE: 27TH FEBRUARY 1997  
RE: KASSOULET

Dear Mr Mehaffey

Thank you for all the time, patience and understanding you have shown towards our predicament at this site. It is much appreciated and we will endeavour to follow the instructions and resolutions we agreed upon.

Yours sincerely

Kind regards

Piers Adam



329-331 FULHAM ROAD  
LONDON SW10



HANOVER  
*Grand*

Nº6 HANOVER STREET  
LONDON W1



the  
BASEMENT

329-331 FULHAM ROAD  
LONDON SW10

AP

127 Ledbury Road - flat 2  
London W11 2AQ  
Tel/Fax (0171) 284 3878

29 May 1997

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

RECEIVED BY PLANNING SERVICES				
DC N	DC C	DC S	E	Ap Aek
81		9 JUN 1997		
Exec Dir		Records	ARB	Con Des
Appeals Office	IO	Focs Officer	Forward Plan	Head DC

Re: Kassoulet Restaurant

Dear Mr. French,

The Kassoulet restaurant has now been operating for almost 4 months and the various disturbances we, the residents, have had to endure since then, specially regarding unacceptable noise levels, are still occurring today. Despite our numerous letters, including to owner Piers Adam, and the intervention of Mr. Mehaffy from Environmental Health, very little has been achieved in view of solving these issues.

Therefore, I would like to mention the following points:

1) In your letter to Piers Adam dated 7 March 1997, you wrote: "I would request you immediately cease the operation of the air conditioning and extraction ducting until such time as the [Planning permission] conditions have been formally complied with".

This has been ignored, despite the subsequent Breach of Condition Notice. Conditions 3,5 and 8 still have not been met to this date.

2) The equipment is still switched off too late, despite Environmental Health's restriction to 11pm.

I called Kassoulet several times long after 11pm during the past month, once after midnight, to complain than the equipment was still operating and causing a nuisance. Ms. Bernice Coyle, one of the restaurant managers at Kassoulet, repeatedly told me, including yesterday night at 11.30pm, that, since some sound-proofing work had been done in the rear court-yard, she had been told by the owners that the machines could now be switched off at midnight instead of 11pm.

3) It is my right to enjoy my flat at any time of the day or the night without being disturbed by Kassoulet's noisy ventilation equipment. The 11pm restriction is arbitrary and unfair. I do not see that anyone has a right to tell me that my bed-time is 11pm, or midnight.

I can't see any valid reason why Kassoulet have not managed in the past 4 months to sort out essential issues which should have been dealt with prior to the opening of the restaurant.


4) In the 22 May letter by sound engineer AP Traexler to Mr. Mehaffy, we learn that the recent soundproofing work carried out was of bad quality, resulting in:

- the "airflow through the vertical extract duct [to be] considerably more than it should be",
- a "non-return damper which was apparently making some rattling noises"..
- the "extract ducting was not sealed properly into the concrete slab leaving large gaps open",
- etc.

Despite this, the use of the ventilation equipment continues unabated. The sound is worse than before, and yesterday loud hisses were occurring on a regular basis. A representative of Environmental Health had to be called in late at night.

Kassoulet's owners have failed in their professional obligations vis-à-vis the Planning Commission and vis-à-vis the residents.  
I urge you to take immediate action.

Yours sincerely,



Aude Grasset Sigismund

cc: Mrs. I. Hanham - K&C Council  
Mrs. P. Abdelrahman Patterson - Planning & Conservation Department  
Mr. A. Patterson - Planning & Conservation Department  
Mr. Keith Mehaffy - Environmental Health Department  
Ms. Sharon Dyball - Environmental Services  
A.G. Phillips, Bernie Ryan - Legal Services  
Mr. George Klein (flat 1) - Mr. Ed Shearmur (flat 3) - 127 Ledbury Road  
Mr. William Weber, Mr. Wyniard Wilkinson - 99D Talbot road  
Ms. Nivene Powell - Residents Information Center  
Mr. Charles Hickey - Landlord, 127 Ledbury Road

**PLANNING AND CONSERVATION**

THE TOWN HALL, HORNTON STREET, LONDON W8 7NX

**THE ROYAL  
BOROUGH OF**

Executive Director: M J FRENCH FRICS Dip TP MRTM CMI TS

Mr Piers Adam  
Edith House  
1 Edith Grove  
London SW10 0JZ

Switchboard: 0171-937 5464

Extension: 2096

Direct Line: 0171-361 2096

Facsimile: 0171-361 3463

07 March 1997

**KENSINGTON  
AND CHELSEA**My reference: DPS/DCN/TP/96/ Your reference:  
2274/AP

Please ask for: Andrew Paterson

Dear Sir

TOWN AND COUNTRY PLANNING ACT, 1990  
127 LEDBURY ROAD W11

I write to you with reference to the Planning Permission granted by the Council in a letter dated 2nd January 1997, concerning the above mentioned premises.

I have been advised that certain conditions attached to the Planning permission have not been complied with, yet the extraction and air conditioning machinery is being operated in breach of the conditions.

There are three conditions that have not been complied with these being condition numbers 3, 5 and 8. Condition number 3 states: Before operation commences, the ducting shall be painted to match the colour of the masonry rendered finish of the rear elevation. This condition has not been met and the system is being operated every day.

Condition number 5 states: The noise levels generated by the system installed shall not at any time exceed three decibels above the ambient noise levels to be agreed by the Executive Director of Planning and Conservation. This condition has not been complied with and whilst I am aware of the problems you have been encountering in relation to the installation of the approved acoustic enclosure, I would advise you however that these matters should of been resolved before the system was operated.

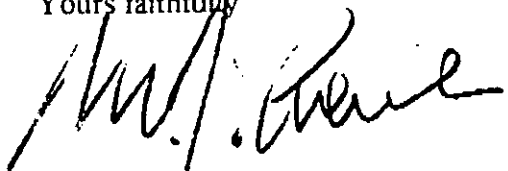
The Council's Environmental Health Officer has issued a noise pollution notice as he is of the opinion that the noise levels created are above acceptable levels. I would advise you that in my opinion the system should not be operated at all until the condition is complied with.

Condition number 8 states: Before operation commences, a coated material shall be attached to the ducting upon the roof to deaden the noise of rain. This condition has not been complied with but operation of the system is occurring on a daily basis.

I would inform you that until the conditions attached to the Planning Permission have complied with the Planning Permission is not valid and I would request you immediately cease the operation of the air conditioning and extraction ducting until such time as the conditions have been formally complied with.

I have instructed the Director of Legal Services to prepare a Breach of Condition Notice to secure compliance of the outstanding conditions and take any other legal steps considered necessary to achieve compliance. I hope that this course of action will be allayed by your immediate response to my request to cease operation of the air conditioning and extraction systems until the conditions have been met.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M.J. French', written over the typed name.

M.J. French  
Executive Director of Planning and Conservation

cc S Purvis



**APT Acoustics**  
Alpina  
Rochester Way  
Crowborough  
East Sussex  
TN6 2DR  
Tel/Fax 01892-652545  
VAT Reg No 210 6766 77  
**CONSULTANTS IN ACOUSTICS  
NOISE & VIBRATION CONTROL**  
- Since 1970 -

The Royal Borough of  
Kensington & Chelsea  
Environmental Services  
Pembroke Road  
LONDON W8 6PW

**FAX > 0171 341 5645 (1p)**

Att Mr K Mehaffy

your ref: res2b/klm  
my ref: 830-b

22 May 1997

Dear Mr Mehaffy

**Kassoulet - 127 Ledbury Road - Notting Hill - W11**

With reference to my letter of 10<sup>th</sup> May I was wondering if you had an opportunity to look into the questions raised.

Following my day-time site visit a number of deficiencies were noted relating to the possible marginal noise problem experienced. As a result of a mistake during installation the airflow through the vertical extract duct was considerably more than it should be. I understand that this has now been rectified in addition with a non-return damper which was apparently making some rattling noises. In addition the extract ducting was not sealed properly into the concrete slab leaving large gaps open. Finally the floor underneath one of the condensing units collapsed and has to be replaced. This involved the re-building of the bad floor sections and asphaltting.

Clearly this rectification work will take some time, especially since some of it is weather dependant. I shall let you know once the modifications have been implemented.

Yours sincerely

A P Traexler

cc Charterhouse Regeneration Limited (by fax)  
Kassoulet Notting Hill Limited (by fax)

# LEGAL SERVICES

THE TOWN HALL, HORNTON STREET, LONDON W8 7NX

DIRECTOR OF LEGAL SERVICES

A.G. PHILLIPS LL.B. SOLICITOR

Mrs Kelly  
Licensing Justices  
DX 124800 HAMMERSMITH 8

TELEPHONE 0171-361-2617

FACSIMILE 0171-361-3488

DX 84015 Kensington High Street 2  
INTERNET tclbr@rbkc.gov.uk

20 March 1997

My reference:

BR/mu

Your reference:

Please ask for:

Bernie Ryan

Dear Mrs Kelly,

Re: KASSOULET - 127 LEDBURY ROAD, LONDON W11  
APPLICATION FOR A FINAL ORDER AND SUPPER HOUR CERTIFICATE

I write in relation to the above applications which are due to be determined on Wednesday 26th March. The Council are not, at this stage, objecting to the applications but wish to bring certain matters which concern the Council, to the attention of the Licensing Justices.

Planning permission was issued on 2nd January 1997 for various works at the above premises, including the erection of a first floor plant area and a rear extract duct. I enclose a copy of this planning permission which was subject to various conditions.

Conditions 3, 5 and 8 of the planning permission were breached when the premises opened in February and the Council's planning officer dealing with this matter wrote to Mr Piers Adam concerning these breaches on 7th March 1997. The planning officer's primary concern related to the breach of condition 5, as the ventilation system and the air conditioning systems were causing noise nuisance to nearby residents. I am informed that works to enclose these systems are now almost completed.

At a meeting with the applicant's representatives on 27th February 1997, attended by one of the Council's Environmental Health Officers, it was verbally agreed to limit the hours of operation of the air conditioning plant and kitchen extract system until an acoustical enclosure to these systems was completed. The purpose of this was to minimise the noise nuisance to nearby residents until these works were carried out. It was agreed that the air conditioning plant should operate between 10pm and 11am and that the kitchen extract system should not operate between 11pm and 11am. Having received further complaints from residents that these times were not being adhered to, the Council issued a noise abatement notice under section 80 of the Environmental Protection Act 1990 on 4th March 1997. A copy of this was sent to Mr Adam on the same day with an explanatory letter. The notice restricted the hours of operation of the systems as set out above.

The noise abatement notice was intended to be an interim measure until an acoustical enclosure systems were completed. In any event you will see that condition 4 of the planning permission provides that "The ventilation and air conditioning system shall not operate between

2/...



the hours of 12.00 midnight and 11am the following day". The hours set out in the abatement notice were more restrictive.

Following complaints from residents, an Environmental Health call out officer visited the premises on Saturday the 15th March 1997 and found that both the extractor fan and ventilation system were on at 15 minutes past midnight, in breach of the planning condition. He spoke to the manageress of the premises who did not appear to be aware that a time restriction applied to these systems. The Council will shortly be serving a planning enforcement notice (breach of condition notice) in respect of the breach of this condition. The systems were turned off at 15 minutes past midnight on the request of the call out officer. A further visit by a Council's Environmental Health Officer on 19th March 1997 found that the kitchen extract system was operating at 9.45am, again in breach of the planning condition.

Complaints were also received from residents on the evening of 15th March 1997 regarding music emanating from the premises. An Environmental Health officer visited a neighbouring resident's premises at 9.25pm and found that the level of the music emanating from the premises was unreasonable.

This letter is being copied to the solicitors acting for Applicants. If you have any queries on the enclosed, please do not hesitate to contact me.

Yours sincerely

**Bernie Ryan**  
**For Director of Legal Services**

cc Eversheds Solicitors  
DX 33016 CARDIFF (Ref: 3/MLP/74)

Per Ack 1/5.13.

AP/EA

RECEIVED BY PLANNING SERVICES				
127 Ledbury Road London, W11-2AQ	DC C	DC S	F	Ao Ack
Monday, April 28, 1997				- 1 MAY 1997
Exec Dir		Records	ARB	Con Dev
Appeals Office	10	Fees Officer	Forward Plan	Hot Line

60

copy to MTF

Mr Piers Adam  
**Kassoulet/the Basement**  
 % Edith House, No 1 Edith Grove  
 London, SW10-OJZ

re: **Odours, Noise and Vibration**

Dear Mr Adam:

We are most concerned by the ongoing nuisance cause to us by Kassoulet in regards to smells from the kitchen, noise and vibrations from the ventilation system and the disturbances caused by your patrons when leaving the premises.

Please note that under clause 3.16(4) of your lease (as well as similar protection in our own leases) the restaurant may not do anything which may be or may grow to become a nuisance, annoyance, disturbance, inconvenience or damage to the owners, common tenants and occupiers of the residential flats above the restaurant.

As you also know, the restaurant has not yet complied with, and is therefore in violation of, the planning permission you obtained in regards to the noise from the ventilation system. On numerous occasions we have had measurements of the excessive noise levels, the out-of-hours operations and other violations of planning and environmental standards and stipulations made by the environmental department. There is, therefore, quite clear and extensive documentation at Kensington and Chelsea town hall to the systematic breaches of the planning and environmental laws as well as the nuisance your installation causes in violation of our lease agreements.

We ask you therefore, to make sure that Kassoulet immediately complies with these collective obligations and provisions and cease at once to intrude to such an extent in our daily lives. In particular we would like you to immediately fix:

- ◆ The problems of strong, over-powering cooking odours enveloping the building, especially in the morning.
- ◆ Operational procedures related to the hours of operation of your ventilation system as it is frequently on outside permitted hours and sometimes overnight.
- ◆ The sound-proofing at the back around the ventilation system which--although a great improvement over the open plant you started out with--still needs to be tuned as the plant emits clearly audible and disturbing tones at certain frequencies.
- ◆ The ventilation intakes at the front which have never been sound-proofed and damped for this causes a constant noise disturbance and vibration in the first floor flat as well as a persistent nuisance to all residents and neighbours when coming and going to the building.
- ◆ The intake duct along Ledbury Road which also has no sound-proofing.
- ◆ The Basement Bar music system which is often turned up so loud that it is clearly audible in the flats above. (We hate to think what this must mean for the

hearing of your patrons if this can be heard through your extensive sound-proofing several floors above).

- Closing procedures at the restaurant/nightclub when your patrons frequently congregate around the premises while trying to figure out in loud voices and exuberance how to get out of the area and where to go next. We would remind you that you repeatedly promised in open court last year that you were going to manage this problem and it was not going to be an issue for the surrounding community.
- Similarly the trash collection late at night is very noisy and disagreeable as it always produces lots of loud sounds as the bottles are broken from being thrown around.

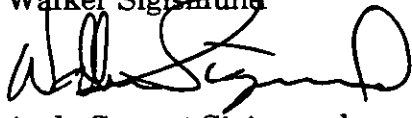
Although we note and are pleased that some progress has been made--the sound-proofing at the back for example clearly demonstrates that the technical issues can be resolved and we continue to accept your confidence in your ability to manage your patrons and staff--we would like to stress that the above are a serious ongoing nuisance to us and call upon you to take immediate action.

As this situation has been a systematic problem over many months, during which time you have had ample opportunity to undertake whatever planning and ordering is required, we would ask you to fix them by May 5, 1997.

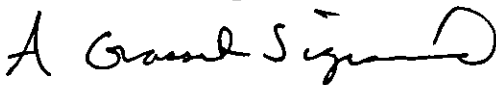
We finally would like to ask you how you propose to compensate us for the many months of lost sleep, smelly mornings, lost enjoyment of our flats, the nuisance of dirt and grime in the staircase caused by your workmen and our valuable time spent trying to get you to operate Kassoulet in a manner which is not disturbing to us?

Sincerely,

Walker Sigismund



Aude Grasset Sigismund



Ed Shearmur



George Klein

cc: Mr Charles Hickey

cc: Harbottel & Lewis

cc: M.J. French, Planning Department, Kensington and Chelsea

MEMORANDUM

To: Executive Director  
Planning and Conservation  
Local Land Charges

From: Director of Legal Services

Our Ref: Philip Waterson  
Room No: 313

Your Ref: Chris Morris  
Eddie Adamczyk  
Lloydon McBarnette  
John Stevens

Ext: 2146

Date: 29 April 1997

**Section 187A Town and Country Planning Act 1990 (as amended)**  
**Breach of Condition Notice - 127 Ledbury Road, London W11**

With reference to the above, I write to advise you that the Breach of Condition Notice has been issued and copies served on all interested parties. I set down below details of the Breach of Condition Notice for insertion in the Enforcement Register:-

- |     |                     |                              |
|-----|---------------------|------------------------------|
| (a) | Address of Property | 127 Ledbury Road, London W11 |
| (b) | Issuing Authority   | The Royal Borough K&C        |
| (c) | Date of Issue       | 29 April 1997                |
| (d) | Service of Copies   |                              |

<u>Name</u>	<u>Address</u>	<u>Date of Service</u>
Mr Piers Adam	Edith House Edith Grove, SW10	29 April 1997
Kassoulet (Notting Hill) Ltd.	Edith House Edith Grove, SW10	29 April 1997
Kassoulet Basement (Notting Hill) Ltd.	Edith House Edith Grove, SW10	29 April 1997

e) Summary of alleged breach and requirements:- The relevant planning permission to which this notice relates is the permission granted by the Council on 2nd January 1997 for the insertion of a new staircase at basement level for a means of escape, erection of a first floor plant area and rear extract duct, under reference number TP/96/2274. The following condition has not been complied with:- Condition 4. "The ventilation and air conditioning system shall not operate between the hours of 12.00 midnight and 11.00 am the following day". Close down the ventilation and air conditioning system between the hours of 12.00 midnight and 11.00 am the following day.

- (f) Date on which Notice takes effect: immediately
- (g) Time for Compliance: 28 days from Notice taking effect.

I attach hereto a copy of the Breach of Condition Notice for your file.



Philip Waterson  
for Director of Legal Services

**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**(As amended by the Planning and Compensation Act 1991)**

**BREACH OF CONDITION NOTICE**

Issued by:           The Royal Borough of Kensington and Chelsea ("The Council")

1.       **This is a formal notice** which is issued by the Council, under Section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described below, has not been complied with. They consider that you should be required to secure compliance with the condition specified in this notice.

2.       **The land affected by the notice**

127 Ledbury Road, London W11, shown edged in red on the attached plan.

3.       **The relevant planning permission**

The relevant planning permission to which this notice relates is the permission granted by the Council on 2nd January 1997 for the insertion of a new staircase at basement level for a means of escape, erection of a first floor plant area and rear extract duct, under reference number TP/96/2274, a copy of which is attached.

4.       **The breach of condition**

The following condition has not been complied with:-

Condition 4. "The ventilation and air conditioning system shall not operate between the hours of 12.00 midnight and 11.00 am the following day".

5.       **What you are required to do**

As the person responsible for the breach of the condition specified in paragraph 4 of this notice, you are required to secure compliance/comply with the stated condition by:

Closing down the ventilation and air conditioning system between the hours of 12.00 midnight and 11.00 am the following day.

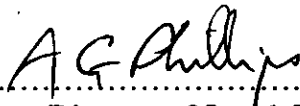
Time for compliance:   28 days beginning with the day on which this notice is served on you.

6. **When this notice takes effect**

This notice takes effect **immediately** it is served on you or you receive it by postal delivery.

Dated: 29 April 1997

Signed: .....



Director of Legal Services  
(The Officer appointed for the purpose)  
On behalf of the Royal Borough of Kensington and  
Chelsea, Town Hall, Hornton Street, London, W8 7NX.

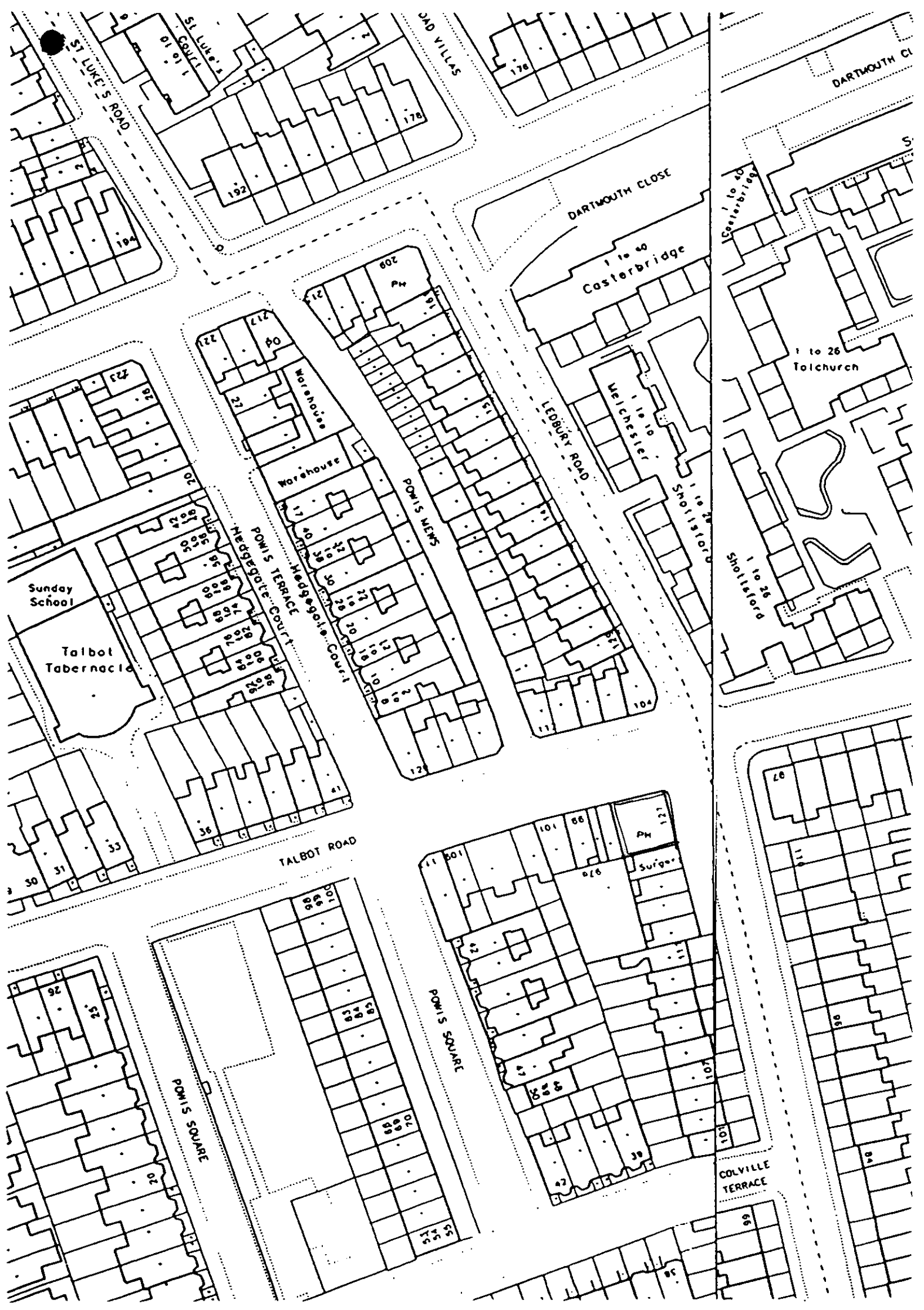
**WARNING:**

**THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE.**

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £1000. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with Mr Eddie Adamczyk in the Council's Planning Department on 0171 361 2982.

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review. A lawyer will advise you on what this procedure involves.

**DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE**



ST LUKE'S ROAD

St Luke's  
COURT

DAD VILLAS

DARTMOUTH CLOSE

DARTMOUTH CL

1 to 40  
Casterbridge

1 to 30  
Casterbridge

1 to 26  
Talchurch

Sunday  
School

Talbot  
Tabernacle

Wardhouse

Wardhouse

POWIS TERRACE

Hedgepole Court

Hedgepole Court

POWIS NEWS

LEDBURY ROAD

1 to 10  
Welchesier

1 to 26  
Sholliford

1 to 26  
Sholliford

TALBOT ROAD

POWIS SQUARE

Surge

POWIS SQUARE

COLVILLE  
TERRACE

# 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

Stafford Bell,  
Tackyard Cottage,  
Fyfield,  
Wiltshire SN8 1PP

Switchboard: 0171-937 5464  
Direct Line: 0171-361 2646

Facsimile: 0171-361 3463

- 2 JAN 1997



KENSINGTON  
AND CHELSEA

My reference:

Your reference:

Please ask for:

Mrs. P. Abdelrahman

DPS/PA/TP/96/2274/K/49/447

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

Insertion of new staircase at basement level for means of escape, erection of a first floor plant area and rear extract duct, at 127 LEDBURY ROAD, KENSINGTON, W.11, as shown on submitted drawing(s) No(s). TP/96/2274 and TP/96/2274/A, Applicant's drawing(s) No(s). 283/20 REV A and 283/19, in accordance with your application dated 09/10/96, completed 17/10/96, revised 02/12/96.

/ CONDITIONS ...



CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C.1)
2. The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the local planning authority. (C.68)
3. Before operation commences, the ducting shall be painted to match the colour of the masonry rendered finish of the rear elevation.
4. The ventilation and air conditioning system shall not operate between the hours of 12.00 midnight and 11.00am the following day.
5. The noise levels generated by the system installed shall not at any time exceed three decibels above the ambient noise levels to be agreed by the Executive Director of Planning and Conservation.
6. The noise levels of the system shall be reviewed three calendar months from its installation and a noise reading taken. If the noise levels exceed the agreed three decibels above the ambient noise levels agreed in accordance with Condition 5, further work shall be undertaken to alternate the system to ensure the noise levels do not exceed three decibels.
7. The system shall be serviced every 3 months to ensure it works to the best of its ability.
8. Before operation commences, a coated material shall be attached to the ducting upon the roof to deaden the noise of rain.
9. The external staircase approved shall only be used as a means of escape in case of fire and shall not be used for any other purpose.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions. (R.1)
2. The details are considered to be material to the acceptability of the proposals and to safeguarding the amenities of the area. (R.68)
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2. Your attention is drawn to the conditions of this approval and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act, 1990, as amended. (I.10)
3. Separate consent for the works hereby given approval under the Planning Acts may be required by the Building Act 1984 and the Building Regulations 1991, and this approval does not imply that such consent will be given. The Director of Building Control, Council Offices, 37 Pembroke Road, W8 6PW should be consulted before works commence. (I.21)
4. Any proposals for external fire escapes, roof walkways or safety railings arising from the requirements of the Building Regulations may require further approval under the Planning Acts, and consent under those Regulations does not imply that approval under the Planning Acts will be given. The Directorate of Planning Services will be pleased to advise on the implication of any changes. (I.22)
5. Demolition and building works are subject to the Environmental Protection Act, and appropriate controls over methods, noise and hours or work may be imposed by the Council. You are advised to consult the Director of Environmental Health, Council Offices, 37 Pembroke Road, W8 6PW at an early stage. (I.30)
6. Your attention is drawn to the British Standards Code of Practice for Demolition (CP 94 : 1971) the observance of which should considerably reduce the risks inherent in demolition work (particularly in relation to fire hazards arising from the practice of burning materials on site) both to operatives on the site and to the general public. (I.31)
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Yours faithfully,



Executive Director, Planning & Conservation

## **DELEGATED REPORT**

### **PART VI TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED**

**Address:** 127 LEDBURY ROAD LONDON W11 " KASSOULET" AND BASEMENT BAR .

#### **Planning Permission**

**Date:** 2nd January 1997

**Reference:** TP/ 96/2274

**Development:** Insertion of a new staircase at basement level for a means of escape, erection of a first floor plant area and rear extract duct.

#### **Condition being breached**

Condition 4 " The ventilation and air conditioning system shall not operate between the hours of 12.00 midnight and 11.00 am the following day."

#### **Summary of evidence of breach (Including when breach commenced)**

A complaint was made to the Planning department on the 21st February 1997 by nearby residents regarding the excessive noise generated by Kassoulets ventilation system. In particular it was alleged that the ventilation system was not switched off at midnight as stipulated under condition 4 of planning permission TP/96/2274, which granted consent to erect an new ventilation duct and air conditioning units on the rear first floor flat roof. A further complaint was received on the on the 4th March from a nearby resident complaining that the ventilation system from Kassoulet was not being turned off at the required time. A letter was sent to the owner of the restaurant and bar Mr Piers Adam dated the 7th March 1997 pointing out the planning contravention and requesting that the planning conditions attached to planning permission TP/96/2274 were complied with.

An inspection was made of the premises by an Environmental Health Officer on the night of the 15th/ 16th March 1997 and it was noted that the ventilation system was still in operation at 12:15 am. A further inspection of the premises was made by an Environmental Health Officer on the 19th March 1997 at 9.45 am and it was again noted that the ventilation system was in operation contrary to condition 4 of the above mentioned planning permission.

#### **Steps to secure compliance**

1. Close down the ventilation and air conditioning system between the hours of 12:00 midnight and 11: 00 am the following day.

Report by EA Date :21/3/97 Approved by :

Date:

**MEMORANDUM**  
**DIRECTORATE OF PLANNING SERVICES**

<b>To:</b>	Dir of Legal Services	<b>From:</b>	Executive Director, Planning and Conservation
<b>of:</b>		<b>of:</b>	
<b>cc:</b>			
<b>My Ref:</b>	TP/96/2274	<b>our Ref:</b>	
<b>Room No:</b>	325	<b>oom No:</b>	
<b>Ext:</b>	2982	<b>Date:</b>	20th March 1997

**Re: TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED**

**BREACH OF CONDITION NOTICE**

**ADDRESS: 127 LEDBURY ROAD, LONDON W11 " KASSOULET" AND BASEMENT BAR.**

Under powers delegated to me by the Planning and Conservation Committee on the 2nd March 1992, I have decided that it is expedient to issue a Breach of Condition Notice to secure compliance with condition 4 of the attached planning permission dated 2nd January 1997. I hereby instruct you to issue a Notice as follows:

**Steps to be taken/ Activities to cease**

1. The ventilation and air conditioning system shall not operate between the hours of 12.00 Midnight and 11.00 am the following day.

**Notice to be served on:**

1. Mr Piers Adam  
Edith House  
1 Edith Grove  
London SW10

2. Kassoulet ( Notting Hill) Ltd  
Edith House  
1 Edith Grove  
London SW10 0SZ

3. Kassoulet Basement (Notting Hill) Ltd  
Edith House  
1 Edith Grove  
London  
Sw10 0SZ

4. Bridgewater Entertainments Ltd

5. Any other persons responsible for the breach.



**Period for compliance**

28 days from the service of the notice

M J French  
Executive Director, Planning and Conservation



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Director of Planning Services

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KENSINGTON  
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7. The system shall be serviced every 3 months to ensure it works to the best of its ability.
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Yours faithfully,



Executive Director, Planning & Conservation

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**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

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*AR - name null*

WITH THE COMPLIMENTS OF

**COUNCILLOR MRS IAIN HANHAM**  
**Leader of the Council**

THE TOWN HALL  
HORNTON STREET  
LONDON W8 7NX

TEL: 0171 - 361 2114

S

From: Councillor Mrs Iain Hanham  
Leader of the Council

JBH:mm:

10 March 1997

Mr. George Klein,  
127 Ledbury Road,  
London W11 2AQ.

Dear Mr. Klein,

I am grateful to you for having sent me a copy of your letter addressed to Miss Dyball at the Environmental Services Department, which you have also copied to Mr. Patterson in the Planning Department.

The Council is aware that there have been problems with the hours of opening of the Kassoulet Restaurant already, and the Director of Legal Services has written to the solicitors acting for the restaurant concerning the relationships between the restaurant and the local community. The Council is aware that the opening party went on until the early hours and also about problems with the ventilation system.

With regard to the liquor licence, we know that they are awaiting a final supper hours certificate. This should, in general, be granted automatically. However given the contents of the letters which we have received we will be contacting the Police before responding about the licence.

Complaints about the ventilation system, are also being followed up.

I am most grateful to you for writing. I can assure you that the comments you have made are being taken very seriously, and that both the Legal and Environmental Services will be taking up the matter with Mr. Adam and his advisors.

Yours sincerely,



bcc: (Mr. M. French,  
Mr. P. Morse

**George Klein**

127 Ledbury Rd.  
London W11 2AQ

VIA FAX 341 5645

March 2, 1997

Sharon Dyball  
Environmental Services  
Council Offices  
Pembroke Road  
London W8 6PW

Re: **Kassoulet - 127 Ledbury Rd. W11 2AQ**

Dear Miss. Dyball,

It is 12:30am on Sunday 2 March and I am listening to a group of over ten people who are laughing and screaming congregated outside of the Kassoulet Bar and Restaurant. I have gone downstairs to see for myself why the restaurant isn't closed and I see over 15 people inside drinking beers and other drinks. After months of legal disputes with the bar and restaurant, the Council and the Magistrates both concluded that the Kassoulet was not to operate late into the night due to the nature of the neighbourhood. Contrary to that decision, I have heard from other neighbours that Kassoulet intends to apply for an extended licence. We the neighbours actually have no idea what their intentions are since they have neglected to display any notice to the community.

Please speak with Mr. Patterson (Planning Dept) and Mr. Mehaffy (Environmental Health) and you will discover that they are currently operating in complete violation of their Planning and Environmental Health restrictions and as for this evening, unless they are licensed to serve alcohol at 12:30 this morning, they are also in violation of their alcohol licence. This business has been open less than 2 weeks and has yet to adhere to the laws that they agreed to abide by.

I have just referred to my file where I see over 60 letters and 57 signed petitions of strong objection to Kassoulet's obtaining a music and dance licence which in every letter, the neighbours are worried about the noise and destruction of the neighbourhood. This is already occurring thus I wish to strongly object to Kassoulet obtaining an extended licence to serve alcohol. In addition, I think that the people who objected several months ago should be made aware of Kassoulet's intentions.

Sincerely,



George Klein

cc: Mrs. Joan Hanham  
Mr. A Patterson  
Mr. K Mehaffy  
Ms. N. Powell

## DELEGATED REPORT

### PART VI TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED

**Address:** 127 LEDBURY ROAD LONDON W11 " KASSOULET" AND BASEMENT BAR .

#### Planning Permission

**Date:** 2nd January 1997

**Reference:** TP/ 96/2274

**Development:** Insertion of a new staircase at basement level for a means of escape, erection of a first floor plant area and rear extract duct.

#### Condition being breached

Condition 4 " The ventilation and air conditioning system shall not operate between the hours of 12.00 midnight and 11.00 am the following day."

#### Summary of evidence of breach (including when breach commenced)

A complaint was made to the Planning department on the 21st February 1997 by nearby residents regarding the excessive noise generated by Kassoulets ventilation system. In particular it was alleged that the ventilation system was not switched off at midnight as stipulated under condition 4 of planning permission TP/96/2274, which granted consent to erect an new ventilation duct and air conditioning units on the rear first floor flat roof. A further complaint was received on the on the 4th March from a nearby resident complaining that the ventilation system from Kassoulet was not being turned off at the required time. A letter was sent to the owner of the restaurant and bar Mr Piers Adam dated the 7th March 1997 pointing out the planning contravention and requesting that the planning conditions attached to planning permission TP/96/2274 were complied with.

An inspection was made of the premises by an Environmental Health Officer on the night of the 15th/ 16th March 1997 and it was noted that the ventilation system was still in operation at 12:15 am. A further inspection of the premises was made by an Environmental Health Officer on the 19th March 1997 at 9.45 am and it was again noted that the ventilation system was in operation contrary to condition 4 of the above mentioned planning permission.

#### Steps to secure compliance

1. Close down the ventilation and air conditioning system between the hours of 12:00 midnight and 11: 00 am the following day.



Report by EA Date :21/3/97 Approved by :

Date:

*Handwritten signature and date*  
21/3/97

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# PLANNING AND CONSERVATION

THE TOWN HALL, HORNTON STREET, LONDON W8 7XX

---

Executive Director: M J FRENCH FRICS Dip TP MRTPI Cert TS

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Mr Piers Adam  
Edith House  
1 Edith Grove  
London SW10 0JZ

Switchboard: 0171-937 5464

Extension: 2096

Direct Line: 0171-361 2096

Facsimile: 0171-361 3463

07 March 1997

---

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

My reference: DPS/DCN/TP/96/ Your reference:  
2274/AP

Please ask for Andrew Paterson

Dear Sir

TOWN AND COUNTRY PLANNING ACT, 1990  
127 LEDBURY ROAD W11

I write to you with reference to the Planning Permission granted by the Council in a letter dated 2nd January 1997, concerning the above mentioned premises.

I have been advised that certain conditions attached to the Planning permission have not been complied with, yet the extraction and air conditioning machinery is being operated in breach of the conditions.

There are three conditions that have not been complied with these being condition numbers 3, 5 and 8., Condition number 3 states; Before operation commences, the ducting shall be painted to match the colour of the masonry rendered finish of the rear elevation. This condition has not been met and the system is being operated every day.

Condition number 5 states; The noise levels generated by the system installed shall not at any time exceed three decibels above the ambient noise levels to be agreed by the Executive Director of Planning and Conservation. This condition has not been complied with and whilst I am aware of the problems you have been encountering in relation to the installation of the approved acoustic enclosure, I would advise you however that these matters should of been resolved before the system was operated.

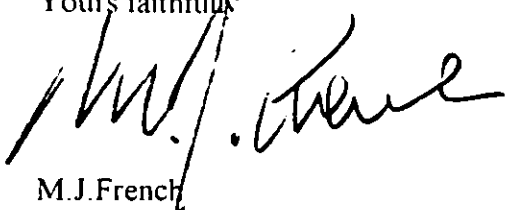
The Council's Environmental Health Officer has issued a noise pollution notice as he is of the opinion that the noise levels created are above acceptable levels. I would advise you that in my opinion the system should not be operated at all until the condition is complied with.

Condition number 8 states; Before operation commences, a coated material shall be attached to the ducting upon the roof to deaden the noise of rain. This condition has not been complied with but operation of the system is occurring on a daily basis.

I would inform you that until the conditions attached to the Planning Permission have complied with the Planning Permission is not valid and I would request you immediately cease the operation of the air conditioning and extraction ducting until such time as the conditions have been formally complied with.

I have instructed the Director of Legal Services to prepare a Breach of Condition Notice to secure compliance of the outstanding conditions and take any other legal steps considered necessary to achieve compliance. I hope that this course of action will be allayed by your immediate response to my request to cease operation of the air conditioning and extraction systems until the conditions have been met.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M.J. French', written in a cursive style.

M.J. French  
Executive Director of Planning and Conservation

cc S Purvis

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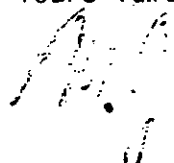
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THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

My reference: DPS/DCN/TP/96/ Your reference:  
2274/AP

Please ask for: Andrew Paterson

Dear Sir

TOWN AND COUNTRY PLANNING ACT, 1990  
127 LEDBURY ROAD W11

I write to you with reference to the Planning Permission granted by the Council in a letter dated 2nd January 1997, concerning the above mentioned premises.

I have been advised that certain conditions attached to the Planning permission have not been complied with, yet the extraction and air conditioning machinery is being operated in breach of the conditions.

There are three conditions that have not been complied with these being condition numbers 3, 5 and 8., Condition number 3 states; Before operation commences, the ducting shall be painted to match the colour of the masonry rendered finish of the rear elevation. This condition has not been met and the system is being operated every day.

Condition number 5 states; The noise levels generated by the system installed shall not at any time exceed three decibels above the ambient noise levels to be agreed by the Executive Director of Planning and Conservation. This condition has not been complied with and whilst I am aware of the problems you have been encountering in relation to the installation of the approved acoustic enclosure, I would advise you however that these matters should of been resolved before the system was operated.

The Council's Environmental Health Officer has issued a noise pollution notice as he is of the opinion that the noise levels created are above acceptable levels. I would advise you that in my opinion the system should not be operated at all until the condition is complied with.

Condition number 8 states; Before operation commences, a coated material shall be attached to the ducting upon the roof to deaden the noise of rain. This condition has not been complied with but operation of the system is occurring on a daily basis.

I would inform you that until the conditions attached to the Planning Permission have complied with the Planning Permission is not valid and I would request you immediately cease the operation of the air conditioning and extraction ducting until such time as the conditions have been formally complied with.



I have instructed the Director of Legal Services to prepare a Breach of Condition Notice to secure compliance of the outstanding conditions and take any other legal steps considered necessary to achieve compliance. I hope that this course of action will be allayed by your immediate response to my request to cease operation of the air conditioning and extraction systems until the conditions have been met.

Yours faithfully

M.J.French  
Executive Director of Planning and Conservation

cc S Purvis

---

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THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

---

WITH THE COMPLIMENTS OF THE  
**DIRECTOR OF LEGAL SERVICES**

Andy  
COPY OF letter as  
discussed

THE TOWN HALL  
HORNTON STREET  
LONDON W8 7NX

Telephone: 0171-361 2152

Fax: 0171-361 3488

DX: 84015 Kensington High Street 2

# LEGAL SERVICES

THE TOWN HALL, HORNTON STREET, LONDON W8 7NX

DIRECTOR OF LEGAL SERVICES

A.G.PHILLIPS LLB. SOLICITOR

Mrs Kelly  
Licensing Justices  
DX 124800 HAMMERSMITH 8

TELEPHONE 0171-361-2617

FACSIMILE 0171-361-3488

DX 84015 Kensington High Street 2

INTERNET tclbr@rbkc.gov.uk

20 March 1997

My reference:

BR/mu

Your reference:

Please ask for:

Bernie Ryan

Dear Mrs Kelly,

Re: KASSOULET - 127 LEDBURY ROAD, LONDON W11  
APPLICATION FOR A FINAL ORDER AND SUPPER HOUR CERTIFICATE

I write in relation to the above applications which are due to be determined on Wednesday 26th March. The Council are not, at this stage, objecting to the applications but wish to bring certain matters which concern the Council, to the attention of the Licensing Justices.

Planning permission was issued on 2nd January 1997 for various works at the above premises, including the erection of a first floor plant area and a rear extract duct. I enclose a copy of this planning permission which was subject to various conditions.

Conditions 3, 5 and 8 of the planning permission were breached when the premises opened in February and the Council's planning officer dealing with this matter wrote to Mr Piers Adam concerning these breaches on 7th March 1997. The planning officer's primary concern related to the breach of condition 5, as the ventilation system and the air conditioning systems were causing noise nuisance to nearby residents. I am informed that works to enclose these systems are now almost completed.

At a meeting with the applicant's representatives on 27th February 1997, attended by one of the Council's Environmental Health Officers, it was verbally agreed to limit the hours of operation of the air conditioning plant and kitchen extract system until an acoustical enclosure to these systems was completed. The purpose of this was to minimise the noise nuisance to nearby residents until these works were carried out. It was agreed that the air conditioning plant should not operate between 10pm and 11am and that the kitchen extract system should not operate between 11pm and 11am. Having received further complaints from residents that these time limits were not being adhered to, the Council issued a noise abatement notice under section 80 of the Environmental Protection Act 1990 on 4th March 1997. A copy of this was sent to Mr Piers Adam on the same day with an explanatory letter. The notice restricted the hours of operation of the systems as set out above.

The noise abatement notice was intended to be an interim measure until an acoustical enclosure to the systems were completed. In any event you will see that condition 4 of the planning permission provides that "The ventilation and air conditioning system shall not operate between

2/...

the hours of 12.00 midnight and 11am the following day". The hours set out in the abatement notice were more restrictive.

Following complaints from residents, an Environmental Health call out officer visited the premises on Saturday the 15th March 1997 and found that both the extractor fan and ventilation system were on at 15 minutes past midnight, in breach of the planning condition. He spoke to the manageress of the premises who did not appear to be aware that a time restriction applied to these systems. The Council will shortly be serving a planning enforcement notice (breach of condition notice) in respect of the breach of this condition. The systems were turned off at 15 minutes past midnight on the request of the call out officer. A further visit by a Council's Environmental Health Officer on 19th March 1997 found that the kitchen extract system was operating at 9.45am, again in breach of the planning condition.

Complaints were also received from residents on the evening of 15th March 1997 regarding music emanating from the premises. An Environmental Health officer visited a neighbouring resident's premises at 9.25pm and found that the level of the music emanating from the premises was unreasonable.

This letter is being copied to the solicitors acting for Applicants. If you have any queries on the enclosed, please do not hesitate to contact me.

Yours sincerely

**Bernie Ryan**  
**For Director of Legal Services**

cc Eversheds Solicitors  
DX 33016 CARDIFF (Ref: 3/MLP/74)

Reference 00502362

Address Duke Of Cornwall, 127 Ledbury Road, W11 2AQ

Description Public House & Premis. Ward Colville Team D2B

Code COM. Commercial Sub-Code NSC. Noise - Commercial

Registration No. 632947/97 Case Officer KM. Mehaffy, K

Complainant Mr Walter Sigismund.....

address 127 Ledbury Road.W11.....

home no. 0171 221 5414.. work no. ....

Date Received 15/03/1997 23:08 Received By JN. Newman, J Source CAL

1st Response 15/03/1997 23:20 Complaint Witnessed . (Y/N)

Action Taken Date 17/03/1997

1st Visit 16/03/1997 Statutory Nuisance . (Y/N)

Completed Measurement Taken

Food type ..

Comments:

**Restaurant downstairs making loud music.....**

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10--PF11--PF12--

Help Exit Add Upd Comm AdAct Next Srch

Cmd	Date	Time	Action	Off.	Link	Comment
.	17/03/1997	08:59	TRAN	KM.	.....	Transferred from JDQ by KM.....
.	17/03/1997	08:57	OFCE	KM.	.....	This is an infringement of the >>
.	16/03/1997	00:00	VIS.	JN.	.....	Ventilation system is on I can >>
.	15/03/1997	23:20	TEL.	JN.	.....	Kassoulet Restaurant ventilatio>>
.	15/03/1997	23:08	TRAN	JDQ	.....	.....
.	15/03/1997	23:08	RECD	JN.	.....	.....

Comments: Last added/updated 16/03/97 13:50 by DEHMPD  
**Ventilation system is on I can hear fairly high pitch noise from system with window open & closed.**  
**Apparently against planning rules as no allowance for air conditioning to be on from 11pm - 11am in morning.**  
**The noise is audible but not that loud time now 00:07.**  
**Extractor fan at front is also on & is supposed to be off by 11pm says Mr. Sigisaund. I'm not sure this is true.**  
**I entered restaurant and spoke with manageress who said as all works done thought it was ok to leave units on. I said I been told different & to air on side of caution could they switch everything off. The lady agreed. Left 00:15.**

---

## PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

Mr Piers Adam  
Edith House  
1 Edith Grove  
London SW10 0JZ

Switchboard: 0171-937 5464

Extension: 2096

Direct Line: 0171-361 2096

Facsimile: 0171-361 3463

07 March 1997

---

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

My reference: DPS/DCN/TP/96/ Your reference:  
2274/AP

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Yours faithfully

M.J.French  
Executive Director of Planning and Conservation

Paul.

Could you ask BOOLE  
if he (and) knows out  
a breach of credit in  
Notice, Fair Housing  
Concerning the abuse,  
The file is attached.  
Could we do them on  
Condition 4.

See memo  
from Jette

Ta  
al



D.C. (NJ)

R

AP.

---

**M E M O R A N D U M**

---

**DATE:** March 6, 1997  
**TO:** Director of Environmental Health (Attn. A. Lyons)  
**FROM:** Executive Director, Planning and Conservation  
**RE:** Liquor Licence Applications  
**CC:**

Thank you for your memorandum of 27th February 1997. I would comment as follows:

Kassoulet, 127 Ledbury Road: As previously advised, I have received a number of complaints from residents in connection with extension of hours, and noise nuisance.

I have no comments to make on any of the other applications.

M. J. French,  
Executive Director, Planning and Conservation.

MEMORANDUM

*Ph. Morse - DC*  
*any comments file*

To: Dir. of Planning Services  
Dave Brennan - Council Tax  
Dir. of Legal Services  
Borough Valuer  
Head(s) of Environmental Health  
Ian Twyford - Housing Services

PLANNING SERVICES				
DC	DC	DC	E	Ao Ack
3 MAR 1997			(SI)	
Exc Dir		ARB	Con Dec	
10		Head	Head DC	

c.c: Env Health Team Manager(s)

My Ref: A Lyons  
Room No.

Your Ref: WestLon/liq

Ext. 5738

Date: 27th February 1997

Liquor Licence Applications

I attach a further list of premises for which various licence applications have been submitted. These applications have been taken from the list submitted to us by The West London Magistrates Court, a number of which have been adjourned from previous hearings. These are all intended to be heard on 12th March 1997.

Should you have any observations on these applications please let me know immediately due to the lack of time between now and the hearing.

P. H. Morse  
Director of Environmental Health

*PTG*

*There are problems on 127 Leabury Road - Kasroulet  
object to extension of hours, although no control under  
planning: objections regarding nuisance mainly noise:*

*PK*  
*3/3/97*

*No comments - all uses authorized. 5.3.97. hawes*  
*No objections B5.3*

*Reserve to JEM. ~~Seena~~ Hall*

LIQUOR LICENSING APPLICATIONS 12th MARCH 1997

T Transfer  
 Gr Grant  
 Alt Consent to Alterations  
 \* Plans forward to Planning Services  
 \*\* Extension of Hours  
 Po Protection Order  
 Pr Provisional  
 R Restaurant  
 A Amend Undertaking

Mums Restaurant	All Saints Road, 16	R
Europa Foods	Brompton Road, 297-299	T
Lowndes Arms	Chesham Street, 37	Alt
Cromwell	Cromwell Road, 43-45	**
Mint Casino		
Victoria Wine	Earls Court Road, 205	T
Wok Wok	Fulham Road, 140	T
Virgin Cinemas	Fulham Road, 142	Alt
Europa Foods	Fulham Road, 176	T
Nachos	Fulham Road, 212	T
Bella Pasta	Fulham Road, 313	T
Oddbins	Fulham Road, 341	Fo
Bull Bar	Fulham Road, 358	T
Garfunkels	Gloucester Arcade, 25-26	T
7 - Eleven	Gloucester Road, 119	T
Harrington Club	Harrington Road, 38	Pr On
Hilton International Hotel	Holland Park Avenue, 179-199	T
La Barraca	Kensington Church Street, 215-217	R
Kensington Close Hotel	Kensington Close, Wrights Lane	**
Odeon	Kensington High Street	Gr On
La Primula	Kenway Road, 12	T
Unwins	Kings Road, 492	T
Crazy Larry's	Kings Road, 531-533	T
London Park Tower Hotel	Knightsbridge, 101	**
	Ladbroke Grove, 171	Fo
Kassoulet	Ledbury Road, 127	**
Pierre Victoire	Notting Hill Gate, 19-21	**
Drones	Pont Street, 1-3	T
Earl of Zetland	Princedale Road, 116	T
Alliance Food	St Helen's Gardens, 73	Fo T
Barfly	Walton Street, 113	T
Palio	Westbourne Grove, 175	T



127 Ledbury Road - flat 2  
London W11 2AQ

Tel/Fax (0171) 284-3878

RECEIVED BY PLANNING SERVICES				
DC N	DC C	DC S	E	Ao Ack
24 FEB 1997 66				
Exec Dir		Records	ARB	Con Des
Appeals Office	IO	Fees Officer	Forward Plan	Head DC

21 February 1997

Mr. Keith Mehaffy  
Royal Borough of Kensington & Chelsea  
Environmental Health Department  
Council Offices  
Pembroke Road  
London W8 6PW

Re: Excessive noise levels generated by  
Kassoulet's ventilation system

Dear Mr. Mehaffy,

It is my understanding that the Kassoulet restaurant was given permission to open with the agreement that they would meet the conditions set by the Planning & Conservation Department (attached). At the moment, I do not see that these conditions are respected.

Condition n° 5 clearly stipulates that:

"the noise levels generated by the system installed shall not at any time exceed three decibels above the ambient noise levels to be agreed by the Executive Director of Planning and Conservation".

Based on my past discussions with the sound engineer, 3 decibels are too low to be noticed by the human ear. However, at the moment, Kassoulet is using its ventilation and air conditioning system to the full, without any sound-proofing. This is unacceptable as these machines are placed directly under my bedroom window and are excessively noisy. Other neighbours are also affected.

The noise was such tonight that I first went to talk to Restaurant manager Mr. Malouf who showed no interest in the situation whatsoever and who failed to switch off the machines. Then, I called your Department and I am thankful to Mr. Okafor for coming over quite late (10.30pm) to take note of the situation. He too agreed that the noise levels were above what is normally acceptable.

Condition n° 4 mentions that:

"The ventilation and air conditioning system shall not operate between the hours of 12.00 midnight and 11am the following day"

I thought I should let you know that last Saturday night, the ventilation system was left on all night and was not stopped until I talked to the builders the next day. Tonight, the ventilation system was switched off at midnight, then turned back on a while later. It is now 1.20am, the noise is keeping me awake, and there is nobody left at Kassoulet to switch the equipment off.

Informative n° 7 says that:

“Any .. equipment installed in or on the building must be designed so as not to cause a nuisance through noise, vibration or fumes”.

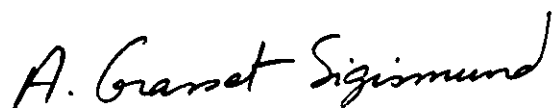
As mentioned above, this is not yet happening.

My questions are as follows:

- 1) how come Kassoulet has been allowed to open while the sound-proofing of the ventilation system is not completed, which is in clear breach of the conditions set by the Planning & Conservation Department?
- 2) Can you ensure that the sound-proofing of the ventilation system is finalised in the shortest delays and when?
- 3) Can we ensure that all the other conditions from the Planning Department are also met and how ?
- 4) Should I call the police or your Department the next time Kassoulet “forgets” to switch off their air conditioning so that somebody can access the switch?

I urge you to request that Kassoulet respect the conditions set by the Planning Department, starting with the immediate shutting-down of their ventilation system until adequate sound-proofing is provided.  
Kassoulet and their managers so far have shown no concern for their new neighbourhood and neighbours.

Yours sincerely,



Aude Grasset Sigismund

cc: Mr. JF French, Mrs. P. Abdelrahman - Planning & Conservation Department

127 Ledbury Road - flat 2  
London W11 2AQ  
Tel/Fax (0171) 284 3878

21 February 1997

Mr. Keith Mehaffy  
Royal Borough of Kensington & Chelsea  
Environmental Health Department  
Council Offices  
Pembroke Road  
London W8 6PW

RECEIVED BY PLANNING SERVICE				
DC N	DC C	DC S	E	Ao Ack
24 FEB 1997 104				
Exec Dir		Records	ARB	Con Des
Appeals Office	IO	Fees Officer	Forward Plan.	Head DC

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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

Stafford Bell,  
Tackyard Cottage,  
Fyfield,  
Wiltshire SN8 1PP

Switchboard: 0171-937 5464  
Direct Line: 0171-361 2646

Facsimile: 0171-361 3463

- 2 JAN 1997



KENSINGTON  
AND CHELSEA

My reference:

Your reference:

Please ask for:

Mrs. P. Abdelrahman

DPS/PA/TP/96/2274/K/49/447

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

Insertion of new staircase at basement level for means of escape, erection of a first floor plant area and rear extract duct, at 127 LEDBURY ROAD, KENSINGTON, W.11, as shown on submitted drawing(s) No(s). TP/96/2274 and TP/96/2274/A, Applicant's drawing(s) No(s). 283/20 REV A and 283/19, in accordance with your application dated 09/10/96, completed 17/10/96, revised 02/12/96.

/ CONDITIONS ...

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C.1)
2. The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the local planning authority. (C.68)
3. Before operation commences, the ducting shall be painted to match the colour of the masonry rendered finish of the rear elevation.
4. The ventilation and air conditioning system shall not operate between the hours of 12.00 midnight and 11.00am the following day.
5. The noise levels generated by the system installed shall not at any time exceed three decibels above the ambient noise levels to be agreed by the Executive Director of Planning and Conservation.
6. The noise levels of the system shall be reviewed three calendar months from its installation and a noise reading taken. If the noise levels exceed the agreed three decibels above the ambient noise levels agreed in accordance with Condition 5, further work shall be undertaken to alternate the system to ensure the noise levels do not exceed three decibels.
7. The system shall be serviced every 3 months to ensure it works to the best of its ability.
8. Before operation commences, a coated material shall be attached to the ducting upon the roof to deaden the noise of rain.
9. The external staircase approved shall only be used as a means of escape in case of fire and shall not be used for any other purpose.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions. (R.1)
2. The details are considered to be material to the acceptability of the proposals and to safeguarding the amenities of the area. (R.68)
3. To ensure a satisfactory standard of external appearance. (R.71)
4. To safeguard the amenities of neighbouring properties. (R.42)
5. To safeguard the amenities of neighbouring properties. (R.42)
6. To safeguard the....

6. To safeguard the amenities of neighbouring properties. (R.48)
7. To safeguard the amenities of neighbouring properties. (R.48)
8. To safeguard the amenities of neighbouring properties. (R.42)
9. To safeguard the amenities of neighbouring properties. (R.42)

### INFORMATIVES

1. Approval under the Planning Acts is hereby granted for the development as shown on the approved drawings and subject to the conditions. Any alteration to the approved scheme, resulting from the requirements of the Building Regulations or for any other reason, may require further approval. You are advised to consult the Directorate of Planning Services before commencing work. (I.9)
2. Your attention is drawn to the conditions of this approval and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act, 1990, as amended. (I.10)
3. Separate consent for the works hereby given approval under the Planning Acts may be required by the Building Act 1984 and the Building Regulations 1991, and this approval does not imply that such consent will be given. The Director of Building Control, Council Offices, 37 Pembroke Road, W8 6PW should be consulted before works commence. (I.21)
4. Any proposals for external fire escapes, roof walkways or safety railings arising from the requirements of the Building Regulations may require further approval under the Planning Acts, and consent under those Regulations does not imply that approval under the Planning Acts will be given. The Directorate of Planning Services will be pleased to advise on the implication of any changes. (I.22)
5. Demolition and building works are subject to the Environmental Protection Act, and appropriate controls over methods, noise and hours or work may be imposed by the Council. You are advised to consult the Director of Environmental Health, Council Offices, 37 Pembroke Road, W8 6PW at an early stage. (I.30)
6. Your attention is drawn to the British Standards Code of Practice for Demolition (CP 94 : 1971) the observance of which should considerably reduce the risks inherent in demolition work (particularly in relation to fire hazards arising from the practice of burning materials on site) both to operatives on the site and to the general public. (I.31)
7. Any plant...

7. Any plant or equipment installed in or on the building must be designed so as not to cause a nuisance through noise, vibration or fumes. This approval under the Planning Acts does not obviate the need to comply with relevant environmental protection legislation, nor imply that these other approvals will be given. The Directorate of Environmental Health should be contacted on the detail of any such plant or equipment. Any changes to plant or equipment required to comply with other legislation may require further approval under the Planning Acts. (I.38)

Yours faithfully,



Executive Director, Planning & Conservation



AP

**jones knowles ritchie**  
DESIGN CONSULTANTS

DC N	DC G	DC S	E	As Ack
21 FEB 1997				
Exec Dir		ARB	ARB	Con Ccs
Appeal Office	IC	Officer	Head Ren	Head DC

✓ ON 21/2

FAX

DATE: 21 February 1997  
 TO: Mr Andrew Patterson Fax n.º 361 3463  
 FROM: Aude Gasset Sigmund ~~376 1130~~  
 CC:  
 NUMBER OF PAGES INCLUDING COVER SHEET: 7

MESSAGE: OPENING OF KASSOULET RESTAURANT  
 127 Ledbury Road.

Dear Mr Patterson,

The Kassoulet restaurant is now open, although the conditions from your department have not been met yet. I am attaching a copy of my letter to Mr Mahaffy (Environmental Health) complaining about the noise coming from their ventilation system.

I would appreciate it if we could discuss the problem sometime today (my office n.º is 0171 284 3878) -

Kind regards,

A. Gasset Sigmund -

SHOULD YOU NOT RECEIVE ALL PAGES, PLEASE ADVISE BY CALLING  
 0171 284 3878

127 Ledbury Road - flat 2  
London W11 2AQ  
Tel/Fax (0171) 284 3878

21 February 1997

Mr. Keith Mehaffy  
Royal Borough of Kensington & Chelsea  
Environmental Health Department  
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Pembroke Road  
London W8 6PW

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Condition n° 5 clearly stipulates that:

"the noise levels generated by the system installed shall not at any time exceed three decibels above the ambient noise levels to be agreed by the Executive Director of Planning and Conservation".

Based on my past discussions with the sound engineer, 3 decibels are too low to be noticed by the human ear. However, at the moment, Kassoulet is using its ventilation and air conditioning system to the full, without any sound-proofing. This is unacceptable as these machines are placed directly under my bedroom window and are excessively noisy. Other neighbours are also affected.

The noise was such tonight that I first went to talk to Restaurant manager Mr. Malouf who showed no interest in the situation whatsoever and who failed to switch off the machines. Then, I called your Department and I am thankful to Mr. Okafor for coming over quite late (10.30pm) to take note of the situation. He too agreed that the noise levels were above what is normally acceptable.

Condition n° 4 mentions that:

"The ventilation and air conditioning system shall not operate between the hours of 12.00 midnight and 11am the following day"

I thought I should let you know that last Saturday night, the ventilation system was left on all night and was not stopped until I talked to the builders the next day. Tonight, the ventilation system was switched off at midnight, then turned back on a while later. It is now 1.20am, the noise is keeping me awake, and there is nobody left at Kassoulet to switch the equipment off.

Informative n° 7 says that:

"Any .. equipment installed in or on the building must be designed so as not to cause a nuisance through noise, vibration or fumes".

As mentioned above, this is not yet happening.

My questions are as follows:

- 1) how come Kassoulet has been allowed to open while the sound-proofing of the ventilation system is not completed, which is in clear breach of the conditions set by the Planning & Conservation Department?
- 2) Can you ensure that the sound-proofing of the ventilation system is finalised in the shortest delays and when?
- 3) Can we ensure that all the other conditions from the Planning Department are also met and how ?
- 4) Should I call the police or your Department the next time Kassoulet "forgets" to switch off their air conditioning so that somebody can access the switch?

I urge you to request that Kassoulet respect the conditions set by the Planning Department, starting with the immediate shutting-down of their ventilation system until adequate sound-proofing is provided.  
Kassoulet and their managers so far have shown no concern for their new neighbourhood and neighbours.

Yours sincerely,

*A. Grasset Sigismund*

Aude Grasset Sigismund

cc: Mr. JF French, Mrs, P. Abdelrahman - Planning & Conservation Department



**PLANNING AND CONSERVATION**THE ROYAL  
BOROUGH OF

THE TOWN HALL • HORNTON STREET • LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS  
Director of Planning ServicesStafford Bell,  
Tackyard Cottage,  
Fyfield,  
Wiltshire SN8 1PP

Switchboard: 0171-937 5464 2646

Direct Line: 0171-361

Facsimile: 0171-361 3463

KENSINGTON  
AND CHELSEA

2 JAN 1997

My reference: Your reference:  
DPS/PA/TP/96/2274/K/49/447

Please ask for: Mrs. P. Abdelrahman

Dear Sir/Madam,

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

SCHEDULEDEVELOPMENT

Insertion of new staircase at basement level for means of escape, erection of a first floor plant area and rear extract duct, at 127 LEDBURY ROAD, KENSINGTON, W.11, as shown on submitted drawing(s) No(s). TP/96/2274 and TP/96/2274/A, Applicant's drawing(s) No(s). 283/20 REV A and 283/19, in accordance with your application dated 09/10/96, completed 17/10/96, revised 02/12/96.

/ CONDITIONS ...

TP/96/2274 : 2

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C.1)
2. The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the local planning authority. (C.68)
3. Before operation commences, the ducting shall be painted to match the colour of the masonry rendered finish of the rear elevation.
4. The ventilation and air conditioning system shall not operate between the hours of 12.00 midnight and 11.00am the following day.
5. The noise levels generated by the system installed shall not at any time exceed three decibels above the ambient noise levels to be agreed by the Executive Director of Planning and Conservation.
6. The noise levels of the system shall be reviewed three calendar months from its installation and a noise reading taken. If the noise levels exceed the agreed three decibels above the ambient noise levels agreed in accordance with Condition 5, further work shall be undertaken to alternate the system to ensure the noise levels do not exceed three decibels.
7. The system shall be serviced every 3 months to ensure it works to the best of its ability.
8. Before operation commences, a coated material shall be attached to the ducting upon the roof to deaden the noise of rain.
9. The external staircase approved shall only be used as a means of escape in case of fire and shall not be used for any other purpose.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions. (R.1)
2. The details are considered to be material to the acceptability of the proposals and to safeguarding the amenities of the area. (R.68)
3. To ensure a satisfactory standard of external appearance. (R.71)
4. To safeguard the amenities of neighbouring properties. (R.42)
5. To safeguard the amenities of neighbouring properties. (R.42)

/6. To safeguard the....

TP/96/2274 : 3

6. To safeguard the amenities of neighbouring properties. (R.40)
7. To safeguard the amenities of neighbouring properties. (R.40)
8. To safeguard the amenities of neighbouring properties. (R.42)
9. To safeguard the amenities of neighbouring properties. (R.42)

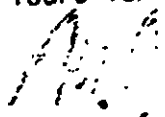
### INFORMATIVES

1. Approval under the Planning Acts is hereby granted for the development as shown on the approved drawings and subject to the conditions. Any alteration to the approved scheme, resulting from the requirements of the Building Regulations or for any other reason, may require further approval. You are advised to consult the Directorate of Planning Services before commencing work. (I.9)
2. Your attention is drawn to the conditions of this approval and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act, 1990, as amended. (I.10)
3. Separate consent for the works hereby given approval under the Planning Acts may be required by the Building Act 1984 and the Building Regulations 1991, and this approval does not imply that such consent will be given. The Director of Building Control, Council Offices, 37 Pembroke Road, WB 6PW should be consulted before works commence. (I.21)
4. Any proposals for external fire escapes, roof walkways or safety railings arising from the requirements of the Building Regulations may require further approval under the Planning Acts, and consent under those Regulations does not imply that approval under the Planning Acts will be given. The Directorate of Planning Services will be pleased to advise on the implication of any changes. (I.22)
5. Demolition and building works are subject to the Environmental Protection Act, and appropriate controls over methods, noise and hours or work may be imposed by the Council. You are advised to consult the Director of Environmental Health, Council Offices, 37 Pembroke Road, WB 6PW at an early stage. (I.30)
6. Your attention is drawn to the British Standards Code of Practice for Demolition (CP 94 : 1971) the observance of which should considerably reduce the risks inherent in demolition work (particularly in relation to fire hazards arising from the practice of burning materials on site) both to operatives on the site and to the general public. (I.31)
7. Any plant...

TP/96/2274 : 4

7. Any plant or equipment installed in or on the building must be designed so as not to cause a nuisance through noise, vibration or fumes. This approval under the Planning Acts does not obviate the need to comply with relevant environmental protection legislation, nor imply that these other approvals will be given. The Directorate of Environmental Health should be contacted on the detail of any such plant or equipment. Any changes to plant or equipment required to comply with other legislation may require further approval under the Planning Acts. (I.38)

Yours faithfully,



Executive Director, Planning &amp; Conservation

# 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

Stafford Bell,  
Tackyard Cottage,  
Fyfield,  
Wiltshire SN8 1PP

Switchboard: 0171-937 5464  
Direct Line: 0171-361 2646

Facsimile: 0171-361 3463



KENSINGTON  
AND CHELSEA

2 JAN 1997

My reference:

Your reference:

Please ask for:

Mrs. P. Abdelrahman

DPS/PA/TP/96/2274/K/49/447

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

Insertion of new staircase at basement level for means of escape, erection of a first floor plant area and rear extract duct, at 127 LEDBURY ROAD, KENSINGTON, W.11, as shown on submitted drawing(s) No(s). TP/96/2274 and TP/96/2274/A, Applicant's drawing(s) No(s). 283/20 REV A and 283/19, in accordance with your application dated 09/10/96, completed 17/10/96, revised 02/12/96.

/ CONDITIONS ...

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C.1)
2. The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the local planning authority. (C.68)
- X 3. Before operation commences, the ducting shall be painted to match the colour of the masonry rendered finish of the rear elevation.
4. The ventilation and air conditioning system shall not operate between the hours of 12.00 midnight and 11.00am the following day.
- X 5. The noise levels generated by the system installed shall not at any time exceed three decibels above the ambient noise levels to be agreed by the Executive Director of Planning and Conservation.
6. The noise levels of the system shall be reviewed three calendar months from its installation and a noise reading taken. If the noise levels exceed the agreed three decibels above the ambient noise levels agreed in accordance with Condition 5, further work shall be undertaken to alternate the system to ensure the noise levels do not exceed three decibels.
7. The system shall be serviced every 3 months to ensure it works to the best of its ability.
8. Before operation commences, a coated material shall be attached to the ducting upon the roof to deaden the noise of rain.
9. The external staircase approved shall only be used as a means of escape in case of fire and shall not be used for any other purpose.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions. (R.1)
2. The details are considered to be material to the acceptability of the proposals and to safeguarding the amenities of the area. (R.68)
3. To ensure a satisfactory standard of external appearance. (R.71)
4. To safeguard the amenities of neighbouring properties. (R.42)
5. To safeguard the amenities of neighbouring properties. (R.42)
- /6. To safeguard the....

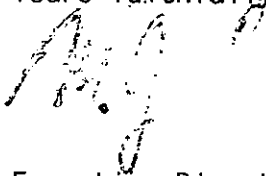
6. To safeguard the amenities of neighbouring properties. (R.48)
7. To safeguard the amenities of neighbouring properties. (R.48)
8. To safeguard the amenities of neighbouring properties. (R.42)
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6. Your attention is drawn to the British Standards Code of Practice for Demolition (CP 94 : 1971) the observance of which should considerably reduce the risks inherent in demolition work (particularly in relation to fire hazards arising from the practice of burning materials on site) both to operatives on the site and to the general public. (I.31)
7. Any plant...

7. Any plant or equipment installed in or on the building must be designed so as not to cause a nuisance through noise, vibration or fumes. This approval under the Planning Acts does not obviate the need to comply with relevant environmental protection legislation, nor imply that these other approvals will be given. The Directorate of Environmental Health should be contacted on the detail of any such plant or equipment. Any changes to plant or equipment required to comply with other legislation may require further approval under the Planning Acts. (I.38)

Yours faithfully,



Executive Director, Planning & Conservation



CURRENT APPLICATION

COMMITTEE \_\_\_\_\_

FOR OBSERVATIONS:-

1. Derog.
2. Transportation
3. \_\_\_\_\_

PLEASE ENTER  
OBSERVATIONS  
ON 2ND PAGE  
OF CURRENT  
PINK SHEET  
IN FILE

OFFICER As.  
REPORT WRITTEN  
\_\_\_\_\_

For Schedule  
Typing  
Committee  
FILE

NOTES

447



(S)  
✓ HD  
30/12.

This matter being dealt with by:

M Scholar

My reference:

PE/TP6172

Your reference:

DPS/DCN/PK/PP/96/2274

Department of  
Planning and Environment

Westminster City Hall

64 Victoria Street, London, SW1E 6QP

Director: **Sydney F Sporle**

Tel No: 0171-798 3348

Fax No: 0171-798 3124

Date:

**17 DEC 1996**

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

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990**

The City Council has now considered the proposals described below and has decided to  
**RAISE NO OBJECTION.**

**SCHEDULE**

**Date of consultation:** 31.10.96

**Date Rec'd:** 5.11.96

**Registered No:** 969559

**Plan Nos:** 283/19, 20, 21 and 22

**Address:** 127 Ledbury Road, W11

**Details of Proposal:** Installation of fire escape staircase at basement level, plant enclosure at first floor flat roof plant area to rear; timber louvred intake grill to replace high level window.

Yours faithfully

**DIRECTOR OF PLANNING AND ENVIRONMENT**

RECEIVED  
23 DEC 1996

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# M E M O R A N D U M

---

DATE: December 20, 1996  
TO: Principal Administrative Officer  
FROM: Executive Director, Planning and Conservation  
RE: Planning Services Committee: 17th December 1996  
CC: Chief Executive and Town Clerk (Attn. Katy Shaw)

Please note the following amendments:

## A1

### NORTH

96/2274/447 127 Ledbury Road, W.11.

Amend Condition 5: "The noise levels generated by the system installed shall not at any time exceed three decibels above the ambient noise levels to be agreed by the Executive Director of Planning and Conservation."

Amend Condition 6: "The noise levels of the system shall be reviewed three calendar months from its installation and a noise reading taken. If the noise levels exceed the agreed three decibels above the ambient noise levels agreed in accordance with Condition 5, further work shall be undertaken to alternate the system to ensure the noise levels do not exceed three decibels."

### CENTRAL

96/2118/2387 170/172 Old Brompton Road, S.W.5.

#### Add to Recommendations:

"1. Instruct the Director of Legal Services to issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990, requiring the removal of the new brickwork from the party wall above roof level at the rear of 170/172 Old Brompton Road, S.W.7., and to take all necessary steps to secure compliance.

2. Breach of Planning Control: The increase in height of the party wall above roof level at the rear of 170/172 Old Brompton Road, S.W.7.

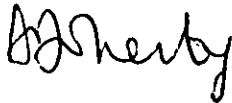
3. Steps to be taken: Removal of the new brickwork from the party wall above roof level between 170/172 Old Brompton Road, S.W.7.

4. Time for compliance: Two months.

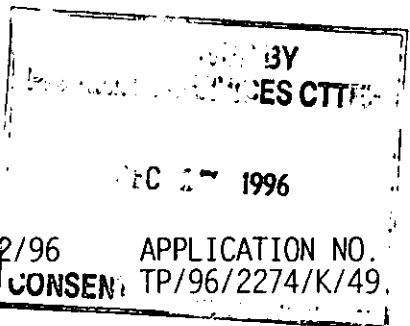
5. Notices to be served on: (1) The owner/occupier; (2) Mr. & Mrs. S. Rattansey, 170/172 Old Brompton Road, S.W.7.; and any other person having a relevant interest."

96/2354/2389 66 South Edwardes Square, W.8.

Amended Drawings: TP/96/2354 and TP/96/2354/A. (W6)62 L/2; (W6)62 L/4 (existing); (W6)62 L/3/C; (W6)62 L5/C; (W6)62 L/8.



*fr* M. J. French,  
Executive Director, Planning and Conservation.



THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING SERVICES COMMITTEE

17/12/96

APPLICATION NO.

AGENDA ITEM

CONSENT TP/96/2274/K/49

447

REPORT BY THE EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

APPLICANTS NAME/ADDRESS

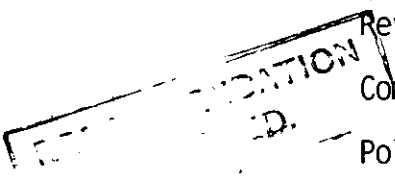
Application dated 09/10/96

Stafford Bell,  
Tackyard Cottage,  
Fyfield,  
Wilst. SN8 1PP

Revised 02/12/96

Completed 17/10/96

Polling Ward EA14



ON BEHALF OF : David Phelps & Piers Adam Kassoulet - Edith House, 1 Edith Grove, SW10  
INTEREST : -

District Plan Proposals Map:

Cons.Area	CAPS	Article 4 Direction	Listed Building	HBMC Direction	A/O Consulted	Objectors (to date)
NO	NO	NO	NO	NO	20	6

RECOMMENDED DECISION :-

GRANT planning permission for the insertion of a new staircase at basement level for means of escape, erection of a first floor plant area and rear extract duct.

At: 127 LEDBURY ROAD, KENSINGTON, W.11

As shown on submitted drawing(s) No(s): TP/96/2274 and TP/96/2274/A

Applicant's drawing(s) No(s) : 283/20 REV A - 283/19

*amend Conditions*

CONDITIONS

1. C.1 2. C.68
3. Before operation commences, the ducting shall be painted to match the colour of the masonry rendered finish of the rear elevation.
4. The ventilation and air conditioning system shall not operate between the hours of 12.00 midnight and 11.00am the following day.
5. The noise levels generated by the system installed shall not exceed 3 decibels above an ambient noise level to be agreed by the Executive Director of Planning and Conservation.
6. The noise levels of the system shall be reviewed 3 calendar months from its installation and a noise reading taken. If the noise levels exceed the agreed 3 decibels above the ambient noise level, further work will be undertaken to alternate the system to ensure the noise level does not exceed 3 decibels.

*well = mast*

7. The system shall be serviced every 3 months to ensure it works to the best of its ability.
8. Before operation commences, a coated material shall be attached to the ducting upon the roof to deaden the noise of rain.
9. The external staircase approved shall only be used as a means of escape in case of fire and shall not be used for any other purpose.

REASONS FOR THE IMPOSITION OF CONDITIONS

- |    |      |    |      |    |      |    |      |
|----|------|----|------|----|------|----|------|
| 1. | R.1  | 2. | R.68 | 3. | R.71 | 4. | R.42 |
| 5. | R.42 | 6. | R.48 | 7. | R.48 | 8. | R.42 |
| 9. | R.42 |    |      |    |      |    |      |

INFORMATIVES

- |    |      |    |      |    |      |    |      |
|----|------|----|------|----|------|----|------|
| 1. | I.9  | 2. | I.10 | 3. | I.21 | 4. | I.22 |
| 5. | I.30 | 6. | I.31 | 7. | I.38 |    |      |

## 1.0 Site

- 1.1 The premises known as 127 Ledbury Road are located on the western side of Ledbury Road, on its junction with Talbot Road. The ground and basements were formerly a Public House known as the "Duke of Cornwall" and it has a return frontage onto Talbot Road.
- 1.2 The property comprises basement and ground floor Class A3 use with the first, second and third floors forming 3 self-contained residential flats.
- 1.3 At the rear of the premises, there is a backland building which is used for Class B1 purposes. It is two storey and encloses the rear of the premises from view at lower levels.

## 2.0 Proposal

- 2.1 The proposal seeks to create a new external staircase leading from the basement to ground floor within the forecourt area to be used only as a means of escape in case of fire. The proposal also seeks to locate an air conditioning enclosure at first floor level at the rear on an existing flat roof, and erect a ventilation duct on the rear elevation of the building.

## 3.0 Relevant Planning History

- 3.1 The Council granted planning permission on 16th February 1995 for the construction of a staircase leading from ground to basement levels externally, for the change of use of the first floor to provide a self-contained flat and for other minor alterations.

## 4.0 Planning Considerations

- 4.1 There are three aspects of the proposal that have to be addressed, the location and enclosure of air conditioning machinery and plant on the flat roof at first floor level, the erection of a rear ventilation duct, and creation of a new staircase leading from basement to ground floor on the Ledbury Road frontage of the premises.
- 4.2 The property is a corner property having two frontages, one on Ledbury Road and its return on Talbot Road. This results in the rear of the premises being 'L' shaped above ground floor level, thus creating a first floor flat roof.
- 4.3 The flat roof is shared between the first floor residential flat and the basement and ground floor use below and is partitioned by a wall measuring 1.4 metres high. Thus, the first floor flat benefits from a roof terrace measuring 2.7 metres in width and approximately 4 metres in depth, with the wall dividing it from

a narrow 1.5 metre section of flat roof which is again 4 metres in depth, and which is in the domain of the use below. This latter space is where the applicant seeks to install the proposed air conditioning units.

- 4.4 The applicant seeks to install the proposed plant and enclose it within a housing which will attenuate the noise created by the plant to a level which is within levels agreed as appropriate by the Council's Environmental Health Officers.
- 4.5 There is another wall dividing the premises from the adjoining property at No. 99 Talbot Road. The wall is located 1.5 metres from the wall dividing the flat roof into two but it is approximately 600mm lower. The proposal seeks to raise the height of the wall to the height of the dividing wall and then construct a lid between the walls thus creating the enclosure for the plant.
- 4.6 It is considered that the enclosure will not have a detrimental effect upon the visual appearance of the premises. The Borough Environmental Health Officer has stated that the sound attenuation must result in the increase in noise not rising above an additional 3 decibels from a measured background ambient night time noise level. In his opinion, the proposed measures of sound proofing will achieve the recommended results.
- 4.7 The proposed ducting which is to be located in the corner of the premises adjoining No. 99 Talbot Road is to be enclosed in pressed steel casing and painted to match the colour of the render on the premises. The enclosure will measure 1100mm in depth and 600mm in width.
- 4.8 The original proposal sought to finish the ducting a metre above the flat roof of No. 99 Talbot Road, however, the roofs of 99 and the two adjoining premises, 101 and 103 Talbot Road, are used as roof terraces, and whilst they are used without the benefit of planning permission, all three have been used for a period in excess of 10 years and they are established in their use. The result of such a proposal would have had serious implications for the users of the terraces and, following meetings between the local residents, Council officers and the applicant, a revised scheme was submitted showing the ducting following the line of the roof slope and terminating against the chimney stack. The ducting will be located 500mm below the chimney pots and will be painted to match the colour of the roof slates.
- 4.9 The revised scheme is considered by the adjoining residents and those living in the three residential floors as the best compromise position for all parties. It is considered that the proposed ducting will have a limited effect upon the visual appearance of the premises given its proposed positioning as the building is hidden in a corner which is not easily viewed from public view points or adjoining residential properties.



4.10 The location of the structure housing the air conditioning plant and ventilation ducting are, it is considered, in the best possible position to have a limited effect upon the visual appearance of the premises and not have a detrimental effect upon the amenity of the local residents, by virtue of noise or fumes.

4.11 The Council's policy is to maintain and enhance the character and appearance of the Borough with Strategies 5 and 6 of the Unitary Development Plan outlining the general policy and state:

"To seek to ensure that all development preserves or enhances the residential character of the Royal Borough." (STRAT 5)

"To protect listed buildings and to preserve or enhance the character or appearance of conservation areas, areas of Metropolitan importance, areas of local character, and other buildings or places of interest." (STRAT 6)

It is considered the proposed ventilation ducting and air conditioning housing are consistent with the aims of the Council policies in terms of their location and design.

4.12 The installation of the ventilation ducting and air conditioning units, which will be housed in an attenuated enclosure, will ensure the protection of the three residential units and the adjoining residents at No. 99 Talbot Road from unacceptable noise and fumes levels. This is therefore considered consistent with the Strategies 1 of the Unitary Development Plan which states:

"To give priority to the protection and enhancement of the residential character and amenity of the Royal Borough."

and Policy CD34 which states:

"To resist proposals where the noise generated would cause significant disturbance to surrounding properties."

4.13 The proposal also seeks to insert a new staircase leading from the basement to ground level externally for means of escape in case of fire. The staircase is a requirement of the fire officer and will not be used unless required as an emergency exit from the basement. The stair opening will be enclosed by metal railings to match those surrounding the curtilage of the forecourt area and it is considered will not affect the appearance of the boundary to its detriment.

## 5.0 Public Consultation

5.1 The location of the premises has resulted in the 3 flats above the basement and ground floor Class A3 Use and the adjoining premises 99D Talbot Road being the only properties which will be affected by the proposal.

- 5.2 The occupants of the 4 units objected to the original proposal. Following a meeting between them, the applicant and the case officer, a revised scheme was submitted and, as a group, they have now written to the Council in one letter advising that they are agreeable to the revised scheme if conditions were imposed securing the proposal is implemented and maintained in the manner agreed by the applicant and themselves.
- 5.3 The matters of concern which are considered appropriate for conditions are as follows:
1. The ventilation and air conditioning system is not operated after midnight, which is the time the premises has to stop operating to comply with their license.
  2. The noise levels generated by the system installed does not exceed 3 decibels above an agreed ambient noise level.
  3. The noise levels of the system should be reviewed 3 calendar months from its installation and a noise reading taken. If the noise levels exceed the agreed 3 decibels above the ambient noise level, further work will be undertaken to attenuate the system to ensure the noise level does not exceed 3 decibels.
  4. The system should be serviced every 3 months to ensure it works to the best of its ability.
  5. A coated material should be attached to the ducting upon the roof to deaden the noise of rain.
- 5.4 The applicant has advised the Council in writing that they are agreeable to conditions on the above matters and it is considered that the imposition of the above conditions along with other more standard conditions will ensure the proposal will be operated in a manner that will allay the original fears of the residents.

6.0 Recommendation

- 6.1 Grant planning permission.

M.J. FRENCH  
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of the file number TP/96/2274 referred to at the head of this report save for exempt or confidential information as defined by the Local Government (Access to Information) Act, 1985.

Officer Contact

The above documents can be inspected by prior appointment with Tracey Rust in the Planning Information Office, Room 325, The Town Hall, Telephone 0171-361-2080.

REPORT PREPARED BY: AP  
REPORT APPROVED BY: PK/AD  
DATE REPORT APPROVED: 10/12/96

PSC9612/AP .REP

# Memorandum

**DATE:** November 26, 1996  
**TO:** Director of Planning  
Andrew Paterson  
**FROM:** Director of Environmental Health  
Keith Mehaffy -extension 5702

RECEIVED BY PLANNING SERVICES				
DC N	DC C	DC S	E	As Ack
SS 13 DEC 1996				
Exec Dir		Records	ARB	Con Des
Appcals Office	IO	Fees Officer	Forward Plan	Head DC

**RE: 127 Ledbury Road London W10**

I write further to our recent conversation regarding the planning application for the installation of air conditioning units and the erection of an acoustic enclosure to the rear roof of the property.

I am concerned that the levels of the equipment operating should be properly attenuated in order that the occupiers of the residential units should not experience nuisance. I have been in consultation with their Acoustic Consultant and have now received a background noise survey for the hours that the proposed units will be operating.

I have set a criteria for the acoustical standard of the enclosure, that the lowest five minute background Leq should not be increased by more than 5 dB(A) and the frequency content of the background should not be significantly altered by the levels emitted from the enclosure.

I am currently awaiting details of the calculations and proposed design of the enclosure to achieve this criteria.

I hope that this information is of use to you. Please do not hesitate to contact me on the above extension should you wish to discuss this matter further.



**Keith Mehaffy**

**Senior Environmental Health Officer**

**Walker Sigismund**  
127 Ledbury Road, Flat Two  
London, W11-2AQ  
UK

96/2274

Tuesday, December 10, 1996

**Mr A Patterson**  
Planning Services  
**The Royal Borough of Kensington and Chelsea**  
The Town Hall, Hornton Street  
London, W8 7NX

re: **Kassoulet and basement bar**

Dear Mr Patterson:

In reviewing the letter I drafted on this subject with the support of my fellow residents and neighbours, I discovered that after taking out several paragraphs, that there was one phrase inadvertently left in the first paragraph on the second page.

Would you please be so kind as to substitute this new page with this deletion for the inadvertent second page in our submission.

Sincerely,

RECEIVED BY PLANNING SERVICES				
DC	DC	DC	E	Ao Ack
	C	S		
54 10 DEC 1996				
Exec Dir		Records	ARB	Con Des
Appas Office	IO	Exec Officer	Forward app	Head DC

Given our frustrating experience over the last year trying to establish this boundary, we have some doubt that Kassoulet intend to ascribe to the letter and spirit of this compromise. In particular:

Mr Adams letter was sent Without Prejudice, which we understand means that he cannot be held to any of the promises he makes in the letter. As a result, our agreement to the compromise can only be given to a firm and binding undertaking on his part.

Turning now to the specifics of the planning application and the particulars of the compromise that was seemingly reached.

1. The agreement on the roof was that the ventilation equipment could operate until midnight. Mr Adams has changed this to say the end of their licensing hours, which is not the same thing and not acceptable. (Could you please verify that the agreement is to midnight only.)
2. Mr Mehaffey has not provided us with sound measuring equipment as promised so that we could make a reasonable comparison between our clear sense of hearing and the abstract decibel scale. (We will be contacting Mr Mehaffey to again seek to borrow this equipment Monday Morning.)
3. Mr Mehaffey has not commissioned an independent sound survey which establishes a fair reference point. This study is important as it will become the *de facto* benchmark, if this matter ever escalates.
4. This study should measure current ambient noise levels not only outside the proposed plant, as the survey commissioned by Kassoulet does, but also *just above the proposed plant equipment at the level of any bedroom windows*. Our experience is that this area is very quiet and peaceful at present, noticeably more so than the area measured in the Kassoulet study. (We shall again contact the Environmental Services department in this regard on Monday.)
5. Having spoken to several neighbours, it appears that none of the neighbours received notification of the proposed ducting under Mr Hickey. This is crucial as the present application receives much of its impetus, in particular its large size, from that work. Therefore, we would like to know whether this permission was ever formally applied for or granted.
6. After double checking our residential leases, as well as the ground floor lease, there is no mention of their right to use the flat roof area as proposed, nor to install the ventilation ducting.

127 Ledbury Road, Flat Two  
London, W11-2AQ  
UK

Saturday, December 07, 1996

Mr M J French  
Mr A Patterson  
Planning Services  
**The Royal Borough of Kensington and Chelsea**  
The Town Hall, Hornton Street  
London, W8 7NX

re: **Kassoulet and basement bar**

Dear Sirs:

Thank-you for your help in attempting to resolve the issues surrounding the planning application submitted by Kassoulet for 127 Ledbury Road. We would like to especially commend Mr Patterson for steering a reasonable compromise between the concerns of the immediate neighbours and residents of 127 Ledbury Road and those of Kassoulet.

We trust that you have received and reviewed the letter which Mr Adams distributed detailing his latest plan and interpretation of the foregoing meeting. Although he has faithfully recorded the general intention of this meeting, we would like to make sure that the details of that compromise be correct in all details and legally binding. However, before laying out our specific concerns, we would like to clarify our general objective.

We would like to emphasise, in case there is any attempt to misinterpret our actions as negative simply for the sake of opposing Kassoulet, that we are all for a restaurant operation at 127 Ledbury Road which takes advantage of the commercial opportunities of the location in a manner which fits into the neighbourhood.

In this light, it would be extremely valuable to obtain an overall view of how Kassoulet intend to operate going forward so that we can establish a clear and unambiguous boundary between their commercial and our residential needs. In particular, we would like to maintain the residential quality of the neighbourhood, secure our right to peace and quiet at night and guarantee that the clearly expressed wishes of the local community, the Borough and the Courts be respected.

Given our frustrating experience over the last year trying to establish this boundary, we have some doubt that Kassoulet intend to ascribe to the letter and spirit of this compromise any more than they do to those of the Borough or Court. In particular:

Mr Adams letter was sent Without Prejudice, which we understand means that he cannot be held to any of the promises he makes in the letter. As a result, our agreement to the compromise can only be given to a firm and binding undertaking on his part.


Turning now to the specifics of the planning application and the particulars of the compromise that was seemingly reached.

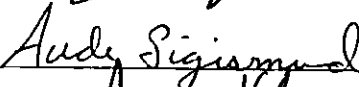
1. The agreement on the roof was that the ventilation equipment could operate until midnight. Mr Adams has changed this to say the end of their licensing hours, which is not the same thing and not acceptable. (Could you please verify that the agreement is to midnight only.)
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5. Having spoken to several neighbours, it appears that none of the neighbours received notification of the proposed ducting under Mr Hickey. This is crucial as the present application receives much of its impetus, in particular its large size, from that work. Therefore, we would like to know whether this permission was ever formally applied for or granted.
6. After double checking our residential leases, as well as the ground floor lease, there is no mention of their right to use the flat roof area as proposed, nor to install the ventilation ducting.




We deeply regret needing to nail down every item in the above in such a concrete way. This would not be necessary if a broader agreement could be reached with Kassoulet which respects the needs of the neighbourhood.

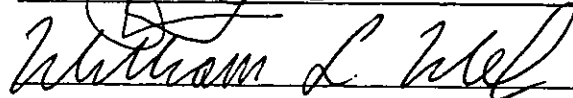
Sincerely,

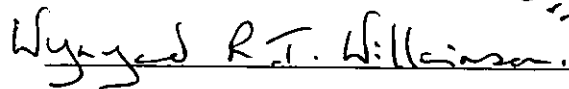
  
Walker Sigismund

  
Aude Grasset (Sigismund)

  
George Klein

  
Ed Shearmur

  
W. L. Weber

  
W. R. T. Wilkinson



AP

# EDITH HOUSE

Nº1 EDITH GROVE, LONDON SW10 0JZ  
TEL: 0171 349 9167 FAX: 0171 349 9169  
ACCOUNTS: 0171 351 1698

## WITHOUT PREJUDICE

Walter Sigismund Esq.  
127 Ledbury Road  
London  
W11

RECEIVED BY PLANNING SERVICE				
DC N	DC C	DC S	E	Ac F
- 2 DEC 1996				
Exoc Dir		Records	ARB	
Appeal Comm	10	Eng. Officer	Future Plan	

29th November 1996

Dear Mr Sigismund

**RE: PLANNING APPLICATION, 127 LEDBURY ROAD, W11**

We are most grateful that you could attend yesterday's site meeting in order to resolve the situation with respect to the planning application for the duct work and plant at the above.

Furtherwith to the meeting attended by yourselves, i.e Mr Weber, Mr Wilkinson and Mr Sigismund, (who we understand represent the principle written objectors), our project manager, Mr Purvis of CRL, the contractor Mr G Jones of the Chelsea Refurbishment Company and Mr Patterson of RBKC planning department, we write to confirm the following points which were discussed.

- 1.0 **OFFER.** The directors of Kassoulet (the applicant) having heard the concerns pertaining to, and been advised of the written objections to the current planning application are prepared to make the following amendments to the application. Please refer to the attached revised drawing no. 283/120 revision A which incorporates all the provisionally agreed amendments.
- 1.01 Turn the orientation of the ductwork around by 90 degrees to minimise the visual impact at high level to the roof terrace of 129 and to all levels of 127 upper floors. The overall duct dimension is 1100 x 600 mm.
- 1.02 Separate the ductwork from the structure of the building by antivibration mountings. To minimise any potential for structure borne sound transmission.

~~1100~~  
9 x 6.

/cont...



329-331 FULHAM ROAD  
LONDON SW10



**HANOVER**  
*Grand*

Nº6 HANOVER STREET  
LONDON W1



**the**  
**BASEMENT**

329-331 FULHAM ROAD  
LONDON SW10

2/cont...

- 1.03 Provide extended terracotta chimney pot for any open fireplaces in flats at 127, to minimise any potential downdraft problems.
- 1.04 To take ductwork up following roof profile to terminate at ridge. Flue to point vertically. To provide discharge to highest possible point in airstream which is visually acceptable to RBKC.
- 1.05 To provide all structural support from 127 Ledbury Road. The only section of ductwork to be fixed to party wall being that at roof level where the only available support is from the chimney.
- 1.06 To adjust satellite dish currently fixed to edge of chimney and retune as necessary.
- 1.07 To make good all external decorations.

## 2.0 CONDITIONS

As proposed by Mr Patterson we would accept that the permission would be conditioned as follows.

- 2.01 Plant to be switched off in accordance with our terminal licensing hour.
- 2.02 Independent measurement to be taken after a 3 month period to determine compliance. An undertaking to effect any remedial works to achieve compliance should the tests prove nuisance.
- 2.03 Condition specifying an increase by no more than 3dBALeq of the existing background noise measured in dBA Leq sound level.

## 3.0 ISSUES

The key issues discussed during the meeting were as follows. It can be seen that as a consequence we are being both fair and reasonable in offering the amendments and conditions as outlined above.

- 3.01 Planning permission of roof terrace. It was confirmed by RBKC that the roof terrace adjacent does not benefit from planning permission. Any objection relating to a negative impact on the amenity of the terrace would therefore have to be considered in the light of this unpermitted use.
- 3.02 Loss of light. It was confirmed by RBKC that none of the habitable rooms overlooking the application area would suffer a loss of light as determined by way of the Local Plan or Unitary Development Plan.

/cont...

3/cont...

- 3.03 Appearance. It was confirmed by RBKC that the proposal was visually acceptable in principle.
- 3.04 EHO and Testing. It was agreed by all parties present that sound was a specialist field requiring specialist involvement. The Environmental Health Officer, Mr Mehaffey, of RBKC has provided the specialist advice in order to determine the application. We have employed Mr Traexlar of APT Sound Consultants to undertake a survey to a RBKC specification and design sound attenuation measures to approval of RBKC as part of the application. Subsequent to the meeting we have received a copy letter written to Messrs. Wilkinson and Weber to Mr Mehaffey requesting further testing. If you do not feel that the RBKC Environmental Health Department is qualified to act in this capacity then it will probably come as a surprise to them as they have been acting in this capacity since legislation was adopted.
- 3.05 SVP's and flues. It was evident that the terrace of 129 Ledbury Road had both a SVP and gas boiler flue discharging both smells and combustion products at only about 1.2 m above terrace level. In addition there are 2 SVP's discharging from 127 Ledbury Road within close proximity. There are therefore already unpleasant smells at this level.
- 3.06 Party Wall. The wall separating 129 from 127 Ledbury Road is a party wall as described by the London Building Act. 127 Ledbury Road enjoys support from this wall at basement, ground and first floor level and incorporates chimneys serving 127. We therefore have the right to take support from it at any level.
- 3.07 History of the site and use class A3. The ground and basement were previously a public house - The Duke of Cornwall. Without the plant and duct as proposed by the application the premises cannot operate as a restaurant. It will therefore probably revert to a pub use. Public houses are not constrained by numbers and as such the impact on the amenity is likely to be very much greater especially as it would not be constrained by a new planning permission in relation to noise.
- 3.08 Recent refurbishment of the flats at 127. If the freeholder did not draw the attention of prospective purchasers of the upper parts to the fact that the ground and basement was to remain within A3 use and that the lease of the ground and basement allowed for construction of ductwork to roof level and installation of plant at first floor roof level then that is unfortunate, but, not a matter relevant to a planning application.

/cont...

4/cont...

We were pleased to hear that your objections were not based on an implacable opposition to the proposal but simply a proper desire to ensure that the issues were properly considered and that your concerns were reasonably addressed in detail. The amendments have therefore been proposed in the spirit of compromise and we trust that you will find them acceptable. You are aware that we are most anxious to open before Christmas and that the next committee date is 17th December. We would therefore be obliged if you could advise us and Mr Patterson as soon as possible if you intend to withdraw your objections. In any event as he explained his cut off date for all information is next Thursday therefore we would be grateful if you could advise us and him of your views before then. Please contact either myself on the above number or Mr Purvis (mobile 0973 - 834061 office 978 - 5999) at any time if you wish to discuss the matter further.

Yours sincerely

  
Piers Adam

cc. K. Mehaffey Esq., Environmental Services Dept. RBKC  
A Patterson Esq., Planning & Conservation Dept. RBK & C  
Edward Shearmur Esq., 127 Ledbury Road, W11  
George Kline Esq., 127 Ledbury Road, W11

99D, TALBOT ROAD,  
LONDON,

W11 2AT

8th. December, 1996

Dear Mr. Patterson,

re: Planning application- 127, Ledbury Rd., W11.

There was a meeting of the writers of this letter on 6th. December, 1996, during which we most carefully considered the points at issue.

We have no objection to the new flight of stairs to the front of the building which we understand are to fulfil the function of a fire escape.

We wish formally to point-out that none of us has ever seen any notification whatsoever relating to Charles Hickey's original planning application for the ventilation duct being allowed. In particular, we are concerned that neither Messrs Weber nor Wilkinson received notification of this application despite having lived here all through Mr Hickey's ownership of the premises. Had any of us been made aware of said application we would have taken an active interest, as we all have with other applications pertaining to this premises. Furthermore, none of the neighbours hereabouts, all of whom we have asked, received this notification either. We feel that we might not be in the position with which we are now faced if we had prior warning of Mr. Hickey's plans. In short, we feel cheated not to have been given a fair chance to object right at the very beginning.

On the above matter we request (a) your opinion, and (b) our rights of redress in this matter, believing as we do that the application may not have been correctly handled initially. The remaining points dealt with in this letter are subject to Mr. Hickey's "Planning Permission" being valid. Although we wish to stress that we bear Mr. Adam and his enterprise no ill-will whatsoever, we regard this point as being most important.

We feel that the "over the roof" route for the duct will be the best compromise on the condition that the duct is coated in material which will deaden the noise of rain. We particularly wish to stress that we are most keen to have a clause in the planning consent, that the "plant" is switched off at 12 o'clock midnight; and that Mr Klein's satellite dish is suitably re-located.

We regret that we are not happy about Piers Adams's sound consultant's findings: it seems to us that this gentleman's

finding of 40 decibels lowest ambient night-time noise is surprising, to say the least. We all feel that, as Mr Adam engaged this sound engineer, his findings cannot be regarded as independant. Mr Weber has twice written to Mr. Mehaffy of Environmental Health on 20th. and 28th. November raising this very point, and requesting from him an independant reading to be taken by The Council. Mrs Sigismund has also made this same request of Mr Mehaffy. We are all concerned that nothing has been forthcoming in this respect from Mr Mehaffy. We wonder why this should be? Regarding this matter, we wish to make clear that no slur whatsoever is intended against either Mr Adam, nor his sound consultant.

We thank you for waiting for our united (and unanimous) opinions. We regret that Friday was the very earliest day on which it was possible to hold a full meeting with all interested parties present, and hope that a minimum of inconvenience has been caused thereby.

We await your comments on the foregoing with much interest; and we wish to take this opportunity of thanking you for your help and guidance in these far-from-easy matters.

We are,

Yours sincerely,

*William L. Weber*  
Aude Grasset Sigismund  
*W. Sigismund*  
*G. Klein*  
*E. Shearmur*  
Aude Grasset Sigismund. W. Sigismund. G. Klein. E. Shearmur.  
W.L. Weber. W.R.T. Wilkinson.  
*Wynned R.T. Wilkinson*

A. Patterson, Esq.,  
Planning & Conservation Department,  
The Town Hall,  
Hornton Street,  
London. W.8.

FLAT 3, 127 LEDBURY RD, LONDON W.11 2AQ  
TEL: 0171 243 0671 FAX: 0171 792 1655

Planning and Conservation Dept.  
Kensington Town Hall  
Hornton St.  
London W.8 7NX

Re: Kassoulet Restaurant, 127 Ledbury Rd

Dear Mr. Patterson,

with regard to the revised plans submitted by the owners of the Kassoulet for air extraction etc., I would like to make the following observations:

the substance of the plans, while constituting an eyesore, seems to be an acceptable compromise. Any doubts that I have concerning what is proposed revolve around possible noise emanating from the ductwork (on rainy days, or in high winds). The ducting is to be fixed on the roof directly over my bedroom, thus I do not think it unreasonable to seek a guarantee from the Kassoulet that the ducting will be securely fixed, and that steps will be taken to prevent any possible noise pollution, whether from within or without the structure. I can only approve the plans on this basis.

In addition, I think it essential that the residents have Kassoulet's written undertaking that the plant will be not operate past midnight, as opposed to after their licensing hours, as they suggest in their letter.

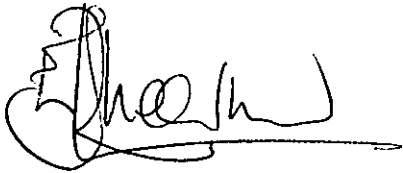
I think it is important to have an independent noise survey undertaken to assess the ambient noise level in the area at night. Without wishing to impugn the work undertaken for Kassoulet, it does not have the benefit of impartiality.



May I also be on record as saying that I did not receive notification of any proposals regarding air extraction that may have been submitted by Charles Hickey, the freeholder.

I hope that you will have time to consider these reasonable observations, and I look forward to hearing from you in the near future.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Edward Shearmur'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Edward Shearmur.



ENVIRONMENTAL HEALTH SERVICE



KENSINGTON AND CHELSEA

RECEIVED  
- 31.12.1996

FAX MESSAGE

TO: Andrew Peterson FROM: KEITH McHARRY  
 FAX NO: 0171 457 7524 NAME: \_\_\_\_\_  
 NAME: 361 3463 DIRECT LINE 0171 341 - 5702  
 ADDRESS: Planning DATE: 31st December 96  
 No. of pages to follow: 1

127 Ledbury Road W11

*copy of memo as promised*

Council Offices  
77 Pembroke Road  
London W8 6PW

Telephone: 0171-937-5464

Fax: 0171-341-5234

## **Memorandum**

**DATE:** December 3, 1996

**TO:** Director of Planning  
Andrew Paterson

**FROM:** Director of Environmental Health  
Keith Mehaffy -extension 5702

**RE: 127 Ledbury Road London W10**

I write further to our recent conversation regarding the planning application for the installation of air conditioning units and the erection of an acoustic enclosure to the rear roof of the property.

I am concerned that the levels of the equipment operating should be properly attenuated in order that the occupiers of the residential units should not experience nuisance. I have been in consultation with their Acoustic Consultant and have now received a background noise survey for the hours that the proposed units will be operating.

I have set a criteria for the acoustical standard of the enclosure, that the lowest five minute background Leq should not be increased by more than 3 dB(A) and the frequency content of the background should not be significantly altered by the levels emitted from the enclosure.

I am currently awaiting details of the calculations and proposed design of the enclosure to achieve this criteria.

I hope that this information is of use to you. Please do not hesitate to contact me on the above extension should you wish to discuss this matter further.

**Keith Mehaffy**  
**Senior Environmental Health Officer**

**URGENT**  
**FAX**

RUSH TO: MA FRENCH, PLANNING & CONSERVATION

FAX: 01144-171-361-3463

FROM: GEO. KLEIN

PAGES (INCLUDING THIS COVER): 2

PK

Obj.

Thursday, November 21, 1996

RECEIVED

20 NOV 1996

**George Klein**  
127 Ledbury Rd.  
London W11 2AQ  
PH/Fax: 0171 229 0039

96/2274  
AP

96/2274

Nov 21, 1996

M.A. French  
Planning & Conservation  
Town Hall  
Hornton Street  
London W8

Re: 127 Ledbury Road - Duke Of Cornwall Proposal

Dear M.A.,

I am the resident of Flat 1, 127 Ledbury Road. My roof terrace sits directly across from the proposed air conditioning/ventilation plant. I am out of the country until Dec. 2; however, I wish to communicate my strong objection to the proposed plant.

I understand that the above restaurant intends to put air conditioning units directly on the other side of the wall on my roof terrace and additionally they propose to increase the height of the wall.

If approved, my view will be destroyed, the amount of light which enters my kitchen will be greatly effected and I will no longer be able to use my roof terrace in the manner which I am accustomed. I feel that this plan is a direct violation of my rights and ask that you please not allow this to occur.

Best regards.

Sincerely,

*George Klein*

(0) ned ✓ (H2) 21/11/96

# LAWRENCE WHITE

99 TALBOT ROAD LONDON W11 2AT

M.FRENCH  
PLANNING & CONSERVATION  
K&C

19 NOVEMBER 1996

RE: 127 LEDBURY RD REF: DPS/DCN/AP/TP/96/2274

RECEIVED BY PLANNING SERVICES				
Exec Off	10	Records	AND	Con Dos
10	Fees Officer	Forward Plan	Head DC	

Dear M.French

I have been informed of further planned developments at 127 Ledbury RD which will have a undesirable effect upon my premises.

RE; AIR CONDITIONING.

The planned changes include fitting air conditioning units within 10 meters from my bedroom. This would create a hell of a din. The restaurant plans to serve until midnight which means that these units would not be switched off until way after then.

I have been informed that the owners of 127 Ledbury rd have carried out an independent noise survey of this area at night. I believe that the council should also carry out this test, for I find their findings unbelievable.

The other major point that these proposals would create a most undesirable smell. The restaurants kitchen vent would be less than 10 meters from my bedroom window and the fumes would be terrible.

I find it hard to understand why these people have not discussed their plans with the local residents and have just gone without discussion. I hope you will consider my objections and put yourself in my situation. For if you did I am sure that these proposals would not be allowed.

With regards

Lawrence White.

Sheppard Robson

Architects  
Planners  
Interior Designers

AR

We enclose a reply to your letter  
for planning application for Roof  
Plant etc 127 LEDBURY RD. W.11

77 Parkway  
Camden Town  
London NW1 7PU

Telephone: 0171-485 4161  
Fax: 0171-267 3861  
Email: 100436.315  
@compuserve.com

With compliments





M J French  
Planning and Conservation  
The Town Hall  
Hornton Street  
London W8 7NX

A Hollick  
101 Talbot Road  
London W11 2AT

DPS/DCN/AP/TP/96/2274

20 November 1996

Dear Sir/Madam

✓ (H) 21/11/96 (O)

We have received the letter dated 1 November 1996 notifying the planning application you received from the property at the ground floor of 127 Ledbury Road, W11 (The Casoule, Restaurant).

After careful analysis of the proposal and analysis of the proposed location and layout of the new sound attenuated plant on the first floor flat roof. We, the neighbours of 101 Talbot Road, with the professional advice of an architect and a service engineer, came to a conclusion that the plant, which includes air-condition units and condensers, will create an environmental nightmare for the people who's windows overlook the back of the building, even though they are attenuated.

The location of the proposed plant is on flat roof at first floor level enclosed on three sides by three storey buildings creating a shaft where any noise created will reverberate and amplify throughout the rear of the existing properties. The existing proposal is on course to create an environmental impact which will be difficult to be accepted by the residents. So a strong refusal against the scheme needs to be expressed at this point.

Yours sincerely

A Hollick

*A. Hollick*

N BARR

*Nathan Barr*

RECEIVED BY PLANNING SERVICES				
DC N	DC C	DC S	E	AO Ack
21 NOV 1996 (65)				
Exec Dir		Records	ARB	Con Jes
Appeals Office	IO	Fees Officer	Forward Plan	Head DC

20 November 1996

(6)

96/2274. AP  
2/11/22/11

Flat 1  
99 Talbot Road  
London, W11

MJ French  
Planning Information Office  
The Town Hall  
Hornton Street  
London, W8 7NX

PLANNING SERVICE			
DC	DC	DC	E
N			A
22 NOV 1996			
Exec Dir		Records	ARB
Appeals Office	IO	Fees Officer	For Pl...

Dear Sir,

I am deeply concerned to here of the proposed development at the rear of 127 Leadbury Road. I am against the scheme for the following reasons:

**Noise**

The introduction of three large air conditioning units in this enclosed area will, without doubt, create a lot noise in what is currently a quiet residential area.

Also an out door eating area are will result in up to one hundred people dining until the early hours of the morning, when the neighbours are trying to sleep.

When I bought my flat I was concerned about the amount of noise on the street but consoled by the fact that my bedroom backed on to a quiet back yard. It is unacceptable that this situation might now be threatened.

**Smells**

The food from the kitchen and no doubt, bins will make an unwelcome smell.

**Security**

The eating area will allow free public access to the rear of the buildings. This will unquestionably create an opportunity burglars to enter the rear of the surrounding houses. I am particularly concerned about this issue having been burgled on a previous occasion. According to the police the burglars entered through the unlocked back entrance of the pub.

I suggest that alternative location is found for the air conditioning at the front of the building and that the eating facilities are restricted to the inside of the building. I also would like strict guidelines to be set for the control of entry to the rear of the building.

Yours sincerely

Simon Thackway



CAROLE LATIMER

113 LEDBURY ROAD  
LONDON W11 2AQ  
TELEPHONE 0171 727 9371  
FACSIMILE 0171 229 9306

Handwritten notes: (0), 21/11/96, RECEIVED, 20 NOV 1996, and initials 'DL'.

Handwritten number: 96/2274

Attn: Andrew Patterson

Planning & Conservation,  
Royal Borough of Kensington & Chelsea,  
Hornton Street,  
W8 7NX

20th November, 1996

Dear Andrew Patterson,

Re: 127, Ledbury Road, W.11.

Further to our lengthy conversation this morning, I would like to thank you for taking the time to clarify the situation over the fire-escape and air-conditioning units being installed at the above premises.

I do see that if you forbid the air-conditioning units then windows would be opened thus causing noise disturbance. As you mentioned that the condition for allowing their installation will be that they are regularly serviced every 3 months and that they are to be housed in such a way that they are not unsightly this should allay our fears of disturbance. You did reassure me that, provided these units are serviced regularly there will be no apparent noise; in which case there should be no problem.

With regard to the fire-escape, I can see that this is a precaution which has to be taken but it must not be used at any other time.

Yours sincerely,

Handwritten signature of Carole Latimer

CAROLE LATIMER

PLANNING SERVICES			
DC	DC	E	Ac Ack
15 NOV 1996			
Records	ARB	Con Des	
Fees Officer	Forward Plan	Head DC	

[44] (171) 221-5414

Walker Sigismund  
127 Ledbury Road, Flat Two  
London, W11-2AQ  
UK

✓ CM  
18-11

Friday, September 06, 1996

M J French  
The Royal Borough of Kensington and Chelsea  
The Town Hall, Hornton Street  
London, W8 7NX

re: 'Duke of Cornwall'  
127 Ledbury Road  
DPS/DCN/AP/TP/2274

Dear Sir/Madam:

As I own the second floor flat at 127 Ledbury Road directly above the proposed renovation I am particularly concerned about these proposals. Let me take them in turn.

**New Fire escape staircase from basement bar area rising in forecourt demise**

This description seems to indicate a stairway rising on the Ledbury Road side of the building. In fact I believe that there are two stairways planned for this area, not just one. My concern is that this will undoubtedly weaken the building, increase the amount of subsidence, damage the aesthetic qualities of the current frontage, create an area for vagrants to shelter themselves and hinder the access I have to my flat for bulky items.

The Ledbury side of this former pub building is a large, heavy wall with substantial load-bearing requirements. Within the building there are historical signs of subsidence along this wall. This situation is still progressing as an examination of the large cracks in the upper stories of the recently repaired facade will reveal.

Unfortunately, the recent renovation of the building has made this situation worse. In effect, the upper floors contain a large brick chimney stack over three floors. Originally this chimney stack continued, and was therefore supported, down to the basement area. This entire stack is now supported by an internal frame of steel girders, one leg of which descends to the basement inside the east facade of the building at the exact point where the fire-escape is to rise. This new leg is creating a pivot point around which the facade is settling with substantial damage underway. I believe that this arrangement is structurally unsound as it has been poorly implemented and I doubt whether it meets normal building codes.

The new fire-escape and main entrance stairwell will exacerbate this situation as they will further weaken the wall. Also, as they are to be open, they will allow rain and other moisture to accumulate in and around the area where the wall is at its weakest, further aggravating the progression of the subsidence and heaving.

Next, as these stairwells are to be open, they will attract vagrants and drug takers as a lavatory or haven whenever the basement area is not in operation with bouncers at the door.

Finally this structure will block the only means I have of getting every day bulky items like sofas and beds in and out of my flat. In effect the stairway to the second and third floors in the residential part of the building is too tight for these common items to be brought into the upper story flats. As a result is necessary to hoist them through the external windows. The only one I have which is large enough for this purpose is the window directly above the proposed stairwells. As a result this construction will apparently make me a prisoner in my flat and make it impossible to sell.

**New sound attenuation plant enclosure to 1st floor flat roof 'plant' area.**

May I start by correcting the foregoing indication that the 1st floor roof area in question is a 'plant area.'

The building in which I live and make my home is now almost exclusively a residential property. It used to be a commercial property but in its conversion several years ago the entirety of the upper floors were devoted to living areas.

In particular the light-well in question has my bedroom giving onto it, and this is the only room in the flat which enjoys peace and quite of the internal courtyard. This courtyard is quite narrow and almost fully enclosed. Any noise in the courtyard echoes against the four walls several times creating a canyon like reverberation. As a result, this residential area is not suitable for industrial equipment.

**Additional timber louvered intake grill in place of high window.**

Presumably this refers to the Talbot road side just to the right of the residential entrance to the building.

My only need is that this intake makes no noise for not only is this area the primary entrance area to my home but it is also directly above my second bedroom.

Sincerely,



Walker Sigismund

Per Fax

To:

K. Mehaffy Esq

Environmental Services Department, R.B.K.&C.

From:

William Weber and Wynyard Wilkinson

99d Talbot Road, London, W11 2AT

Fax: 0171.229.3505; Telephone 0171.792.1162 (Mr Weber); 0171.229.0539 (Mr Wikinson)

28th November 1996

Dear Mr Mehaffy

re: Planning application, 127 Ledbury Road, W11

We refer to our letter and fax of 20th November and meeting here on 25th November.

There was a further meeting here today with Mr Patterson of the Planning Department of the Royal Borough.

The applicants laughed when we said that we were planning on taking independent night time noise readings, using the Council's equipment; as a result of their, not surprising, reaction we feel that the only acceptable form of reading would be an independent one taken formally by the Council.

There is some urgency in this matter as both sides are keen that the revised planning application should be submitted as soon as possible, based on correct and uncontroversial information.

Whilst Mr Trexler no doubt is a competent sound engineer, he has been engaged by the applicants and therefore his data cannot be regarded as independent.

Yours sincerely,

W.R.T. Wilkinson

W.L. Weber

c.c.

A Patterson Esq., Planning & Conservation Dept. R.B.K.&C.  
Walter Sigismund Esq., 127 Ledbury Road  
Edward Shearmur Esq., 127 Ledbury Road  
George Kline Esq., 127 Ledbury Road  
Piers Adam Esq., 1 Edith Grove SW10

W.L. Weber  
29/11/96

PLANNING SERVICE			
FC	DC	E	AO Act
29 NOV 1995			
R.B.K.&C.		ARB	Con Des
Forth Officer		Forward Plan	Head DC

✓ (H)  
22/11(0)

- FAXED & HAND DELIVERED -

127 Ledbury Road, Flat 2  
London W11 2AQ  
Tel: (0171) 221 5414

21 November 1996

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

Your ref: DPS/DCN/AP/TP/96/2274

Dear Mr. French,

It is with great concern that I received a copy of your letter, mentioning Kassoulet's planning application for development at 127 Ledbury Road. At the moment, their plans are not clear, except for the fact that the quality of life of the people who live in the building and neighbouring houses will be badly affected.

**1. Background Sound Study:**

I am very concerned that Noise Consultant Mr. Trexler, who studied the potential detrimental effects of placing extraction fans and air conditioning machines in our small, encased court-yard, and under our windows, has been commissioned by Kassoulet.

No independent study has been carried by the Council.

I mentioned this fact to Mr. Mehaffy at the Environmental Services Department, who kindly proposed to lend me some equipment so that I could do my own sound readings. Although I accepted the offer to check night-time readings in particular, I am not a sound engineer. I doubt my readings will be credible when compared to those of Mr. Trexler.

Therefore, it is necessary that the Council contracts its own independent study as soon as possible.

**2. Switching on/off of extractor fans/air conditioning:**

I was surprised to be told by Mr. Mehaffy that what I should be concerned most is the "critical period of midnight to 3am", 3am being the time at which the extractors/air conditioning would be turned off, while it is my understanding that the restaurant is to close at 11pm. It was then specified to me that "this is of course in the worst possible scenario, if in one year from now the restaurant is granted a late entertainment licence".

Is it possible to clarify whether Kassoulet plan to reapply for a late night licence, despite the strong opposition of local residents? If this is the case, it shows Kassoulet's lack of concern for the people in the neighbourhood.

Also, why should I be concerned with the "critical period of midnight to 3am" if the extractors are supposedly not going to make any perceptible sound, as claimed by Kassoulet?

### **3. Unsightliness:**

- At the moment the first floor flat benefits from direct access to a small terrasse, placed directly next to the place where Kassoulet want to install 6 extractor fans/pipes. Enjoyment of the terrace will be badly affected by the sight of this equipment and other constructions around them.
- The pipes will be in full view of the back windows of each flat in the building, decreasing the pleasure of using the rooms above the terrace.

### **4. Smells:**

- It is my understanding that some, or all, of the condenser units to be built in the proposed plant enclosure are to provide ventilation to the restaurant's toilets and to the bar area. I very much doubt that no toilet / cigarette / bar smells will escape from them. This is totally unacceptable as our bedroom window is right above the terrace.
- The extract duct to be attached to the wall will discharge its foul smells only one meter above the roof. If the wind goes in the wrong direction, it is very likely that these smells will be engulfed in the courtyard area. Also, it makes it unpleasant for top floor residents who normally enjoy a terrace or roof access.

### **5. Noise, Vibration, Resonance:**

On the plans provided by Kassoulet, it looks like the extractor fans would be covered by a "grill", or possibly as the builders think, by a concrete cap which is not clear. The point is that if air can get in there for ventilation, then noise can also get out.

I am also concerned of possible resonance and vibration through our walls, considering that the courtyard is small and almost closed on its four sides. So far, I haven't heard from an expert that there would be no vibration or resonance through the walls.

### **6. Security:**

Kassoulet plans on a having access to the "plant enclosure", next to the 1st floor terrace, which is unacceptable for security reasons.

### **7. Using space under street staircase:**

Since Kassoulet are currently digging enormous holes in the existing pavement of Ledbury road, to build a staircase access, I propose they use some of the space to place their air conditioning or other extractor fans there. They won't disturb anyone.



I appreciate the commercial pressures that the Council may be under to grant Kassoulet a planning permission, but at the moment its owners have shown no concern for the residents in the immediate vicinity, nor for those who live directly above the restaurant.

I therefore request that you decline the present application and urge Kassoulet's owners to propose alternative plans.

Yours sincerely,

A handwritten signature in black ink, reading "A. Grasset Sigismund". The signature is written in a cursive style with a large initial 'A' and a long, sweeping underline.

Aude Grasset Sigismund

FROM

(FRI) 11. 22' 96 10:54/ST. 10:53/NO. 3580086442 P 1

PK/AP

URGENT

RECEIVED

22 NOV 1996

FAX

n° 0171 - 361 3463

TO: Mr M.J. French

Planning & Conservation

FROM: Mrs Aude Grasset Sigismund

NUMBER OF PAGES INCLUDING COVER SHEET: 4

MESSAGE:

Your ref n°: DPS / DCN / AP / TP / 96 / 2274

SHOULD YOU NOT RECEIVE ALL PAGES, PLEASE ADVISE BY CALLING:

0171 221 5414

21 54

- FAXED &amp; HAND DELIVERED -

RECEIVED

22 NOV 1996

127 Ledbury Road, Flat 2  
London W11 2AQ  
Tel: (0171) 221 5414

21 November 1996

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

Your ref: DPS/DCN/AP/TP/96/2274

Dear Mr. French,

It is with great concern that I received a copy of your letter, mentioning Kassoulet's planning application for development at 127 Ledbury Road. At the moment, their plans are not clear, except for the fact that the quality of life of the people who live in the building and neighbouring houses will be badly affected.

### 1. Background Sound Study:

I am very concerned that Noise Consultant Mr. Trexler, who studied the potential detrimental effects of placing extraction fans and air conditioning machines in our small, encased court-yard, and under our windows, has been commissioned by Kassoulet.

No independent study has been carried by the Council.

I mentioned this fact to Mr. Mehaffy at the Environmental Services Department, who kindly proposed to lend me some equipment so that I could do my own sound readings. Although I accepted the offer to check night-time readings in particular, I am not a sound engineer. I doubt my readings will be credible when compared to those of Mr. Trexler.

Therefore, it is necessary that the Council contracts its own independent study as soon as possible.

### 2. Switching on/off of extractor fans/air conditioning:

I was surprised to be told by Mr. Mehaffy that what I should be concerned most is the "critical period of midnight to 3am", 3am being the time at which the extractors/air conditioning would be turned off, while it is my understanding that the restaurant is to close at 11pm. It was then specified to me that "this is of course in the worst possible scenario, if in one year from now the restaurant is granted a late entertainment licence".

21 57

Is it possible to clarify whether Kassoulet plan to reapply for a late night licence, despite the strong opposition of local residents? If this is the case, it shows Kassoulet's lack of concern for the people in the neighbourhood.

Also, why should I be concerned with the "critical period of midnight to 3am" if the extractors are supposedly not going to make any perceptible sound, as claimed by Kassoulet?

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- The pipes will be in full view of the back windows of each flat in the building, decreasing the pleasure of using the rooms above the terrace.

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- The extract duct to be attached to the wall will discharge its foul smells only one meter above the roof. If the wind goes in the wrong direction, it is very likely that these smells will be engulfed in the courtyard area. Also, it makes it unpleasant for top floor residents who normally enjoy a terrace or roof access.

### 5. Noise, Vibration, Resonance:

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### 7. Using space under street staircase:

Since Kassoulet are currently digging enormous holes in the existing pavement of Ledbury road, to build a staircase access, I propose they use some of the space to place their air conditioning or other extractor fans there. They won't disturb anyone.

I appreciate the commercial pressures that the Council may be under to grant Kassoulet a planning permission, but at the moment its owners have shown no concern for the residents in the immediate vicinity, nor for those who live directly above the restaurant.

I therefore request that you decline the present application and urge Kassoulet's owners to propose alternative plans.

Yours sincerely,



Aude Grasset Sigismund

101 Talbot Road  
London W11 2AT

+171 792 2573 (home)  
+171 606 8855 (work)  
+171 606 4390 (fax)

Mr Phillips  
Planning and Conservation Department  
The Town Hall  
Hornton Street  
London W8

(0) ✓ HS  
28/11/96

RECEIVED BY PLANNING SERVICE				
DC M	DC C	DC S	E	Ap F
35 28 NOV 1996				
Exec Dir		Records	ARB	Off Dir
Appeals Office	IO	Fees Officer	Forward Plan	Unit Off

27th November 1996

Dear Mr Phillips

**Re: Planning application no. DPS DCN AP TP 96 2274, 127 Ledbury Road W11**

I am writing to register my objection to parts of the above application. I live at the address above in the top floor flat. The flat has a roof terrace to which access is gained through a sliding glass window.

I am particularly concerned about the proposed ventilation duct which according to the planning application is only one metre higher than the roof level. Since the ventilation duct is designed to serve a busy commercial kitchen, there is a strong likelihood that air pollution in the form of cooking smells will affect the surrounding roof terraces. It is likely that, even with the use of charcoal filters, this nuisance will be substantial.

Regarding the proposed sound-attenuated plant enclosure, I understand that night time noise levels have only been registered by the applicants' own acoustic consultant. I am concerned that noise levels should also be recorded by a non-partisan expert.

I am concerned that the plant will cause considerable disturbance to residents with roof terraces in the surrounding buildings. The access to my own terrace is through unsoundproofed glass.

I hope very much that you will consider these points carefully and disallow the application.

Yours sincerely



KATE ORR

(0) ✓ (H) 22/11  
99D TALBOT ROAD, LONDON, W11 2AT.

TELEPHONE 0171-792 1162 & 0171-229 0539 PLANNING SERVICES  
FAX 0171-229 3506

DC	DC	DC	E	Ag Ack
21st. November 1996 22 NOV 1996				
Records	ARB	Con Dc		
Fees	Forward Plan	Ret		

Dear Sir,

re: 127, Ledbury Road, W.11. Planning application,  
reference no. DPS DCN AP TP 96 2274.

We write to object to part of the above mentioned application and to record formally our dissatisfaction with, what we consider to be, the unclear and confusing nature of the applicants' plans. These points will be dealt with in further paragraphs herein.

We have no objection to the new fire escape staircase as outlined in the first part of the application.

Regarding the proposed sound-attenuated plant enclosure etc. to the rear of the property: The applicants have engaged their own acoustic consultant who has made a report on the night-time noise levels. This gentleman's findings were that the lowest background noise level was 40dB(A). The writers and several neighbours question the accuracy of this finding; we do not believe it to reflect the facts. To this end we have requested that The Council makes its own independent tests. Vide our letter to K.Mehaffy Esq., Environmental Health Department, R.B.K.C. enclosed.

In the light of the foregoing, we believe that in spite of the proposed sound attenuation, we will be disturbed by the plant which is to be installed within the proposed enclosure. It is the applicants' aim not to exceed a noise level of 43dB. They claim this is only 3dB higher than the lowest noise level at present. We believe otherwise: raising the level of noise to 43dB would be a disaster for the people who have to sleep nearby, and would represent a much greater noise increase than the innocent-sounding 3dB. There seems, surprisingly, to be no mention of anti-vibration pads being used.

Regarding the condensers shown on the plans (which are far from clear). These plans seem to suggest that the plant within the plant enclosure will touch our wall. This, we believe, will cause disturbance from vibration travelling up our wall. We also have a small terrace at 1st. floor level which is next to the proposed plant enclosure. Not only would we have the inconvenience of the noise as the condensers cut in and out (there also appear to be extractors on the plan; drawing 283/120 section A-A) but we would have our view from said terrace restricted by the increase in wall height.

The plans seem to suggest that there is a gap between the applicants' building and this one. This is misleading and is not true; the two properties share a party wall at 4 levels.

Yesterday, Mr Weber telephoned the planning department in order to attempt clarification on several aspects of this application. He was most alarmed to be told by the planning department that having looked at the applicants' plans they were unable to be sure whether the 1100mm ventilation duct (rising from 1st. floor to roof level) was to be attached to our wall or not! It looks as if that is the intention. If it is, we object most strongly. At no point have the applicants sought our consent to attach anything to the side of our house.

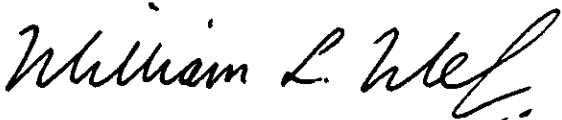
The duct is planned to terminate right beside our roof-terrace; just where the access to the back bedroom is, 1 metre higher than the flat roof level. In other words at waist height when standing on the roof terrace. Who would wish to sit on their roof terrace with a metre square exhaust conduit belching forth the foul air from a very busy kitchen? And let us not forget the additional foul air from the basement ventilation, lavatories etc. which is also to be expelled at this location. The reality is that both our 1st.floor terrace and our roof terrace would be transmogrified.

The smell nuisance would not stop there. Depending upon the wind direction several things might happen to the fumes: they might be wafted into Mr.White's skylight at 99 Talbot Road via his roof terrace next-door; they might go into Mr.Weber's bedroom window which is about 3 metres away; or if they do not come through the window very likely they will blow into Mr.Weber's bedroom via the roof door that gives access to the roof terrace. This opening will be exactly 1 metre from the duct's emission point. Equally worryingly, they might be blown down into the light-well which is enclosed on 3 sides and is 3 stories high. If the latter were to happen, no one with a window opening onto this light-well would be able to open it; there are 8 sash windows, a pair of french doors and a skylight most of which open into living space, bedrooms etc. No doubt the applicants are planning to have charcoal filters, these filters simply cannot remove all the smells, even if they are regularly changed.

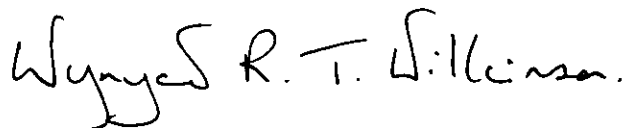
We request that a representative of your department should visit this premises in order to see clearly what is envisioned by these plans.

Please do not allow this application.

Yours faithfully,



W.L.Weber.



W.R.T.Wilkinson.

M.J.French, Esq.,  
Planning and Conservation Dept., R.B.K.C.

enclosure.



COPY FOR PLANNING DEPT.

PER FAX AND GENERAL POST: TO K. MEHAFFY, ESQ. FROM W.L. WEBER  
and W. WILKINSON.

99D TALBOT ROAD, LONDON W11 2AT.

FAX: 0171-229 3506. MR. WEBER'S OFFICE 0171-792 1162.  
MR. WILKINSON'S OFFICE 0171-229 0539.  
HOME 0171-229 0539.

20TH. NOVEMBER, 1996

TWO PAGES ONLY

Dear Mr. Mehaffy,

re: Planning application, 127, Ledbury Road, London, W.11.

Mr. Weber has spoken to our neighbours (two of whom are architects) and they agree with us, at this address, that it is impossible that the lowest background noise in the lightwell at the back of this house is 40dB(A). We believe that The Council should make its own independent measurements and not accept the readings which have, after all, been prepared by agents who, however efficient, cannot be considered as being independent; they are in the employ of the owners of "Kassoulet". We appeal to you to run a second series of tests.

The plans at the Town Hall's planning department are not very clear; even the officer to whom Mr. Weber spoke this morning was unable to give him a definite answer as to why the plans show that there is a gap between this house and the former Duke of Cornwall pub. In fact, there is no such gap. The plans do not reflect the facts.

It seems most likely that the duct which is to carry foul air from kitchen and from the basement (and maybe from other areas too) is to be bolted onto our wall: our back bedroom wall. We cannot imagine how the vibration and other noises will not disturb Mr. Weber's sleep if this 1100mm conduit is only a building block away (this house is built of building blocks).

You will see from the plans that the duct, from which the foul air is to be expressed, emerges right next to our roof hatch opening only 1 metre above it. Bearing in mind the size of the restaurant it is inevitable that cooking (and other) smells will waft down the lightwell (enclosed, as it is, on 3 sides) where there are many windows (including Mr. and Mrs. Sigismund's bedroom). There is no question whatsoever that if the wind is in the right direction our back bedroom would fill with fumes should we open the window or the roof hatch; in summer we open them both.

We very much enjoy sitting on our flat roof in the summer; we often sunbathe there. This innocent occupation, too, would be rendered quite impossible with the duct right on the edge of our roof and only 1 metre higher.

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We would be grateful if you will come to this house as soon as possible in order that we may show you the reality of the proposed plans. We think it important that you inspect our flat roof and see in what close proximity our skylights, hatch and windows are to the duct's end. We also wish to reiterate that it is the desire of all those with dwellings hereabouts that the Council takes its own noise/frequency readings; we dispute the figure of 40 dB.

We can arrange to be here on most week days between 9 a.m. and 7 p.m. perhaps you would be so kind as to liaise with one or other of us as to when would be a mutually agreeable time? We would think it highly likely that other neighbours will also wish to be present at this meeting. It is much to be regretted that both Mr. George Kline and Mr Walker Sigismund are at the moment abroad. I would like, for the record, to express formally my strongly held belief that both these gentlemen will share our grave concerns in this matter.

We look forward to hearing from you at your earliest convenience.

Yours sincerely,

W.R.T. Wilkinson.

W.L. Weber.

K. Mehaffy, Esq.,  
Environmental Services Department,  
Council Offices,  
Pembroke Road,  
London.  
W8 6PW

---

# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Director of Planning Services

---

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

COUNCIL NOTIFICATION OF DEVELOPMENT  
THE OCCUPIER  
FILE COPY

Switchboard: 0171 - 937 5464

Direct Line: 0171-361 2079/2080

Facsimile: 0171 - 361 3463

Date: 01/11/96

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My reference:

Your reference:

Please ask for:

Planning Information Office

DPS/DCN/AP/TP/96/2274

## **THIS LETTER INVITES YOU TO COMMENT ON A PLANNING APPLICATION / LISTED BUILDING APPLICATION WHICH MAY AFFECT YOUR PROPERTY**

Dear Sir/Madam,

The Council has received a planning application for development at a property which is close to yours. The address of that property is set out below, together with brief details of the development for which permission is sought. The Council's Planning Applications Committee, in considering the proposal, will welcome comments, for or against the scheme from those who live in or own property nearby. I should therefore be pleased to know, in writing, if you as the occupier/owner of neighbouring property have any comments.

### **Address of application property**

127 LEDBURY ROAD,  
W.11

### **Proposal for which permission is sought**

New fire escape staircase from basement bar area rising in forecourt demise, new sound attenuated plant enclosure to 1st floor flat roof plant area to rear and additional timber louvred intake grille in place of high level window.

PLEASE NOTE: YOU HAVE 21 DAYS TO COMMENT NOT 14 AS STATED OVERLEAF

Further details are printed overleaf.

Yours Sincerely,

M.J. FRENCH

Executive Director, Planning and Conservation

## **TOWN AND COUNTRY PLANNING ACTS, 1990**

The Council is required by the Secretary of State for the Environment to consider all planning applications expeditiously. Any letter of support or objection should be received as soon as possible within 14 days of the date of this letter, although later objections, if received in time, will be reported to the Council Committee meeting which decides the application. An early response gives the Council's Officers the opportunity to encourage applicants to amend their plans in the light of objections received, and the application may therefore be amended before it is decided. If you cannot formulate your detailed objections within 14 days you should acknowledge this letter so that your interest can be noted.

The reasons for any objection should be clearly stated.

Objections relating to party walls and inconveniences which may be caused by building operations should however be taken up, either by yourself or your professional representative, with the applicant.

All correspondence received will be available to members of the determining Committee when the application is considered.

It must be clearly understood that any comments you may choose to make will be made available to the applicant, his agent and any other interested party, pursuant to the requirements of the Local Government (Access to Information) Act, 1985.

Should there be any tenants in the buildings of other persons likely to be affected by this application, would you please be good enough to bring this letter to their attention.

If you are not the owner of the property to which this notice is addressed will you kindly forward this letter to the owner.

### **WHERE TO EXAMINE THE PLANS**

The plans and/or application details referring to this proposal may be inspected at the Planning Information Office on the 3rd floor at the Town Hall, Hornton Street, W8 7NX, between the hours of 9.00 a.m. and 4.45 p.m., Mondays to Thursdays and 9.00am to 4.15pm Fridays.

Alternatively, copies of all planning applications relating to:

- (a) the Chelsea area can be examined at the Information Office, Chelsea Old Town Hall, King's Road, SW3. Tel. 0171-352 1856.
- (b) the postal areas W10, W11, or W12 can be examined at the 1st Floor, North Kensington Library, 108 Ladbroke Grove, W11. Tel. 0171-727 6583

Please telephone the Chelsea and Westway offices to check opening times.

Please quote the T.P. reference number on all written replies.

**Please note:** In the interest of economy, letters in agreement or without objections to the proposals will not be acknowledged.

MEMORANDUM

From: EXECUTIVE DIRECTOR OF  
PLANNING AND CONSERVATION

To: FOR FILE USE ONLY

My Ref: TP/96/2274/AP  
Room No. 322

Your Ref:  
Room No.

P.A.X.No. 2096

Date: 31/10/96

DEVELOPMENT

127 LEDBURY ROAD, W.11

New fire escape staircase from basement bar area rising in forecourt  
demise, new sound attenuated plant enclosure to 1st floor flat roof  
plant area to rear and additional timber louvred intake grille in place  
of high level window.

Not statutorily required to be notified.

**M.J. FRENCH**  
Executive Director, Planning and Conservation

---

# PLANNING AND CONSERVATION

THE TOWN HALL • HORNTON STREET • LONDON W8 7NX

---

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Director of Planning Services

---

Environmental Health Dept.,  
37 Pembroke Road,  
London, W8

Switchboard: 0171-937 5464

Direct Line: 0171-361 2096

Facsimile: 0171-361 3463

Date: 31/10/96

---

My reference:

Your reference:

Please ask for:

DPS/DCN/AP/TP/96/2274

Dear Sir (Madam),

TOWN AND COUNTRY PLANNING ACT, 1990

127 LEDBURY ROAD,  
W.11

I enclose a copy of an application (with relevant drawings) and should be pleased to receive your observations on these proposals in due course.

It is hoped to present this application to the Town Planning Committee prior to 12/12/96 .

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

---

# PLANNING AND CONSERVATION

THE TOWN HALL • HORNTON STREET • LONDON W8 7NX

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THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Director of Planning Services

---

Department of Architecture & Planning,  
City of Westminster,  
P.O. Box 240, Westminster City Hall,  
Victoria Street, LONDON S.W.1E 6QP

Switchboard: 0171-937 5464

Direct Line: 0171-361 2096

Facsimile: 0171-361 3463

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My reference:

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Please ask for:

DPS/DCN/AP/TP/96/2274

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Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation





TP962274

18 OCT 1986  
EA.  
N  
AK

The Royal Borough of Kensington and Chelsea

Development Control  
Technical Information

Address: 127 LEOBURY ROAD. W.11

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Comp Index Data:

Conserv. Area	HB	CPO	TPO	Specif. Inc. Area	CSF	LSC No.	PSC	Unsuit. Dip. Use	Area: Local Interest	Area: Local Character	Met. Open Land	ART IV
						10 ✓		✓				

Density
Site Area
Habitable rooms proposed
Proposed density

Plot Ratio	
Site Area	
Zoned Ratio	2:1
Floor area proposed	
Proposed Plot Ratio	

Daylighting

Complies / Infringes

Car Parking:

Spaces required:

Spaces provided:

## Address:

127 LEDBURY ROAD  
DUKE OF CORNWALL PUBLIC HOUSE

050607300

See Also :

TP No	Brief Description of Proposal	1 of 4	Control of Adverts & History No
ALTERATIONS TO THE	"DUKE OF CORNWALL" PUBLIC HOUSE.		

Received	Decision & Date	Appeal	Works
17/02/65	UNCONDITIONAL	26/03/65	Completed
Completed / /		Lodged	
Revised / /		/ /	/ /

TP No	Brief Description of Proposal	2 of 4	Control of Adverts & History No
TP/93/1329	FORMATION OF DOOR ON FRONT ELEVATION		

Received	Decision & Date	Appeal	Works
06/08/93	CONDITIONAL	24/11/93	Completed
Completed 11/08/93		Lodged	
Revised 27/10/93		/ /	/ /

TP No	Brief Description of Proposal	3 of 4	Control of Adverts & History No
TP/94/1958	CONSTRUCTION OF A BRICK AND RAIL FORECOURT BOUNDARY ENCLOSURE, ERECTION OF CANOPIES OVER GROUND FLOOR WINDOW AND DOOR OPENINGS, FORMATION OF A STAIRCASE LEADING TO BASEMENT AND CHANGE OF USE OF FIRST FLOOR INTO SELF-CONTAINED FLAT. - SUPERSEDED 28/3/95 -		

Received	Decision & Date	Appeal	Works
21/09/94	CONDITIONAL	16/02/95	Completed
Completed 23/09/94		Lodged	
Revised 03/02/95	SUPERSEDED	28/03/95	/ /

TP No	Brief Description of Proposal	4 of 4	Control of Adverts & History No
TP/94/1958	CONSTRUCTION OF A BRICK & RAIL FORECOURT BOUNDARY ENCLOSURE, ERECTION OF CANOPIES OVER GRND FLR WINDOW & DOOR OPENINGS, FORMATION OF STAIRCASE LEADING TO BSMNT & CHANGE OF USE OF 1ST FLOOR TO S/C FLAT. - SUPERSEDES DECISION OF 16/2/95; LIST OF DRAWINGS NOW READS PMB/94/153/1 TO /5C (INC). -		

Received	Decision & Date	Appeal	Works
21/09/94	CONDITIONAL	28/03/95	Completed
Completed 23/09/94		Lodged	
Revised 03/02/95		/ /	/ /

**S T A F F O R D M. B E L L**  
TACKYARD COTTAGE  
FYFIELD  
NR. MARLBOROUGH  
WILTSHIRE SN8 1PP

TEL/FAX; 01672 861159

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

RECEIVED BY PLANNING SERVICES				
DC N	DC C	DC S	E	Ad Ack
17 OCT 1996				
Exec Dir		Records	ARB	Con Dev
Appeals Office	10	Fees Office	Forward Plan	Head Dev

9th October 1996

Dear Mr. Paterson,

**SUBJECT; Kassoulet - (Duke of Cornwall), 127 Ledbury Road, W11**

Please find attached the planning application for outstanding items at the above address as discussed over the telephone.

The attached details refer to the following;

1. Additional staircase firescape coming up from the basement required for escape.
2. The siting of additional air conditioning plant on the plant area of the first floor flat roof and a sound attenuating enclosure to attenuate plant noise.
3. The replacing of a high level window on the Talbot Road elevation with a timber louvered air intake grill painted to match window frames.

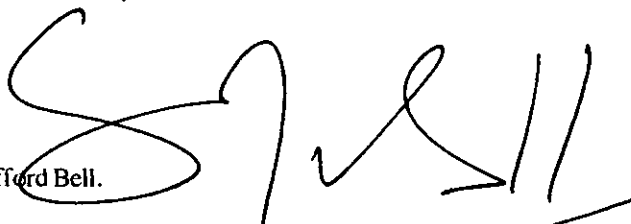
We have not included Part 3 of the planning form as the items above are relating to the existing approved development and are items of detail, if you have any query please don't hesitate to contact me.

With regard to the conditions listed on the original application we are writing to you under separate cover with details in order that these can be released.

Please find enclosed a cheque for £80-00 and all relevant drawings as listed on the application form.

On receipt of this information I would be very grateful if you could give me call to discuss this matter further. If you require any further information please don't hesitate to contact me. Thank you for your time.

Yours Sincerely

  
Stafford Bell.

enc.

# TOWN & COUNTRY PLANNING ACT 1971

FORM TP1  
17 OCT 1983

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

FOR OFFICE USE ONLY		Borough Ref.	17 OCT 1983	
Fee £	80.00	Registered No.	17 OCT 1983	
Cheque/Postal Order/Cash	700041	Date Received		
Receipt No. Issued	1020058	Exec Dir	Records	Adm

PLEASE READ THE GENERAL NOTES BEFORE FILLING IN THE FORM

<b>PART ONE</b>	To be completed by or on behalf of all applicants as far as applicable.
	<b>FEE</b> (where applicable) <span style="float: right;">£ 80 - 00</span>

1. APPLICANT (in block capitals)	AGENT (if any) to whom correspondence should be sent
Name <u>DAVID PHELPS &amp; PIERS ADAM</u>	Name <u>STAFFORD BELL</u>
Address <u>KASSOULET (NOTTINGHILL LTD)</u> <u>EDITH HOUSE, 1 EDITH GROVE</u> <u>LONDON S.W. 10 0JZ</u>	Address <u>TACKYARD COTTAGE, FRIED,</u> <u>WILTSHIRE, SN2 1PP</u> <u>MARLBOROUGH</u>
Tel. No. <u>0171 340 9167</u>	Tel. No. <u>01672 261150</u> Ref.

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

(a) Full address or location of the land to which this application relates 'KASSOULET', 127 LEBURN ROAD  
NOTTINGHILL, LONDON W11 TP962274

(b) Site area 233 m<sup>2</sup> hectares

(c) Give details of proposal indicating the purpose for which land/buildings are to be used and including any change(s) of use.

1. NEW FIRE ESCAPE STAIRCASE FROM BASEMENT BAR AREA USING IN FORECOURT DEMISE.

2. NEW SOUND ATTENUATED PLANT ENCLOSURE TO 1ST FLOOR FLAT ROOF PLANT AREA TO REAR OF THE PROPERTY.

3. ADDITIONAL TIMBER COVERED INTAKE <sup>GRILL</sup> ~~GRATE~~ IN PLACE OF HIGH LEVEL WINDOW.

(d) State whether applicant owns or controls any adjoining land and if so, give its location. NOT APPLICABLE

(e) State whether the proposal involves:-

(i) New building(s) or extension(s) to existing building(s)	State Yes or No	<input type="checkbox"/> NO	▶ If "Yes" state gross floor area of proposed building(s).	<div style="border: 1px solid black; width: 150px; height: 40px; margin-left: 20px; text-align: center;">m<sup>2</sup></div>
			↓	
			If residential development state number of dwelling units proposed and type if known, e.g. houses, bungalows, flats.	<div style="border: 1px solid black; width: 150px; height: 40px; margin-left: 20px;"></div>
(ii) Alterations	<input type="checkbox"/> YES			
(iii) Change of use	<input type="checkbox"/> NO		▶ If "Yes" state gross area of land or building(s) affected by proposed change of use (if more than one use involved state gross area of each use).	<div style="border: 1px solid black; width: 150px; height: 40px; margin-left: 20px; text-align: center;">hectares/m<sup>2</sup>*</div>
(iv) Construction of a new access to a highway	} vehicular... pedestrian	<input type="checkbox"/> NO		
		<input type="checkbox"/> NO		
(v) Alteration of an existing access to a highway	} vehicular... pedestrian	<input type="checkbox"/> NO		
		<input type="checkbox"/> NO		

\* Strike out whichever is inapplicable

**3. PARTICULARS OF APPLICATION**

- State whether this application is for
- (i) Outline planning permission  NO
- (ii) Full planning permission  YES
- (iii) Renewal of a temporary permission or permission for retention of building or continuance of use without complying with a condition subject to which planning permission has been granted.  NO
- (iv) Consideration under Section 72 only (Industry)  NO

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

- 1 siting  
2 design  
3 landscaping  
4 external appearance  
5 means of access

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

Date ..... Number .....  
The condition

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

State:-

- (i) Present use of building(s)/land *VACANT PUBLIC HOUSE TO BE A RESTAURANT AND BAR.*
- (ii) If vacant the last previous use and period of use with relevant dates. *PUBLIC HOUSE UNTIL EARLY 1995*

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

*203 / 19, 20, 20, 22, 21*

**6. ADDITIONAL INFORMATION**

- (a) Is the application for non-residential development *SEE LOWER FLOOR LETTER*  If Yes complete **PART THREE** of this form (See **PART THREE** for exemptions)
- (b) Does the application include the winning and working of minerals  NO If Yes complete **PART FOUR** of this form
- (c) Does the proposed development involve the felling of any trees  NO If Yes state numbers and indicate precise position on plan
- (d) (i) How will surface water be disposed of? *AS EXISTING*  
(ii) How will foul sewage be dealt with? *AS EXISTING* *↳ PUBLIC SEWER*
- (e) Materials – Give details (unless the application is for outline permission) of the colour and type of materials to be used for:  
(i) Walls *N/A*  
(ii) Roof *N/A*  
(iii) Means of enclosure *IRON RAILINGS & PLATE GLASS TO STAIR MATCHING EXIST. SEE DRGGS FOR DETAILS.*

I/We hereby apply for (strike out whichever is inapplicable)

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

Signed *[Signature]* on behalf of *KASSOULT (NORTHWALL) LTD* Date *9.10.96*

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

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

**CERTIFICATE A**

Certificate under Section 27 of the Town and Country Planning Act 1971.

I hereby certify that:-

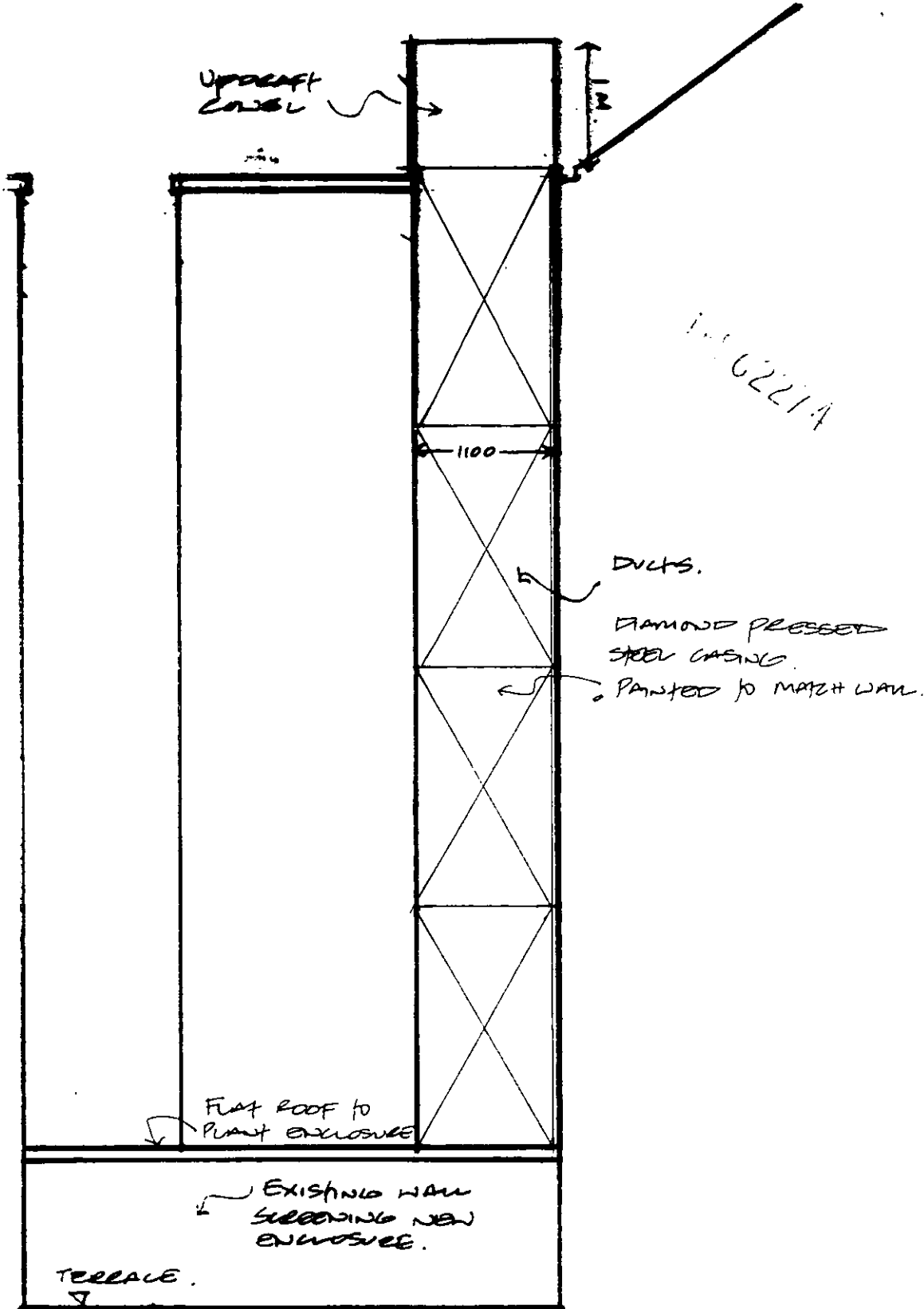
- (a) "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which was not less than 7 years.
1. No person other than the applicant was an owner (a) of any part of the land to which the application relates at the beginning of the period of 20 days before the date of the accompanying application.
2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or
3. ~~The applicant has given the requisite notice to every person other than himself who, 20 days before the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:-~~

Name and Address of Tenant .....

\*strike out whichever is inapplicable

Date of Service of Notice .....

Signed *[Signature]* on behalf of *KASSOULT (NORTHWALL) LTD* Date *9.10.96*



10062214

UPPERCAST CASE

DUCTS.

DIAMOND PRESSED STEEL CASING.

PAINTED TO MATCH WALL.

FLAT ROOF TO PAINT ENCLOSURE

EXISTING WALL SUCCEEDING NEW ENCLOSURE.

TERRACE.

RECEIVED BY PLANNING SERVICES

DC	DC	DC	
N	C	S	

17 OCT 1993

Drawing No;

205 / 22 rev

Scale;

1:50

Date;

04 96.

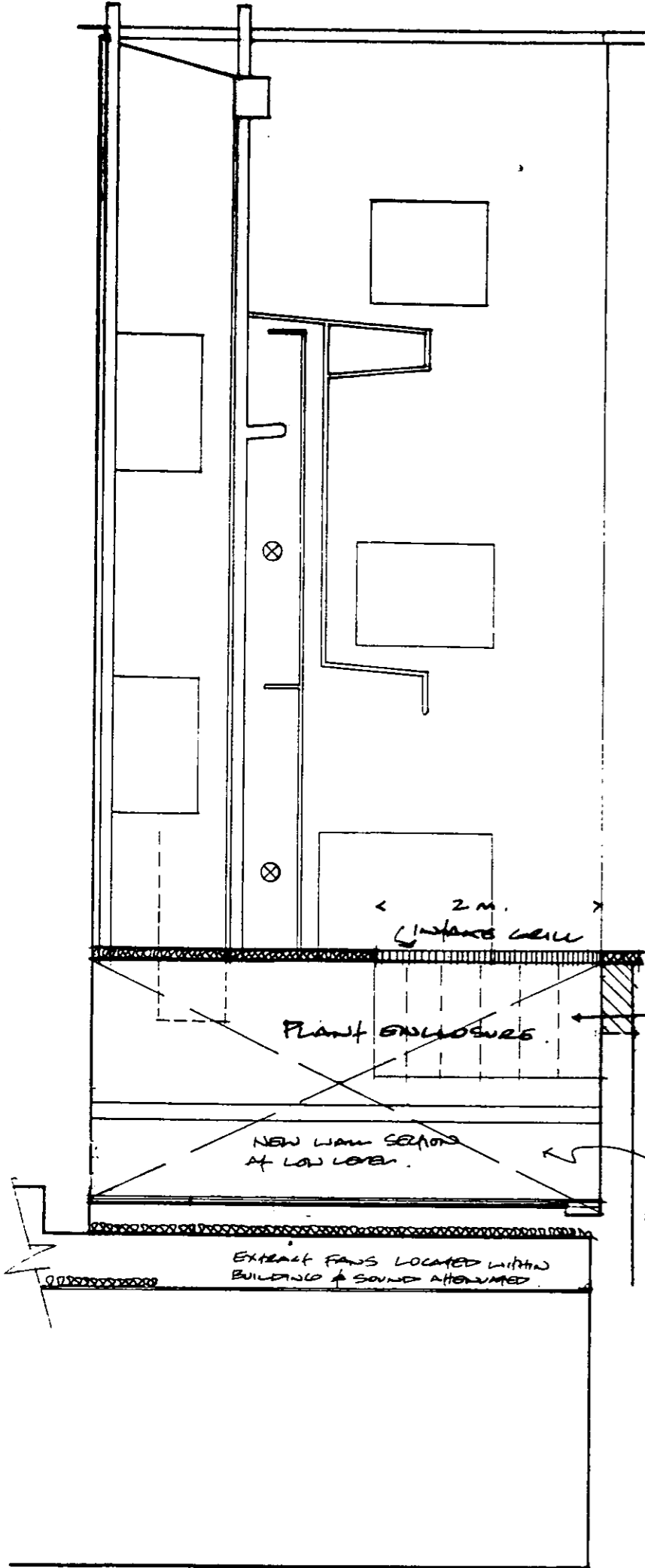
ROOF LEVEL

Drawing No; 127

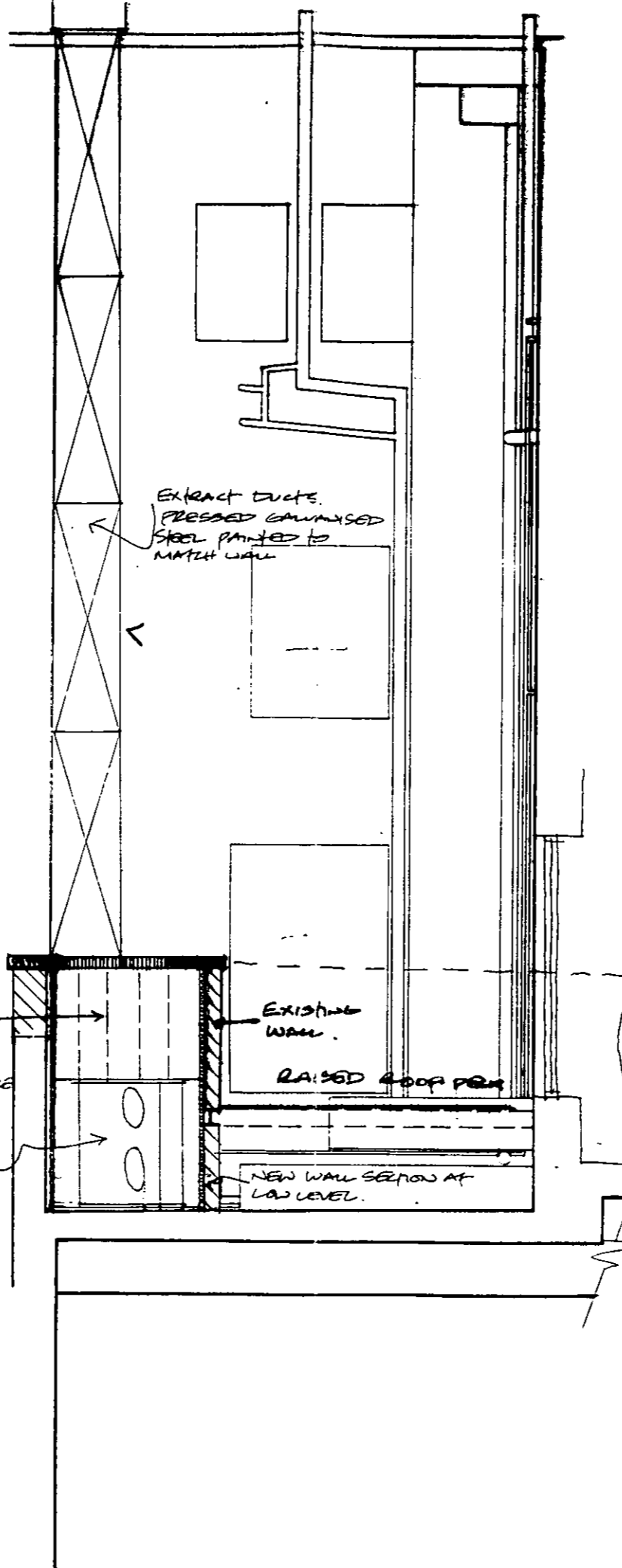
ELEVATION OF DUCT AS SEEN FROM FLAT.

Exec Dir	Records	7/13	Can
Office	Director	Plan	

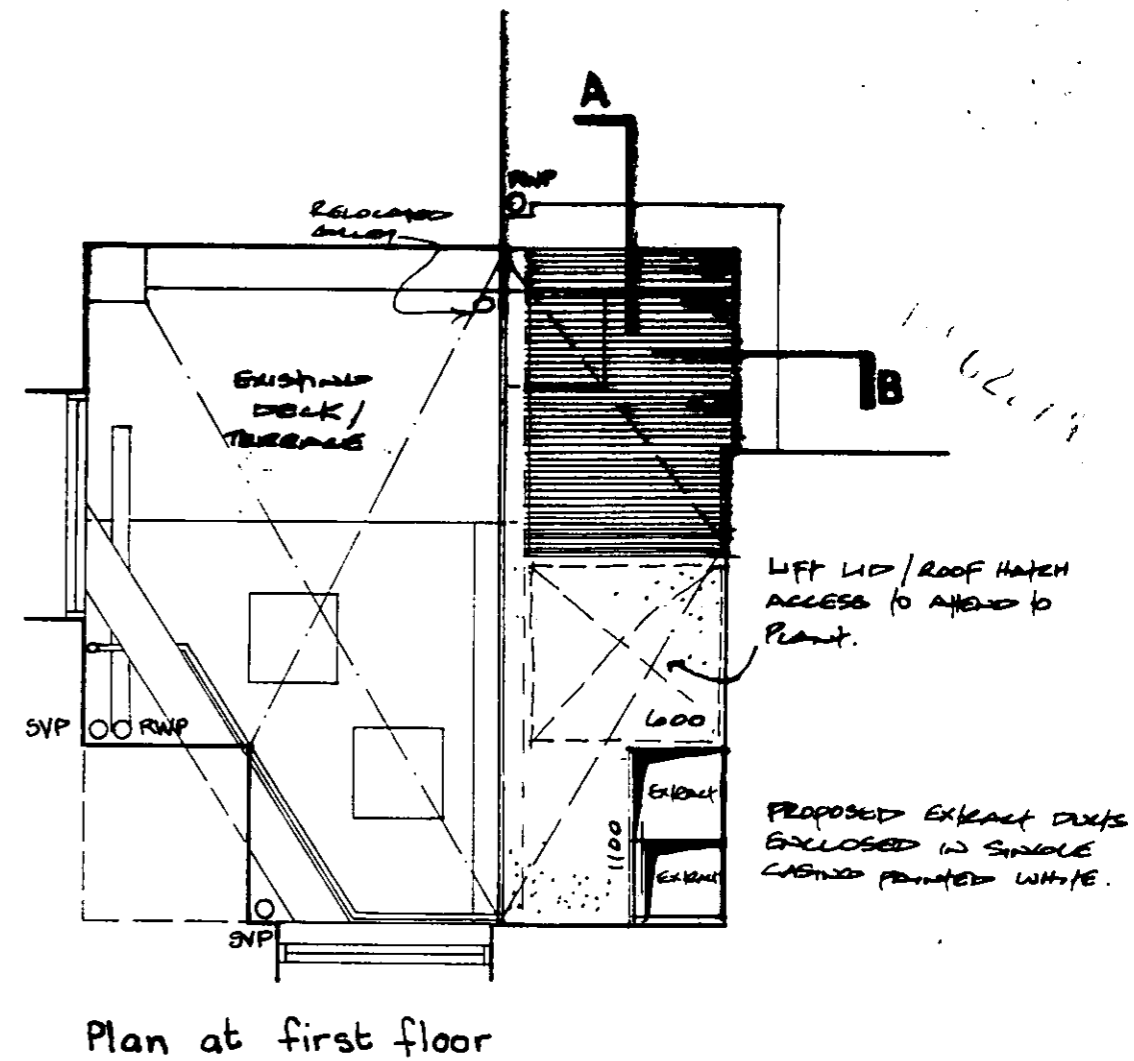
STAFFORD BELL  
Tackyard Cottage, Fyfield, Nr. Marlborough, Wiltshire  
SN8 1PP Tel/Fax: 01672 861159



Section A-A



Section B-B

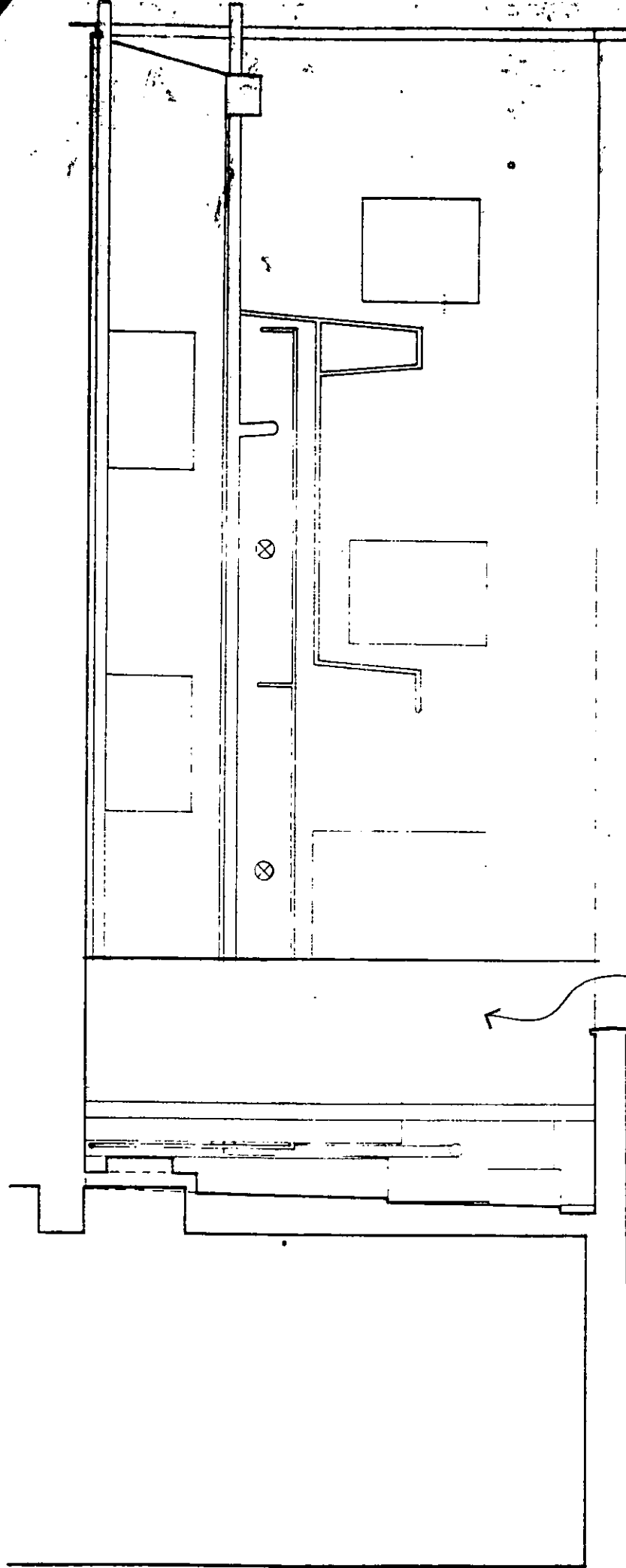


Plan at first floor

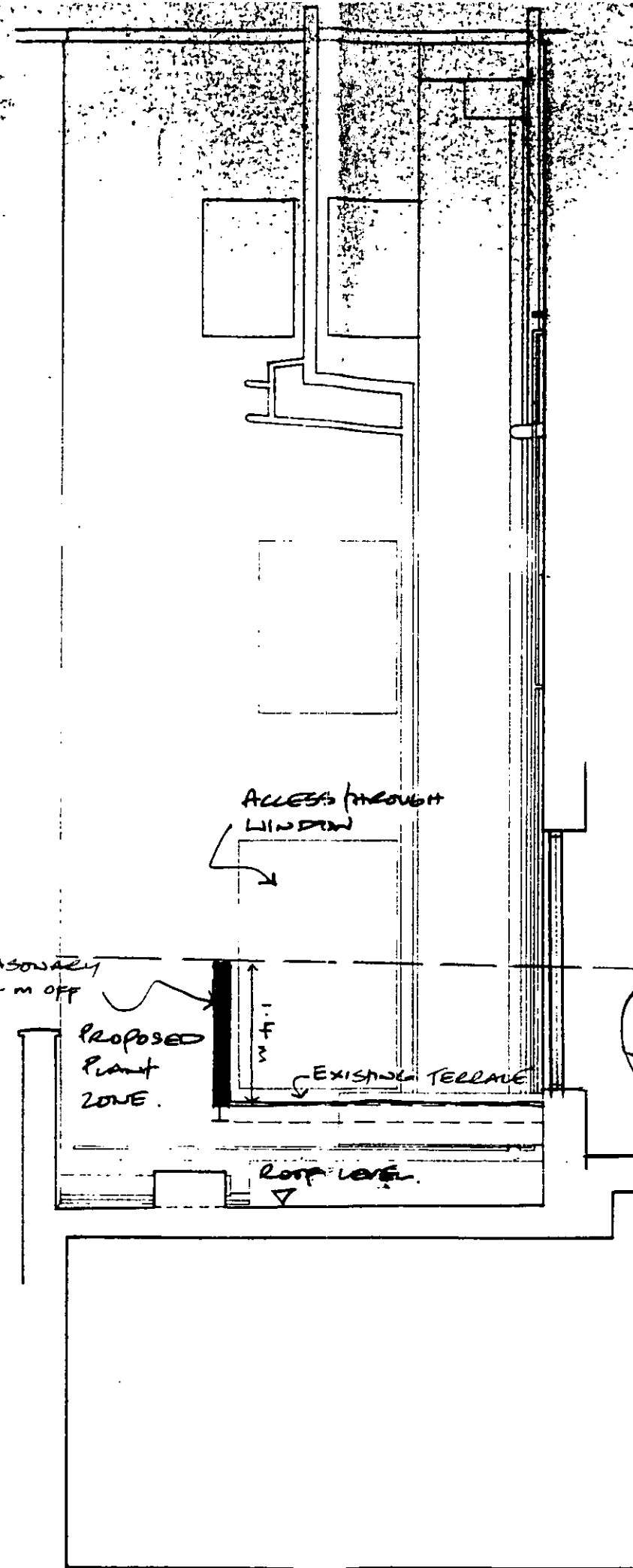
Note: Full height of walls and position and dimensions of windows above first floor have not been surveyed.

DC	DC	DC	E	AS
N	C	S		CK
17 OCT 1996				
Exec Dir		Recd	1/2	0/1
Appeals	10	Fees		10/3

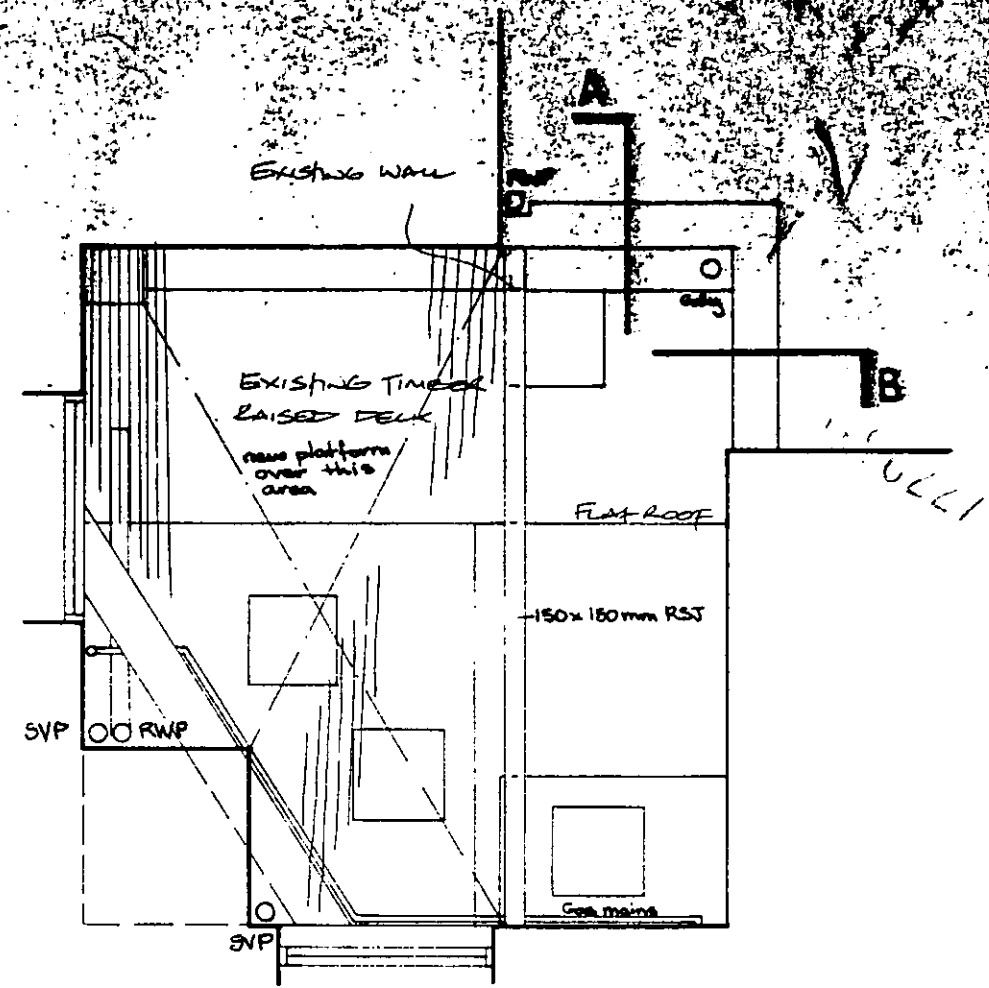
Job Name: KASSOUK, 127 LEDBURY ROAD, WIL.	Drawing No: 203 / 20 rev
Drawing Title: PROPOSED PLANT ENCLOSURE & EXTRACT DUCTS.	Scale: 1:50
STAFFORD BELL Tackyard Cottage, Fyfield, Nr. Marlborough, Wiltshire SN8 1PP Tel/Fax: 01672 861159	Date: OCT 1996



Section A-A



Section B-B



Plan at first floor

EXISTING MASONRY WALL 1.4 m OFF TERRACE

PROPOSED Plant ZONE

EXISTING TERRACE

ROOF LEVEL

INTERNAL F.F.L.

Note: Full height of walls and position and dimensions of windows above first floor have not been surveyed.

RECEIVED BY PLANNING SERVICE  
 DC N DC C DC S  
 17 OCT 1993

Job Name: KARROOND, 127	Exec Dir Assoc Office	Project #	East Will Coast	Drawing No: 203/21
Drawing Title: EXISTING FLAT ROOF / Plant Area	SEAPROB Ryland College, Ryland, 100 5th Flr Tel: 0832 62122			Scale: 1:50



**Charterhouse Regeneration Ltd**

39-49 Parkgate Road  
London SW11 4NP  
0171-978-5999  
Fax 0171-978-7879

**FAX COVER SHEET**

**From:** Stephen Purvis  
**Date:** 7th March 1997  
**To:** Mr A Patterson  
**Name:** Planning -RBKC  
**Fax No:** 361-3463  
**No of Pages:** 4  
inc cover sheet  
**Message:** Re - 127 Ledbury Road.

FAX SERVICES	
NO	ACK
7 MAR 1997	
ARB	Con Dns
Forward Plan	Send DD

Dear Mr Patterson,

Further to our conversation yesterday please find enclosed the following.

- a. Fax to Mr Klein dated 6th March.
- b. Dwg sk/23.
- c. Fax to Mr McHaffey dated 7th March.

You will see from the fax to Mr McHaffey that our client believes his best course of action is to get the works completed immediately. His legal advice confirms that Mr Klein has no right to stop the work, and, his opinion is that Mr Klein will continue to obstruct and frustrate whatever the circumstances. There appears to be little choice.

My client would like to remind all parties that Mr Klein does not have planning permission for the use of the flat roof as a terrace and therefore would caution against premature enforcement action due to non-completion of the attenuation measures.

If you need to discuss any matter with me then please call me, if I am not at the office then my mobile number is 0973-834-061

Yours sincerely,

Stephen Purvis.



cc.  
P Adams

# FAX

CharterhouseRegeneration Ltd  
39-49 Parkgate Road  
London SW11 4NP  
0171-978-5999

TO George Klein  
YOUR FAX NO : 0171-229-0039  
PAGES (incl. this page) 2  
From Stephen Purvis Date 6 Mar 97  
If you do not receive all pages of this fax, please do not hesitate to call us on 0171 978 5999 or fax on 0171 978 7879

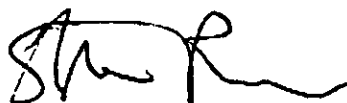
Dear Mr Klein  
Re: 127 Ledbury Road

Further to receipt of your fax dated today I write to confirm the following:

- a. The builder will not 'tear your wall down'. You have always accepted that he has shown you every courtesy and consideration. In any event it is not entirely your wall. The level of the new slab will finish at the same height as the existing.
- b. We were informed that you wished to see an option which illustrated trellis work obscuring the chamber. This was sent to you in good faith. If you do not want the trellis then that is your decision.
- c. The unit is not at a slant. There is a drip edge formed to the slab. This is a traditional detail and was indicated on the planning drawing.
- d. Drainage will not hang over your deck area. the roof is drained as indicated on the attached drawing sk/23. Asphalt is applied to the top of the slab to waterproof it. A pre-formed asphalt kerb is bonded to the edge of the asphalt. This prevents water draining off the edge. The water is collected in a roof gulley which sits in the slab and discharges onto the old asphalt roof enclosed in the chamber. The asphalt will be painted with white solar reflective paint.
- e. A coloured sketch is in the post.

I would advise you again that my client has planning permission to erect the plant enclosure and has the right under the lease to build it, and, access it through the common parts. You prevented the contractor from completing the enclosure this morning. My client will exercise that right.

Yours sincerely,



Stephen Purvis

**Charterhouse Regeneration Ltd**  
39-49 Parkgate Road  
London SW11 4NP  
0171-978-5999  
Fax 0171-978-7879

## **FAX COVER SHEET**

**From:** Stephen Purvis  
**Date:** 7th March 1997  
**To:** Mr McHaffey  
**Name:** Env Control -RBKC  
**Fax No:** 341-5645  
**No of Pages:** 3  
inc cover sheet  
**Message:** Re - 127 Ledbury Road.

Dear Mr McHaffey,

Further to my fax to you yesterday please find enclosed a copy of fax dated 6th March sent to Mr Klein.

My client, having taken advice from his solicitor, has instructed the contractor to undertake the works to complete the attenuation to the rear flat roof despite persistent obstruction from Mr Klein. This work will commence today and weather permitting will be completed by next Wednesday.

My client has been frustrated in his attempts to complete the work by being denied access which he has a legal right to. Despite the best endeavours of my client, yourself and the planning officer to achieve an amicable reconciliation with the various interested parties, Mr Klein remains resolute in his determination to frustrate completion. We are aware that this leaves a condition of our planning permission unfulfilled and therefore have no alternative but to undertake the work despite protestations from Mr Klein.

If you need to discuss any matter with me then please call me, if I am not at the office then my mobile number is 0973-834-061

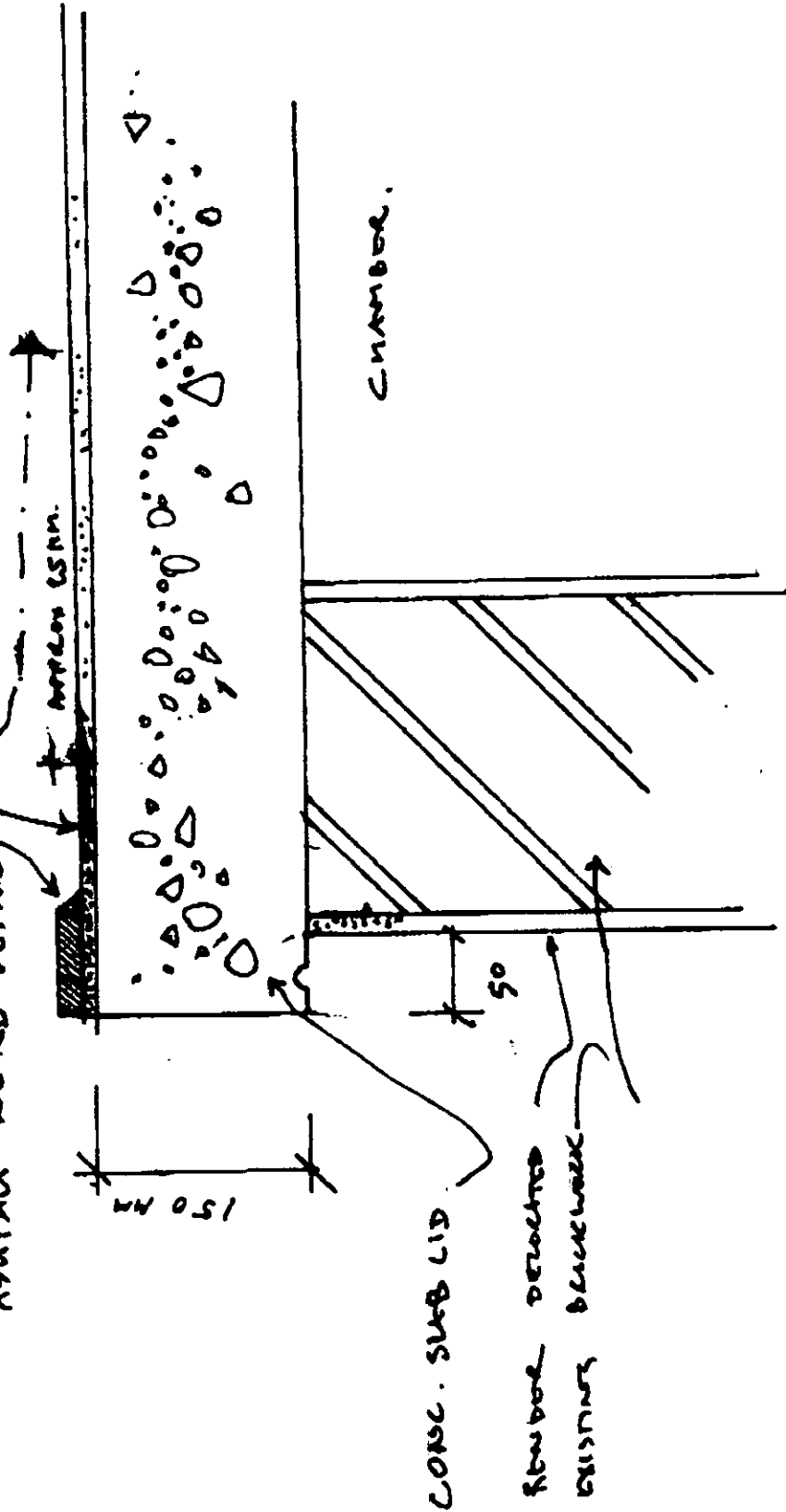
Yours sincerely,

Stephen Purvis.

cc. A Patterson RBKC  
P Adams

RAINWATER DETAINS ACROSS  
SLAB TO GUNNY AND INTO EXISTING  
ROOF DECK INSIDE CHAMBER.

ASUPACT WATERPROOFING  
ASUPACT KERB DETAIL



127 LEDBURY ROAD WIL.  
SK/123 1:50 MAR 97  
DETAIL OF TYPICAL SECTIONS OF WALL TO ROOF OF TUNNE CHAMBER.

- 5 MAR 1997

**FAX**

**TO:** Mr. A. Patterson Planning & Conservation Department  
Fax n° 0171 361 3463

**FROM:** Aude Grasset Sigismund Tel/Fax (0171) 221 5414  
Work: 0171 284 3878

**DATE:** 4 March 1997

**CC:** Mr. J French, Mrs. P. Abdelrahman (please copy locally)

**N° of PAGES:** 3 (total)

---

Re : Kamoulet restaurant  
127 Ledbury Road

- unacceptable noise levels
- other issues re. operating conditions

127 Ledbury Road - flat 2  
London W11 2AQ  
Tel/Fax (0171) 221 5414

4 March 1997  
(11.21pm)

Mr. A. Patterson  
Planning & Conservation Department  
The Town Hall  
Hornton Street  
London W8 7NX

Re: Unlawful noise level generated by Kassoulet

Dear Mr. Patterson,

It is now Tuesday March the 4th, and Kassoulet's ventilation system, which is as you know placed right underneath my bedroom window, is still making noise and loud hisses at 10.40pm. When we talked at the beginning of last week, I got your reassurance that the soundproofing would be finished by last Friday, 28 February at the very latest. No work has been performed, and no effort has been done to minimise the noise.

Instead of actual soundproofing, Mr. George Klein of flat 1 has been promised a set of "drawings" for which he is still waiting. I have personally heard nothing from Kassoulet, who seem quite comfortable with ignoring the situation and their responsibilities vis-à-vis the neighbourhood's residents.

I would appreciate it if you could help me get answers to the following questions:

1 - I cannot accept the equipment switching-off times of 10pm for the air-conditioning, and 11pm for the extractor fans, as temporarily set by Environmental Health, any longer. This set of instructions does not make any difference whatsoever to the overall sound level. The noise only stops when the whole system is shut down.

I am entitled to enjoying my own flat and bedroom at any time of the day or night without enduring any disturbance from Kassoulet's ventilation system, as per Conditions 4 & 5 and Informative 7 of the Planning & Conservation Department. Does your Department have the authority to instruct the restaurant to shut down their equipment completely and immediately until it is soundproofed, even if it means the whole restaurant has to close temporarily?

2 - How come Kassoulet are ordering drawings for the soundproofing now, while this soundproofing should have been completed before the restaurant opened?

3 - Why are there instances during which Kassoulet have turned on their equipment in the morning between 8.00-8.30am, such as last week-end, while they are not supposed to do so before 11am in any case?

4 - Have Kassoulet informed you on how they plan to soundproof and stop the vibrations coming from the front ventilation system (on Talbot road) and when? No other restaurant has such a noisy device straight above a public way.

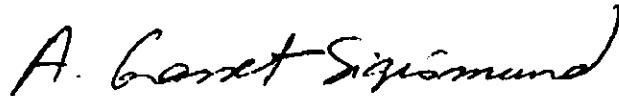
5 - Condition 3 says that "before operation commences, the ducting shall be painted to match the colour of the masonry rendered finish of the rear elevation". The duct has been painted white, but the walls are cream. Can this be changed?

6 - Condition 8 says: "before operation commences, a coated material shall be attached to the ducting upon the roof to deaden the noise of rain". Can we get any proof that this has been done?

7 - Should Kassoulet be served a "Breach of Condition Notice", as indicated in Informative 2?

I look forward to discussing the above with you tomorrow.

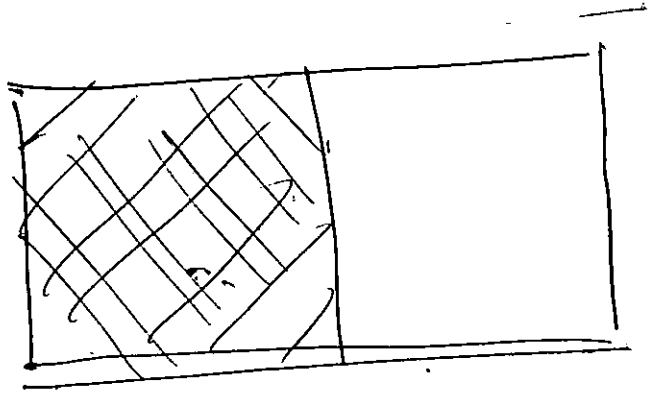
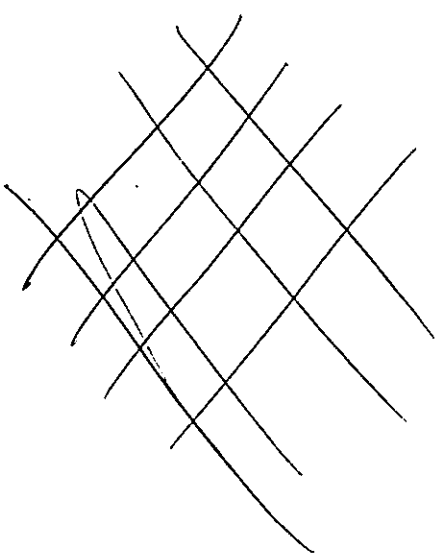
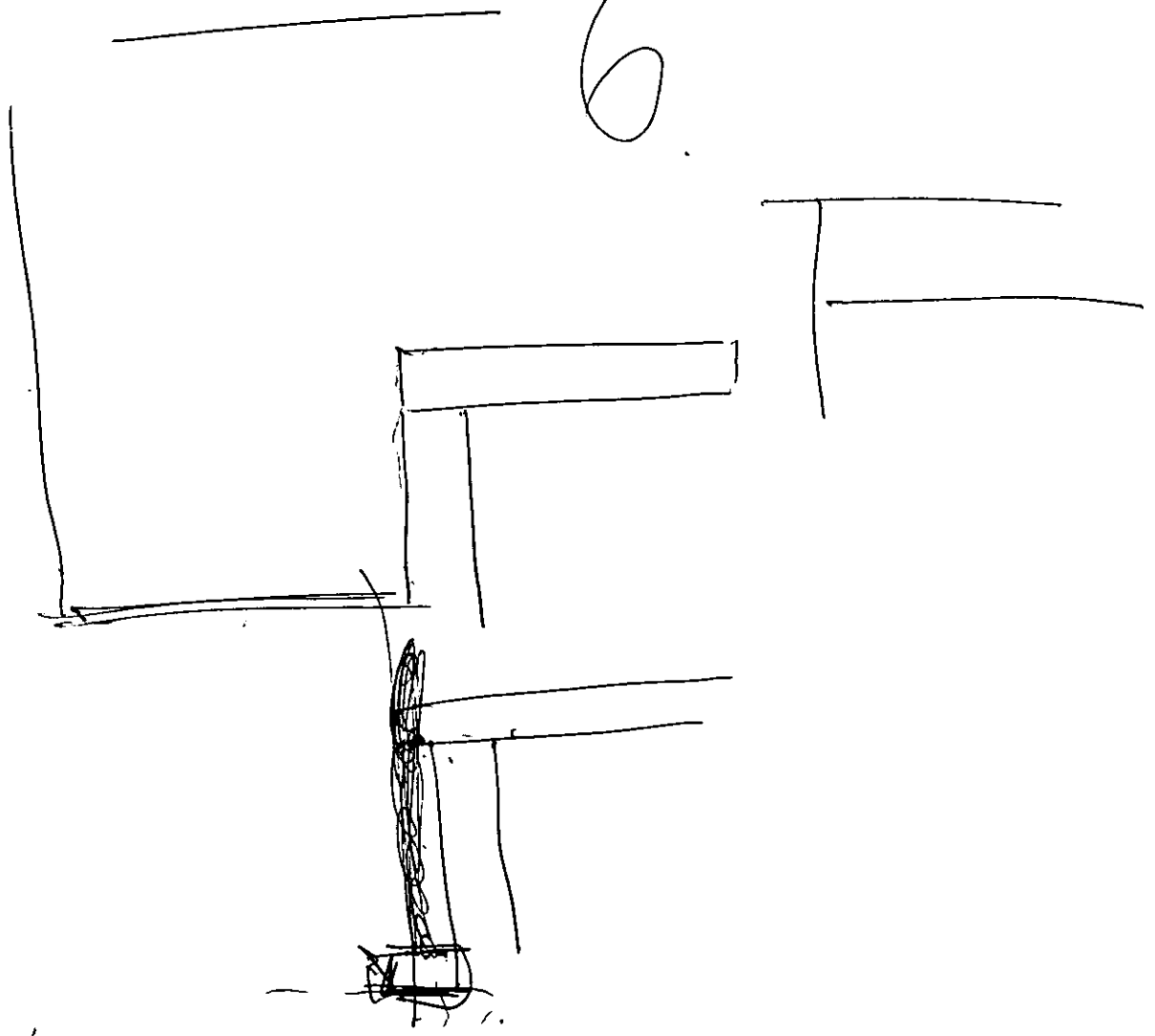
Yours sincerely,



**Aude Grasset Sigismund**

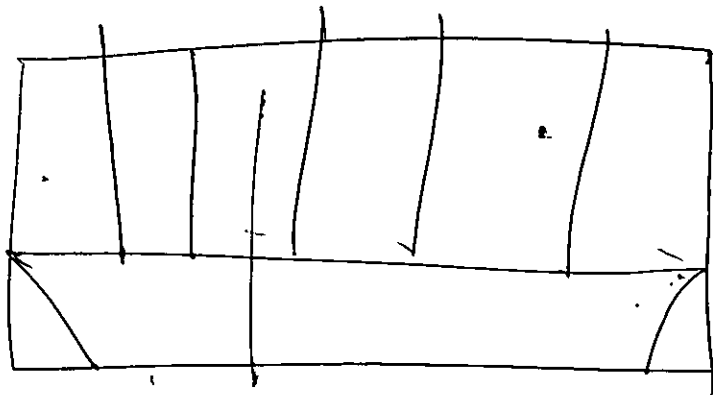
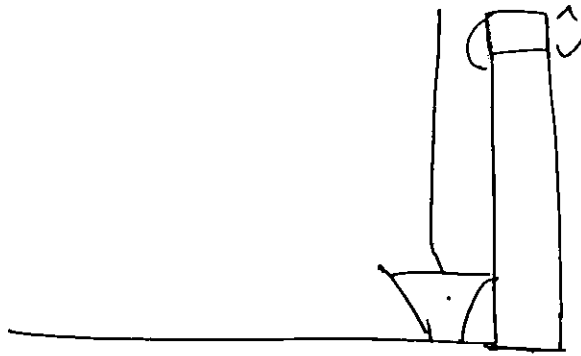
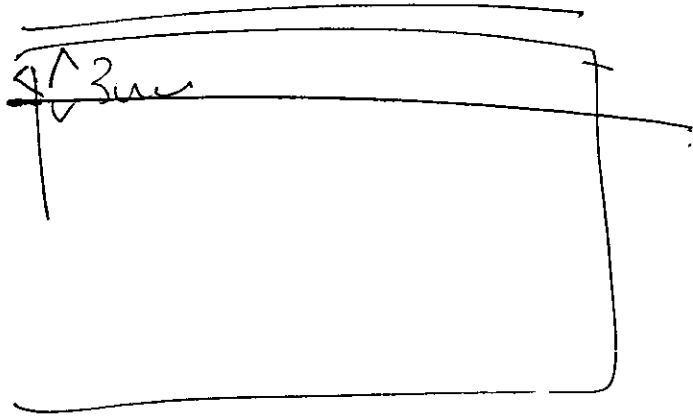
cc: Mr. Keith Mehaffy - Environmental Health Department  
Ms. Sharon Dyball - Environmental Services  
Mr. George Klein (flat 1) - Mr. Ed Shearmur (flat 3) - 127 Ledbury Road

6

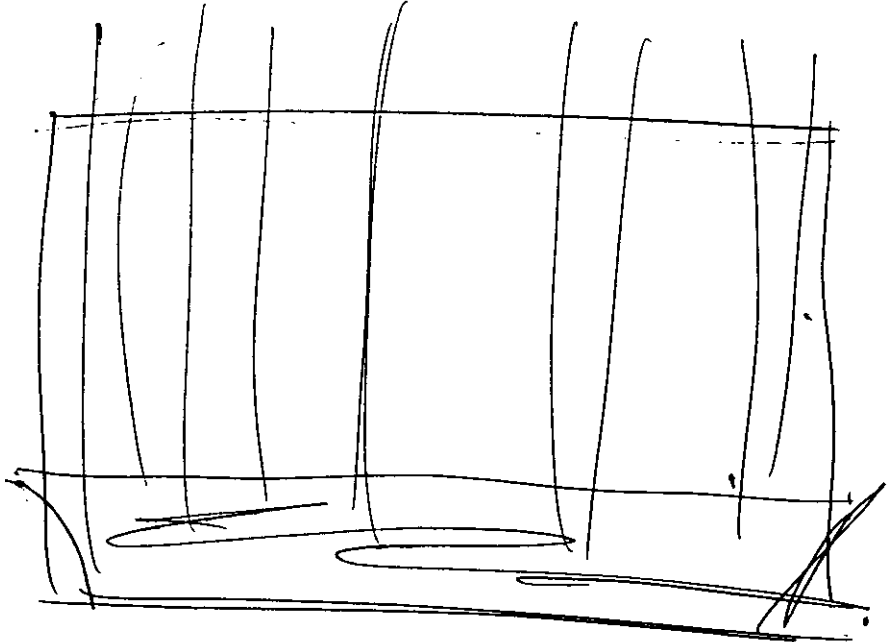
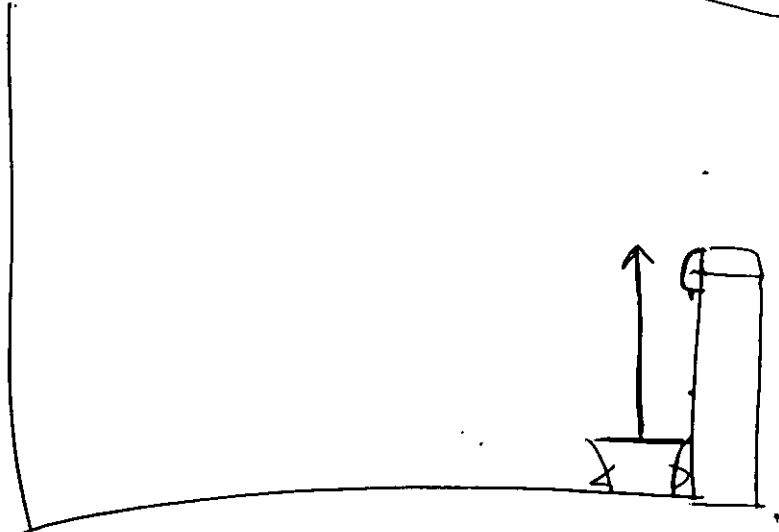
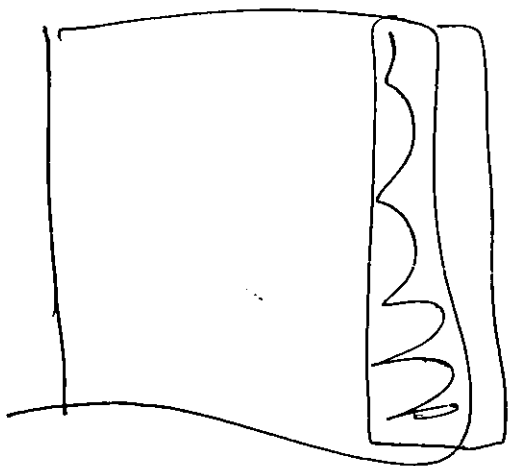
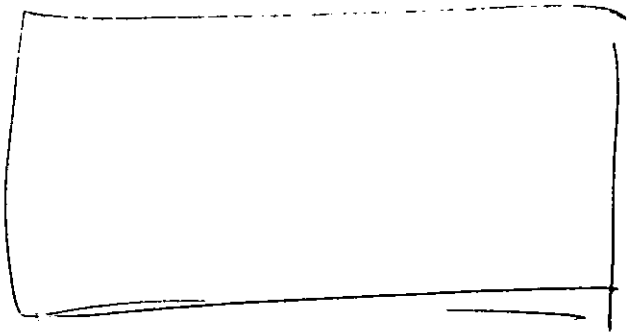




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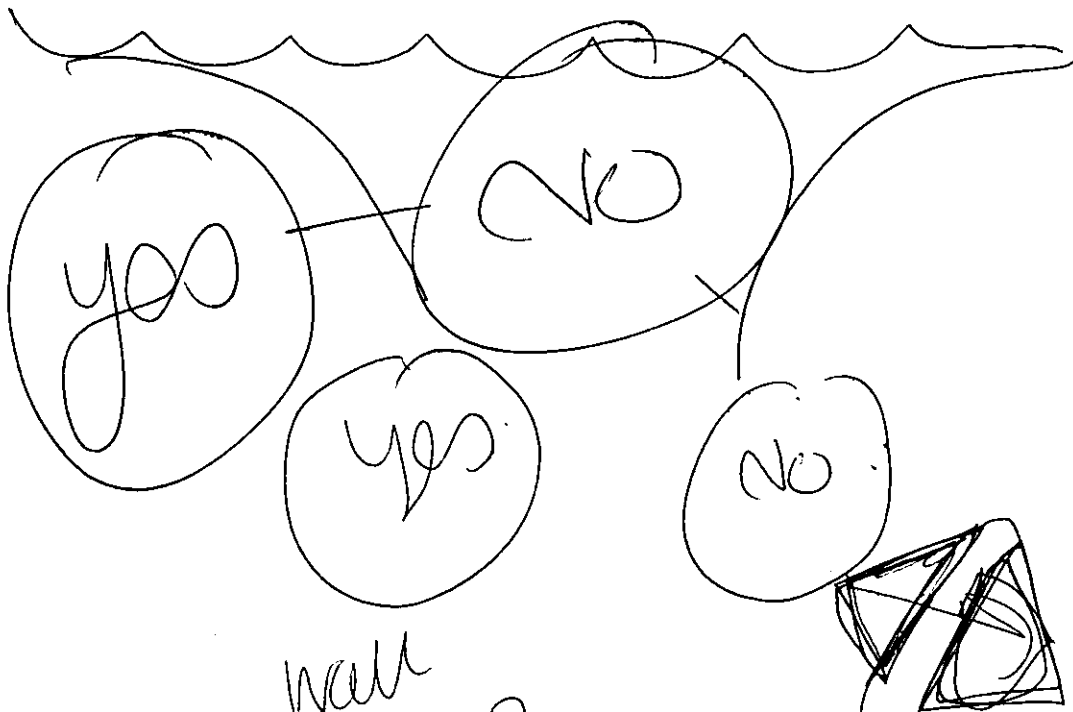
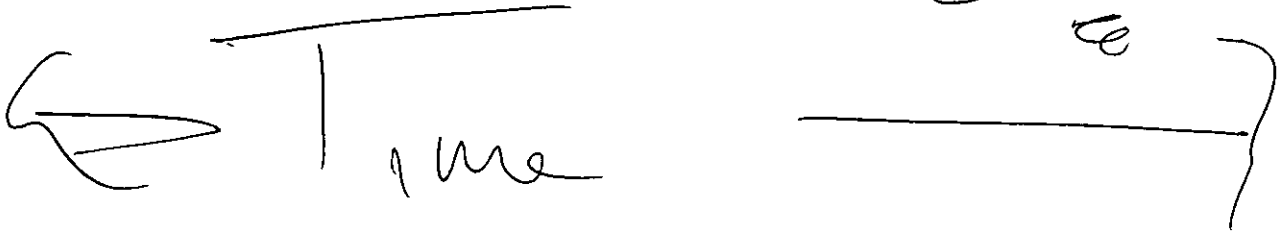


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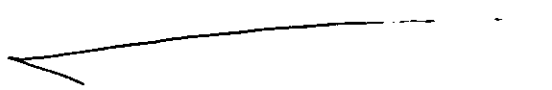


T

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Flow

0181-5634976

# MESSAGE FORM

To ..... AP.

## WHILE YOU WERE OUT

M ..... George Klein

of .....

Tel. No ..... 229 0039

CALLLED TO SEE YOU	<input checked="" type="checkbox"/>	PLEASE RING	<input checked="" type="checkbox"/>
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE VISIT	<input checked="" type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	WILL RING YOU	<input type="checkbox"/>
URGENT	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>

re ..... 127 Led. Kol.

Message

..... 229-0039 7

Signed .....

Date ..... 4/3 Time .....

*George Klein*

127 Ledbury Rd.  
London W11 2AQ

VIA FAX 341 5645

March 2, 1997

Sharon Dyball  
Environmental Services  
Council Offices  
Pembroke Road  
London W8 6PW

Re: **Kassoulet - 127 Ledbury Rd. W11 2AQ**

Dear Miss. Dyball,

It is 12:30am on Sunday 2 March and I am listening to a group of over ten people who are laughing and screaming congregated outside of the Kassoulet Bar and Restaurant. I have gone downstairs to see for myself why the restaurant isn't closed and I see over 15 people inside drinking beers and other drinks. After months of legal disputes with the bar and restaurant, the Council and the Magistrates both concluded that the Kassoulet was not to operate late into the night due to the nature of the neighbourhood. Contrary to that decision, I have heard from other neighbours that Kassoulet intends to apply for an extended licence. We the neighbours actually have no idea what their intentions are since they have neglected to display any notice to the community.

Please speak with Mr. Patterson (Planning Dept) and Mr. Mehaffy (Environmental Health) and you will discover that they are currently operating in complete violation of their Planning and Environmental Health restrictions and as for this evening, unless they are licensed to serve alcohol at 12:30 this morning, they are also in violation of their alcohol licence. This business has been open less than 2 weeks and has yet to adhere to the laws that they agreed to abide by.

I have just referred to my file where I see over 60 letters and 57 signed petitions of strong objection to Kassoulet's obtaining a music and dance licence which in every letter, the neighbours are worried about the noise and destruction of the neighbourhood. This is already occurring thus I wish to strongly object to Kassoulet obtaining an extended licence to serve alcohol. In addition, I think that the people who objected several months ago should be made aware of Kassoulet's intentions.

Sincerely,



George Klein

- 3 MAR 1997

cc: Mrs. Joan Hanham  
Mr. A Patterson ✓  
Mr. K Mehaffy  
Ms. N. Powell

4 March 1997  
(11.21pm)

Mr. A. Patterson  
Planning & Conservation Department  
The Town Hall  
Hornton Street  
London W8 7NX

1 wk  
(H)  
6/3/97

127 Ledbury Road - flat 2  
London-W11 2AQ  
Tel/Fax-(0171) 221 5414

Exec Dir	Records	ARB	Con n-
Appeals Officer	IO	Forward Plan	Hr

- 6 MAR 1997 (72)

Re: Unlawful noise level generated by Kassoulet

Dear Mr. Patterson,

It is now Tuesday March the 4th, and Kassoulet's ventilation system, which is as you know placed right underneath my bedroom window, is still making noise and loud hisses at 10.40pm. When we talked at the beginning of last week, I got your reassurance that the soundproofing would be finished by last Friday, 28 February at the very latest. No work has been performed, and no effort has been done to minimise the noise.

Instead of actual soundproofing, Mr. George Klein of flat 1 has been promised a set of "drawings" for which he is still waiting. I have personally heard nothing from Kassoulet, who seem quite comfortable with ignoring the situation and their responsibilities vis-à-vis the neighbourhood's residents.

I would appreciate it if you could help me get answers to the following questions:

1 - I cannot accept the equipment switching-off times of 10pm for the air-conditioning, and 11pm for the extractor fans, as temporarily set by Environmental Health, any longer. This set of instructions does not make any difference whatsoever to the overall sound level. The noise only stops when the whole system is shut down.

I am entitled to enjoying my own flat and bedroom at any time of the day or night without enduring any disturbance from Kassoulet's ventilation system, as per Conditions 4 & 5 and Informative 7 of the Planning & Conservation Department. Does your Department have the authority to instruct the restaurant to shut down their equipment completely and immediately until it is soundproofed, even if it means the whole restaurant has to close temporarily?

2 - How come Kassoulet are ordering drawings for the soundproofing now, while this soundproofing should have been completed before the restaurant opened?

3 - Why are there instances during which Kassoulet have turned on their equipment in the morning between 8.00-8.30am, such as last week-end, while they are not supposed to do so before 11am in any case?

4 - Have Kassoulet informed you on how they plan to soundproof and stop the vibrations coming from the front ventilation system (on Talbot road) and when? No other restaurant has such a noisy device straight above a public way.

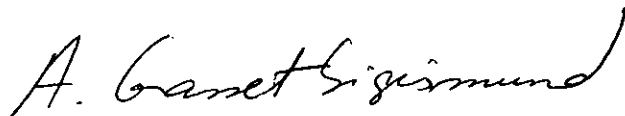
5 - Condition 3 says that "before operation commences, the ducting shall be painted to match the colour of the masonry rendered finish of the rear elevation". The duct has been painted white, but the walls are cream. Can this be changed?

6 - Condition 8 says: "before operation commences, a coated material shall be attached to the ducting upon the roof to deaden the noise of rain". Can we get any proof that this has been done?

7 - Should Kassoulet be served a "Breach of Condition Notice", as indicated in Informative 2?

I look forward to discussing the above with you tomorrow.

Yours sincerely,

A handwritten signature in cursive script that reads "A. Grasset Sigismund".

Aude Grasset Sigismund

cc: Mr. Keith Mehaffy - Environmental Health Department  
Ms. Sharon Dyball - Environmental Services  
Mr. George Klein (flat 1) - Mr. Ed Shearmur (flat 3) - 127 Ledbury Road

# FAX

- 6 MAR 1997

Charterhouse Regeneration Ltd  
39-49 Parkgate Road  
London SW11 4NP  
0171-978-5999

**TO George Klein**

**YOUR FAX NO : 0171-229-0039**

**PAGES (incl. this page) 3**

**From Stephen Purvis Date 6mar97**

**If you do not receive all pages of this fax, please do not hesitate to call us on 0171 978 5999 or fax on 0171 978 7879**

Dear Mr Klein  
Re: 127 Ledbury Road

Further to the meeting last Thursday evening between yourself, Piers Adam and other please find attached 2 drawings which indicate our proposal for the works to the rear roof.

As agreed the drawings are elevations indicating the view from your premises. Dwg sk/21 shows the proposed work to the wall without any screening. Dwg no sk/22 shows the work with planting trellis's attached. You may wish to ammend the design of the trellis in some way and I would therefore be pleased to meet you to discuss this at your convenience.

Piers Adam has already given you an undertaking that his contractor would construct the trellis arrangement if you so wish.

If you have any queries please contact me. If not in the office you can reach me on 0973-834-061

Yours sincerely,

Stephen Purvis



cc P Adam

✓ A Patterson RBKC

Mr MaHaffey RBKC



# FAX

CharterhouseRegeneration Ltd  
39-49 Parkgate Road  
London SW11 4NP  
0171-978-5999

**TO George Klein**

**YOUR FAX NO : 0171-229-0039**

**PAGES (incl. this page) 3**

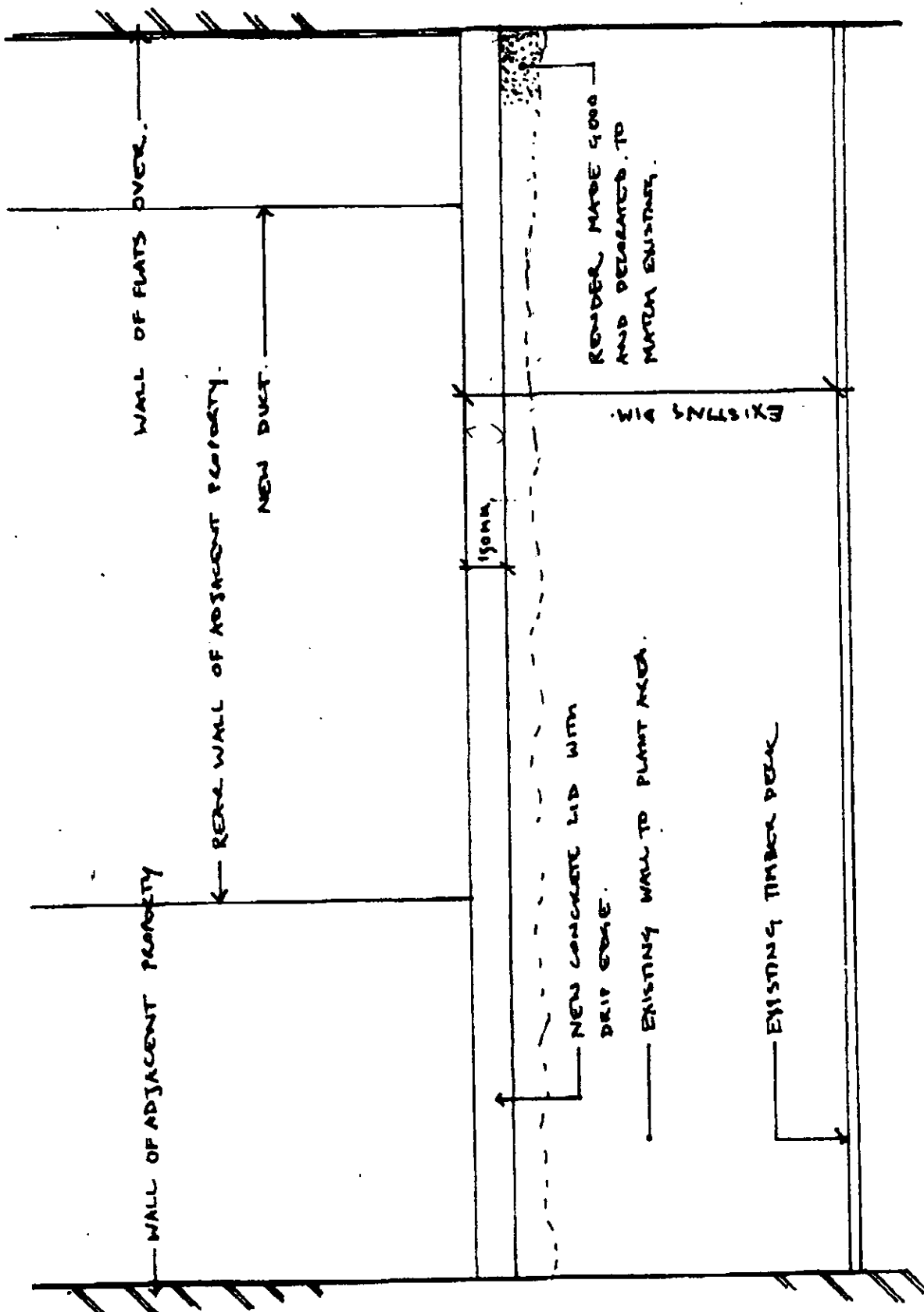
**From Stephen Purvis Date 6mar97**

**If you do not receive all pages of this fax, please do not hesitate to call us on 0171 978 5999 or fax on 0171 978 7879**

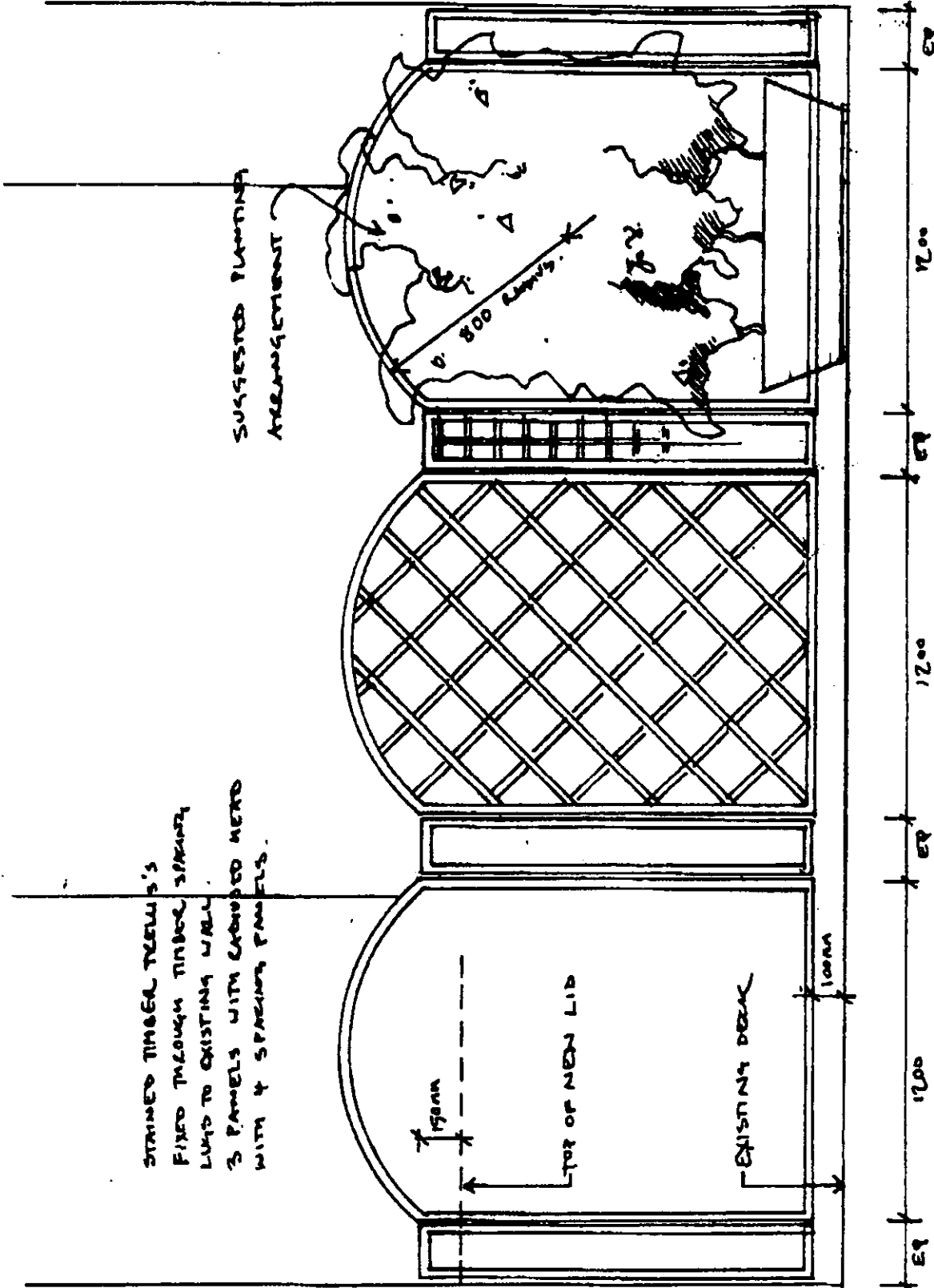
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As agreed the drawings are elevations indicating the view from your premises. Dwg sk/21 shows the proposed work to the wall without any screening. Dwg no sk/22 shows the work with planting trellis's attached. You may wish to ammend the design of the trellis in some way and I



KASSOULET: 127 LEBBULEY ROAD W11  
 DIAG NO SK/21 MAR 97. 1:20  
 REAR FLAT ROOF AREA: VIEW FROM FLAT OF M.G. KLEIN, WITHOUT SKREENS.



STRIPED TIMBER TRUSS'S  
 FIXED THROUGH TIMBER SPACING  
 LIDS TO EXISTING WALL.  
 3 PANELS WITH CARVED MERO  
 WITH 4 SPACING PANELS.

SUGGESTED PLANTING  
 ARRANGEMENT

KASSOULET: 127 LEBBOUY ROAD W.11.  
 DWG# 5K/22 MAR 97. 1:20  
 REAR FLAT ROOF AREA: VIEW FROM FLAT OF M.L.G. KLEIN WITH SCREENS.

# FAX

CharterhouseRegeneration Ltd  
39-49 Parkgate Road  
London SW11 4NP  
0171-978-5999

**TO Mr McHaffy RBKC Environmental Health**

**YOUR FAX NO : 0171-341-5645**

**PAGES (incl. this page) 2**

**From Stephen Purvis Date 6 mar 97**

**If you do not receive all pages of this fax, please do not hesitate to call us on 0171 978 5999 or fax on 0171 978 7879**

Dear Mr McHaffy  
Re: 127 Ledbury Road

Mr Patterson of the planning department called me yesterday to advise me that due to ongoing complaints about the plant operating outside permitted hours you were intending to take action.

I have checked with the management and they are adamant that plant has not been left on and further more have ensured that it has been switched off an hour early every night. The manager has also drawn our attention to the fact that tenants of the flats above have been demanding that the plant is switched off as early as 8.00pm. My client is confident that if you chose to make an inspection after permitted hours you will see compliance.

With respect to completion of the attenuation measures, the contractor has been totally frustrated because, despite assurances that access would not be obstructed, it has taken a solicitors letter (see attached ) to get keys. These were recieved on site only last night.

You will appreciate that we are trying to do the best under difficult circumstances.

If you have any queries please contact me. If not in the office you can reach me on 0973-834-061

Yours sincerely,



Stephen Purvis

cc P Adam  
A Patterson RBKC  
Mr MaHaffey RBKC

# FAX

CharterhouseRegeneration Ltd  
39-49 Parkgate Road  
London SW11 4NP  
0171-978-5999

**TO Mr Patterson RBKC Planning**

**YOUR FAX NO : 0171-361-3463**

**PAGES (incl. this page) 5**

**From Stephen Purvis Date 6 mar 97**

**If you do not receive all pages of this fax, please do not hesitate to call us on 0171 978 5999 or fax on 0171 978 7879**

Dear Mr Patterson  
Re: 127 Ledbury Road

Further to our conversation yesterday please find attached the following.

- a. Fax to Mr Klein dated 6/3/97
- b Fax to Mr McHaffy dated 6/3/97
- c Dwgs nos sk/21 & 22

You will appreciate that we are trying to do the best under difficult circumstances.

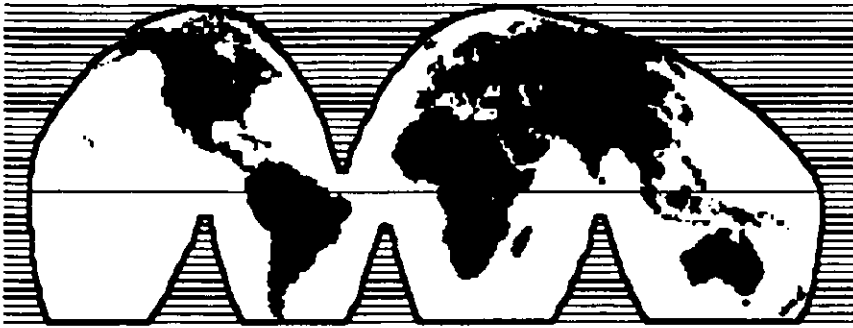
If you have any queries please contact me. If not in the office you can reach me on 0973-834-061

Yours sincerely,

Stephen Purvis



cc P Adam



# FAX IN BRIEF

TO: MR. A PATTERSON

FAX: 0171 361 3463

FROM: SERIOUS PICTURES

PAGES (INCLUDING COVER): 2

Thursday, March 6, 1997

- 6 MAR 1997

George Klein

127 Ledbury Rd.  
London W11 2AQ  
P/Fax: 0171 229 0039

VIA FAX

March 6, 1997

Mr Stephen Purvis  
39 - 49 Parkgate Rd.  
London SW11

Re: Kassoulet

Dear Mr Purvis

Thank you for your sketches that I received this afternoon. Last week, I asked for drawing to be made of exactly what I would see when I look out onto my roof terrace. I can not read technical drawings and I will not approve of this sound proofing unit until I can visualise it, which I have asked you to please help me do.

I have been told that the builders intend to tear down my wall and build it back up. I have heard 3, 6 and 8 inches. I have been told that this until will sit at a slant, is this so? I have been told that this unit will over hang onto my property, is this so? I have been told that some type of drainage will run along the bottom, is this so?

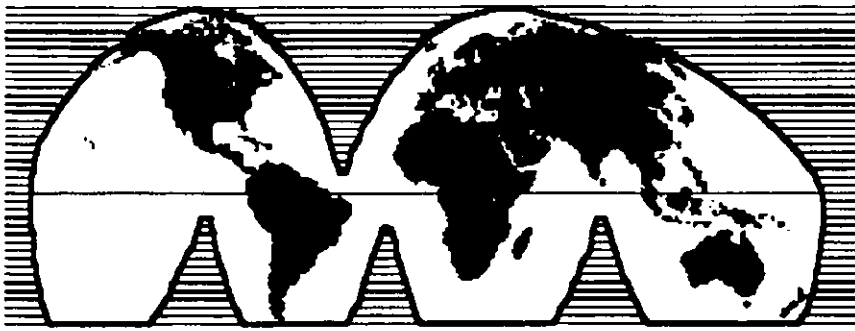
Again, as I had asked over a week ago, please draw, in colour, a picture of exactly what this unit will look like. I can not allow my wall to be destroyed, and my property to be defaced and will not do so. The least that you can do is show me exactly what you propose and no disrespect but these sketches which have taken over a week to do, show me extremely little.

Sincerely,

George Klein

cc:

Mr. P Adam  
Mr. A Patterson  
Mr. K Mehaffy  
Ms. H Marshall



# FAX IN BRIEF

TO: MR. A PATTERSON

FAX: 0171 361 3463

FROM: SERIOUS PICTURES

PAGES (INCLUDING COVER): 3

Thursday, March 6, 1997

- 6 MAR 1997



**George Klein**

127 Ledbury Rd.  
London W11 2AQ  
P/Fax: 0171 229 0039

VIA FAX

March 6, 1997

Piers Adam  
Edith House  
1 Edith Grove  
London SW10

Re: **Kassoulet**

Dear Mr Adam

Thank you for your letter yesterday. I appreciate your acknowledging that I only want to live without nuisance from downstairs and as I am sure that you wish only to operate your business without nuisance from the community and I believe that this can be easily done. With regard to your letter, I would like to set the record straight as I think there are some things that have been lost in the communication.

First, from the day your builders asked me for access to my roof terrace, I gave them, at my own expense, a copy of our front door key and a key to the window lock. I have allowed them access in every way that I could. I allowed your entire scaffolding unit on my roof terrace so your ventilation system could be erected and I allowed your workers on my terrace to put in the air conditioning and ventilation units. I allowed your workers to tear up my deck to get underneath to do some work, though I am not sure of exactly what they did. Additionally, my roof terrace was used to store much of your materials to do the above jobs. It has looked terrible for months and I have said or done nothing.

It was only when I was informed that you proposed to put a 6 - 8 inch concrete lid on top of this sound proofed structure that was additionally to hang over and drip onto my roof terrace that I simply said before I will allow this to continue, I must see exactly what it is that you are intending to do. From the beginning of this issue, I had said that architects drawing of this soundproofing unit would mean nothing to me because I could not read the plans; however, I said that if I could not see the unit or hear it, I had no problem with it. Since I know that I will see it and it will hang over onto my property and my wall will be increased by some 6 inches, I do not approve of this structure being built on my wall or anyone using my property to do so.

I also am not the reason that the work has not been completed. You opened your restaurant over 2 weeks ago while your builders still had my keys. The noise kept the neighbours up and it was only when we were forced to complain, write letters, and force a meeting that you acknowledged something should be done.

In a meeting held last Thursday, you agreed to supply me with an artists colour drawing of exactly what I would be looking at as a result of this structure which you intend to build into my wall. If it was acceptable to me, you would build a lattice to cover the wall and pay for the landscaping (expense to be approved by you first). An entire week has gone by and I received a fax sketch from your architect this afternoon, which shows me nothing! Meanwhile, your builder has just arrived and informed me that he is going to have to break through the lock and enter my roof terrace and begin work. To say that I have stopped the work and am the reason for your delays is a far far cry from the truth. Why did it take you seven days to fax this sketch?

The neighbours continually complain about the front extraction system which I can hear right now. Should I have to listen to this every single day? When will this be sound proofed, I have nothing to do with this as you can access this directly from the street. Why can't this be taken care of as well as the slamming front door that I hear over 50 times a night. Why is your front sign still encroaching on my property? Why should I have to see the back of the letters to your sign ever day I enter my living room?

Piers, I assure you that I am not attempting to be difficult, on the contrary, I would like to get on with my life. I have a film I am attempting to finish, and one that I would like to begin this month but am finding it difficult to get on while having to constantly fight for our peace here and not get a good night sleep since you opened.

- Please, have your architect draw a colour picture of exactly what is going to be done to my wall, exactly what it will look like when finished (Not latticed).
- Please remove or reduce the size your sign so I can't see it, as I asked over a month ago.
- Please soundproof the intake system which is below my bedroom window.
- Please do something about the doors which slam when shut.

I would like to work this out with you; however, your workers are now forcing themselves onto my property which for obviously reasons I can not allow. Please put a stop to this or I will be forced to turn this over to my Solicitors which I do not want to do.

Sincerely,

George Klein

cc: Mr. A Patterson  
Mr. K Mehaffy  
Ms. H Marshall  
Ms. N. Powell  
Mr. W. & Ms. A Sigismund  
Mr. E Shearmur

Press Adam,  
-349-9167.

127 Led ~~Press~~ Road.  
W11.

Paul Kelsey  
Area Planning Officer  
for Executive Director, Planning and Conservation

# FAX FROM

NAME: Andrew Petersen

THE DIRECTORATE OF PLANNING SERVICES

DATE: \_\_\_\_\_

MAIN TELEPHONE NUMBER: 0171 937 5464

DIRECT LINE: 0171 361 2096

FAX NUMBER (if different from below) : \_\_\_\_\_

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

## TO

NAME: Geuzelien

OF: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

POSTAL CODE \_\_\_\_\_

FAX NUMBER: 229 - 0039

NUMBER OF PAGES TO FOLLOW: \_\_\_\_\_

COMMENTS AND/OR INSTRUCTIONS (if any)

George  
Give me a call.  
361-2096  
*[Signature]*

OUR FAX NUMBER IS: 071 361 3463

# FAX FROM

NAME: ANDREW PATERSON

THE DIRECTORATE OF PLANNING SERVICES

DATE: \_\_\_\_\_

MAIN TELEPHONE NUMBER: 0171 937 5464

DIRECT LINE: 0171 361 2096

FAX NUMBER (if different from below): \_\_\_\_\_

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

## TO

NAME: MR. PIERS FICCOM

OF: EDITH HOUSE

ADDRESS: \_\_\_\_\_

POSTAL CODE \_\_\_\_\_

FAX NUMBER: 0171 - ~~349~~ 349 9169

NUMBER OF PAGES TO FOLLOW: \_\_\_\_\_

COMMENTS AND/OR INSTRUCTIONS (if any)

FOR THE URGENT ATTENTION OF MR. P. ADAMS.

OUR FAX NUMBER IS: 071 361 3463

MODE = TRANSMISSION

START=07-MAR 12:35

END=07-MAR 12:37

NO.	COM	ABBR/NTWK	STATION NAME/ TELEPHONE NO.	PAGES	PRG.NO.	PROGRAM NAME
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-RBKC PLANNING DEPT -

\*\*\*\*\* -

- \*\*\*\*\* - 0171 361 3463- \*\*\*\*\*

# ISSUES

- ①. - plant enclosures with doors  
put w/ - Oh - Sun
- ② - Timber house for windows, Power etc.
- ③. - Structure → Preservation

↑ → Extract duct at rear ↓

beds  
mahogany  
5702

are 990  
rook



# MESSAGE FORM

To .....

## WHILE YOU WERE OUT

M .....

of .....

Tel. No .....

CALLED TO SEE YOU		PLEASE RING	
TELEPHONED		PLEASE VISIT	
WANTS TO SEE YOU		WILL RING YOU	
URGENT		WILL CALL AGAIN	

re .....

Message

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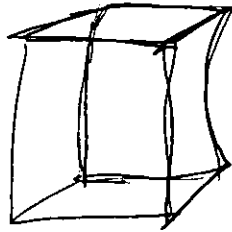
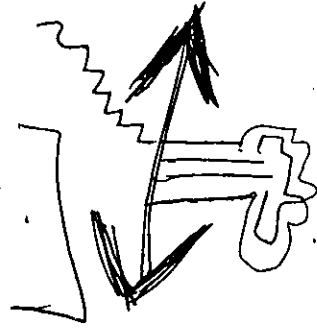
Signed .....

Date ..... Time .....



Steve - Paris - 7

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Steve Purvis

CHUCKA. L110

Notice

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Steve Purvis → /  
978.

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA  
MEMORANDUM – SECTION 101 – LOCAL GOVERNMENT ACT, 1972**

To: Chief Administrative Officer (Planning)  
From: THE DIRECTOR OF PLANNING SERVICES  
Our Ref:

Date:

Delegated Case No:  
T.P.

Applicant: [Faint handwritten text]

Applicant Dated: [Faint handwritten text]

This is/is not  
A Listed Building

Address: [Faint handwritten text]

588  
180

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

- |                                                                                                                       |                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Class (i) – 8th Schedule development                                                                                  | Class (vi) – listed building consent for above Classes.                                                                                               |
| Class (ii) – shop fronts                                                                                              | Class (vii) – approval of facing materials.                                                                                                           |
| Class (iii) – conversion from nons/c dwellings etc.                                                                   | Class (viii) – grant of planning permission for a change from one kind of non-residential use except where this would involve the loss of a shop use. |
| Class (iv) – amendments as required by T.P. Committee                                                                 |                                                                                                                                                       |
| Class (v) – above classes after D.P. Committee agree                                                                  | Class (ix) – grant permission licence or no objection under Sections 73, 74, 138, 143, 152, 153, 177 & 180 of the Highways Act 1980                   |
| Consent under T&C.P. Control of Advertisement Regulations 1984-90; incl. refusal of consent for Reg. 15 applications. | Class (x) – Crossover under S. 108 of the Highways Act 1980                                                                                           |

Description of proposed development/Brief comment

[Faint handwritten description of proposed development]

Recommended Decision:

Submitted drawing(s) No.

[Empty box for submitted drawing number]

Applicant's drawing(s) No.

[Empty box for applicant's drawing number]

Conditions

Reasons

Informatives

I hereby determine and grant/refuse this application (subject to HBMC direction/Historic Building authorisation) under the powers delegated to me by the Council, subject to the condition(s) indicated above imposed for the reason(s) appearing thereunder, or for the reasons stated.

Director of Planning and Conservation

Area Planning Officer

Director of Planning Services