

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

David Taylor,
Balans Ltd.,
60 Old Compton Street,
London W1V 5PA

Switchboard: 0171-937 5464
Direct Line: 0171-361 2702
Facsimile: 0171-361 3463

12 FEB 1999

My reference:

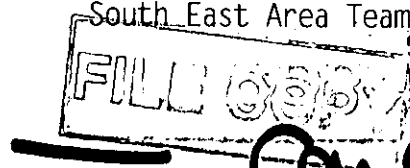
Your reference:

Please ask for:

DPS/PA/TP/98/1890/0/42/4005

South East Area Team

Impulse del



On 5.

Dear Sir/Madam,

... 23.30 hours + 08.00 hours

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

Variation of condition No. 2 of Planning Permission; Ref. TP/97/1787 dated 16/10/97 to allow restaurant to be open until 23.30 hours, at 239 BROMPTON ROAD, KENSINGTON, S.W.3, in accordance with your application dated 02/10/98, completed 06/10/98.

/ CONDITIONS ...

CONDITIONS

1. The restaurant shall not be occupied by more than 80 customers at any one time.
2. The basement of the property shall not be used for seating or as a bar area at any time.
3. The use hereby permitted shall not be carried out other than between the hours of 08.00 hours and 23.30 hours on any day. (C.45)
4. 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)
5. No customers shall be on the premises from 08.00 hours and 23.30 hours the following day. (C.46)

REASONS FOR THE IMPOSITION OF CONDITIONS

1. To safeguard the amenities of neighbouring properties. (R.48)
2. To safeguard the amenities of neighbouring properties. (R.48)
3. To safeguard the amenities of neighbouring properties. (R.42)
4. To safeguard the amenities of neighbouring properties. (R.54)
5. To safeguard the amenities of neighbouring properties. (R.42)

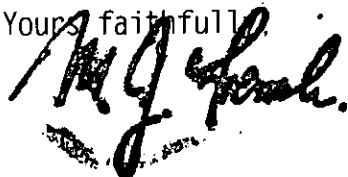
INFORMATIVES

1. 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)
2. 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, Town Hall, Hornton Street, London W8 7NX, should be consulted before works commence. (I.21)

/ 3. You are advised...

3. You are advised to consult the Director of Waste Management and Leisure, Council Offices, 102-108 Warwick Road, W14 8PT on the provision of facilities for the storage and disposal of refuse. There is a code of practice available and advice can also be given on certain aspects of industrial and commercial waste as well as household waste. The Council operates a trade refuse service on a rechargeable basis. It is expected that the vaults will be used to store refuse, in order to preserve the amenities of adjoining residents. (I.29)

Yours faithfully,

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

Executive Director, Planning & Conservation

File
WJ

4P | 98 | 1890.

*passed to Lanes
28.1.99.*

K I TRIAN

63 EGERTON GARDENS LONDON SW3 2DA
TEL/FAX: 0171-584 2162 MOBILE: 0468 08 08 02

*Noted decision
made a
Committee in Jan
Mr Trian attended*

21 January 1999

Mr. F.J. French,
Executive Director
Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

Dear Mr. French,

239 BROMPTON ROAD SW3
YOUR REF: EDPC/MJF/TP

Thank you for your letter of 20th January and 18th January, both received today.

I am disappointed that the views of the residents have not been taken into account in determining the application whether to recommend approval or rejection.

I am particularly surprised in that Mr. Fowler, his conduct having been called into question, is still to remain on the case. The House of Lords in the Pinochet case had decided that justice must be done and be seen to be done. You, obviously think otherwise.

Once again I am asking you to remove Mr. Fowler from the case and appoint someone else to reconsider the application. I will object to the committee hearing on the 26th of October on this and other grounds.

I had been advised to put in writing the content of my conversation with Mr. Fowler last Monday. (See separate letter). I am saddened to see that the reference on the letter signed by yourself at which you reject my request for the removal of Mr. Fowler still bears the same reference of MJF as before.

In one of my earlier letters I had asked you to advise me what to do with the letters of support I have from the residents of the area. I have dozens of letters which I will bring with me and distribute to the members of the committee on 26th January-if it goes ahead. I had also asked you to advise what redress I had against the Council in view of last year's unjust decision. This one is also pending, and will be part of our case in trying to reverse last year's decision. My local councillors say that there is an obdusman?

I would therefore put it to you again. Is there any point in going ahead with the present application whilst we are still taking Counsel's opinion about our court application to have last year's decision reversed?

I am also asking you to put back the hearing as we have insufficient time to present our case to the Councillors and our Member of Parliament. I am going away on holiday on 6th February for 2 weeks and would ask of you to put it back at least until the beginning of March to organise our case.

Having regard to your letter of 18th of January in response to mine of 20th of December and 7th of January you fail to reply to the following:

There was no notice whatsoever posted anywhere as no one of the residents even remotely saw it. But over and above that I cannot understand why Mr. Fowler says he sent them to us-only for us never to receive them. You also make no mention as to what steps were taken in the application in 97 to ensure that if as you say the applicant to notify any person who holds a lease in the application property he does indeed notify anyone. Did Mr. Fowler ask that question and what evidence does he have to satisfy himself that Sections 65 and 66 of the Town and Country Planning Act 1987 had been complied with? Do you not agree that no applicant would notify anyone if it will be to his detriment to do so? Do you not agree that Mr. Fowler in recommending the change of use he should have satisfied himself that Sections 65 and 66 had been complied with? So you not agree that in not notifying anyone the approval was illegal and Mr. Fowler and the Council were guilty of such act and neglect from which we have suffered and are still suffering. What evidence do you have to support your assertion that a notice was erected on site if no resident has seen one. Please be more specific and reply to my questions as to who, for how long, and where it was posted and who took it down.

As for your replies on my specific points for the removal of Mr. Fowler from the case I maintain what I said before and have misunderstood nothing. If you peruse my earlier letters you will see the veracity of my statements.

You make no mention as to why from my very first letter Mr. Fowler without even waiting to see the response of the residents had recommended approval of the application. WHY? To see the truthfulness of my statement just peruse the file and see if the recommendation of Mr. Fowler had been referred back for further clarification. If this is the truth, and I have no way of knowing this, then everything else I have said must be true.

As for your last point about my concern for my letters and others knowing the content of my letters it is based not just on the case I mentioned.

I also note that the I am still awaiting your categoric assurances that the permission granted in October 97 was granted in the clearest circumstances without any underhand tactics having taken place. See my letter of 14 October third paragraph from the end which itself is underlined.

As regards Mr. Fowler's report to the Committee which I am very interested to note is dated 12th of January, it is nothing but a travesty of the truth as far as the area is concerned. But I will take issue with every point at my deposition to the Committee on 26th January 1999.

Incidentally Professor LS Xanthis of 73 Egerton Gardens wants to address the Committee as well and please take the necessary steps to accommodate him as well.

I look forward to hearing from you.

Yours sincerely,



K-I Trian

K I TRIAN

63 EGERTON GARDENS LONDON SW3 2DA
TEL/FAX: 0171-584 2162 MOBILE: 0468 08 08 02

11 January 1999

Mr. F.J. French,
Executive Director
Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

Dear Mr. French,

239 BROMPTON ROAD SW3

For the record I would like to put on paper a conversation I had with your Mr. Fowler on Monday 11th January 1999 at about 11.30 am.

I called to speak to MJ French and someone answered the phone who asked me what it was in respect of.

When I replied it was in connection with 239 Brompton Road and that I had 2 letters that had not been replied to, the voice said – “is it Mr. Trian”. I said yes.

The person identified himself as Mr. Fowler and said he was responding to my letters himself. I said – But my letters are addressed to Mr. French and I would expect him to reply.

He said “I am the case officer and would respond myself”.

But, I said, I am asking Mr. French certain questions about you and he should reply.

-“I told you, I am replying to your letters”

-“But I am asking Mr. French to have you removed from this case?”

-“I am replying to you with the assistance of Mr. Coey”.

-“I would like to speak to Mr. French”.

-“Why do you want to speak to Mr. French. I told you whatever it is he will refer it to me”.

I proceeded to say that even that cannot be right and only Mr. French should reply about such a matter.

Mr. Fowler repeated he would respond himself with the assistance of Mr. Coey.

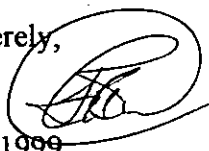
I asked him 2 more times for Mr. French’s telephone number and he repeated the same story.

When I asked whether I could not have Mr. French’s telephone number he grudgingly gave it to me at the 4th attempt.

Yours sincerely,

K I Trian

11 January 1999



referred to PSC 26/1

FILE
98/1890

98/1890/RF

DR. L S XANTHIS
73 EGERTON GARDENS LONDON SW3 2BY
TEL 0171 584 6257

20 January 1999

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

BB
22/1

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	ACK
26		22 JAN 1999					
		IO	REC	ARB	FWD PLN	CON DES	FEEs

Dear Sir,

239 BROMPTON ROAD LONDON SW3 AND EGERTON GARDENS

This letter is to register my absolute opposition and rejection of the loose and one-sided reasons concocted in the letter of Mr. David Taylor of Balans Limited, dated 2 October 1998, in his effort to further dehumanise the quality of life in the above neighbourhood by turning this traditionally residential area, as he wilfully aspires, to a commercial area.

I am resident in this area for almost 20 years and I am a prime witness of the drastically deteriorating conditions as far as parking, noise, refuse exposure on our door steps etc. not withstanding drunkenness and crimes associated with the sale of alcohol as a result of applications such as the one by Mr. Taylor being unscrupulously granted.

The parking experience in Sloane Avenue mentioned in the letter of Mr. Taylor bears no relevance with the reality of this neighbourhood. It is arguments such as these that reveal the ignorance of the true situation prevailing at the specific address. I would not elaborate at this stage countering the loose arguments put forward by Mr. Taylor, who, ab initio falsely assumes that this area as "predominantly commercial" - he assumes a wrong point and is happy to prove a wrong point!

The many adversely affected residents of the effected neighbourhood are determined to prove Mr. Taylor wrong, i.e. to defend and retain the traditional status of this neighbourhood as predominantly residential.

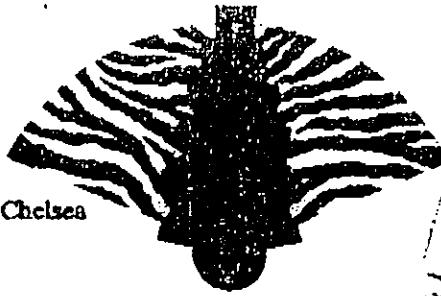
Yours faithfully,

Leonidas Xanthis

LS Xanthis

cc. Transportation Officer

The Planning Officer
Royal Borough of Kensington and Chelsea
Planning and Conservation
The Town Hall
Horton Street
London W8 7NX



BALANS

TP981890

SEARCHED	INDEXED	SERIALIZED	FILED	PLANNING SERVICES			
EX	HOC	N	C	SW	SE	ENF	AO
IB							ACK
- 5 OCT 1998							
APPEALS	IO	REC	ARB	FWD	CON	DES	FEEES
				PLN			
2 October 1998							

Dear Madam/Sir,

Re: 239 Brompton Road

I am submitting a planning application, seeking to vary condition 2 of the planning permission (TP/97/1787.) granted on 16/10/97, in respect of the ground floor and basement of this property.

I would like permission to be granted to allow the restaurant to be open until 12 o'clock midnight each day. I believe that the existing condition was put in because of the Transportation Officers comments as stated in paragraph 4.6 of the report by The Executive Director. This paragraph states "The area is predominantly commercial and it is considered unlikely that the proposal would result in a significant reduction in the area's residential character and amenity. The Transportation Officer considers that the change of use is unlikely to have a significant impact upon parking pressure, although with high rates of parking occupancy in the area, a condition is recommended limiting the hours of operation in order to prevent any increase in parking pressure in the evening being of detriment to local residents."

I have been informed by Mr Gabrielle the current owner, that when the transportation Officer visited him during his original application, the Transportation Officer raised the possibility of increased parking pressure in the evening. Mr Gabrielle who intended to run a day time only patisserie style operation, volunteered this condition as he was planning to, and still does, shut at 6pm. I therefore believe that the possibility of parking pressure in the evenings was not fully explored.

Mr Gabrielle is now selling the restaurant to ourselves. We would like to trade until 12 o'clock midnight and do not see that this would increase parking pressure in the evening for two reasons:

1. As a local resident (living off Sloane Avenue) I have a good knowledge of local parking conditions. From my observations of the area directly around the site, whilst checking whether we should buy it, I have found the area one of the easiest to park in during the evenings- in resident bays as well as metered space and single yellow lines.

I believe that this is because the area is "predominantly commercial" and also large areas are occupied by hotels, museums and two large churches, none of which create evening parking pressure. I also believe that many of the residential homes are unoccupied most of the time as they are Pied a terres or second homes for their owners.

2. We operate as a value for money brasserie style restaurant in our existing restaurants and will continue this style on this site. We are not a smart "destination" restaurant and would not try and compete with the famous names already in the area. We rely on being a neighbourhood restaurant and our customers would already be there, either as late shoppers or workers eating before they go home, hotel guests from the many hotels, church goers from the evening services at Holy Trinity Brompton or Brompton Oratory or those local residents who are in residence.

Finally, having spoken to Tracy Rust in your office, I have been advised that I probably do not need to prepare extensive traffic surveys or instruct planning advisors on this application but should this application be deemed contentious, please let me know so that I can prove these points in more detail.

Yours Faithfully,

David Taylor
Balans Ltd.

Corner

ALL YOUR CORRESPONDENCE SHOULD BE SENT TO BALANS, OLD COMPTON STREET

60 Old Compton Street, Soho, London W1V 5PA • Telephone 0171 437 5312 • Fax 0171 734 2925
239 Old Brompton Road, London SW5 9HP • Telephone 0171 244 8838
1022 Lincoln Road, South Beach, Miami 33139, U.S.A. • Telephone 305 534 0191 • Fax 305 534 7441

FLAT B Mrs E Kopelovitz Flat E Mrs J O'Keefe
 FLAT D Mrs T Kingsbury Flat L Mrs E Kingsbury
 Flat W Jane Kingsbury Flat O John Shanks
 Flat F Mrs A Williams Flat Q Mrs Kopelovitz

TO: THE WELLCOME TRUST, CLUTTONS AND THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA.

RE: GROUND FLOOR AND BASEMENT 239 BROMPTON ROAD
Variation of Condition 2 of Planning Permission dated 16/10/97 to allow
The Restaurant to be open until 12 midnight.
PLANNING REF: DPS/DCSE/RF/TP/98/1890

Noted -
 file 98/1890
 (This objection reported to PSC 24/1/99)

I/we residents of 36 EGERTON GARDENS
LONDON SW3 2BB

on the grounds of security, noise, smell, pollution, rubbish and other hazards associated with the operation of a late night restaurant, and our invariable right to quiet and peaceful enjoyment of our neighbourhood strongly object to the proposed application to allow the premises at 239 Brompton Road to operate as a restaurant remaining open and serving alcohol until 12.00 midnight.

We also wish to object about the license granted last year to operate as a restaurant remaining open until 7.00pm on the grounds that we have never been informed or notified or consulted about it.

We wish such a decision to be reversed and the premises to revert back to its original retail use.

The opportunity is taken to also demand that steps be taken to improve the rubbish situation by forcing all business units and particularly the two restaurants already in operation to have their rubbish collected from the front of the restaurants on Brompton Road and not from Egerton Gardens the entrance to our residences. We are daily faced with unpleasant, smelly, disgusting and unhygienic rubbish bags - often broken and leaking -, and sometimes seem to be walking through rubbish yards.

PLUS the noise of the Bottle collection is
 Name(s) FOR and on Behalf of the Homeowners
ABOVE FLATS

Signature [Signature] Flat T

Date: 31 December 1998

BB
 5/11

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AD AC
34				21 JAN 1999			
				IO	REC	ARB	FWD PLN

K I TRIAN
63 EGERTON GARDENS LONDON SW3 2DA
TEL 0171 584 2162

reported
to SC 26/1
File 98/1890

20 January 1999

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

RECEIVED BY PLANNING SERVICES									
EX D/A	HDC	N	C	NSW	SE	ENF	AG AZK		
63		26 JAN 1999							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES			

Dear Sir,

239 BROMPTON ROAD LONDON SW3

I write further to the planning application by Balans to have the permission granted on 16 October 1997 extended so that they remain open until 12.00 midnight.

More particularly I write in response to their deposition submitted with their application.

Firstly I wish to complain that last year's permission was granted without the residents having been informed about the application and as a consequence have been unable to put their views forward.

As regards the present extension all I can say is that it appears talk is very cheap. In support of his application Mr. David Taylor would be expected to say anything and everything that would assist his case. But the opposite is the truth and I have to say that it is through this gradual process of granting more and more commercial applications that the area once so residential and full of character and one of the more sought after residential areas is slowly becoming a burden to live in.

As a resident of the area for the last 20 years the following is the truth in respect of parking in the area:

The number of residential cars in the area far outnumbers available parking spaces- resident permits and meters combined - a point emphasized by the Council itself in their literature given to new applicants.

This becomes particularly problematic in the evenings when cars from nearby customers of restaurants take up the few, if any, available spaces to the extent that residents and visitors to the residents homes go round and round all around the area to find a free parking space. In most instances they do not and have to leave their car on single or double yellow lines or meters and make a point to remember to try again and again late in the evening to find a space or early the following morning so that their car is not ticketed or removed.

Some residents, to the annoyance of others, resort to some very original ways to preserve parking spaces for themselves, such as buying bikes, paying a permit and leaving them in permits along the pavement long on, so that they will come back in the evening with their car, move the bike and park their car.

Others simply do not dare to move their car for fear of not finding a space on their return.

Others more drastically sell their cars or get rid of their large cars and buy smaller ones as it is almost impossible to find parking spaces- and all this to entertain applications such as Mr. Taylor's: move the residents to accommodate the late night restaurants!!

Others exchange keys with their friends and neighbours and park in such a way, particularly near the end of resident bays so that when they come back in the evenings they can move one car to fit two.

Over the years the writer has fought hard to increase the hours that residents permits are not used by commercial cars and was particularly pleased when restrictions were imposed to extend the hours to cover Saturdays as well.

On one occasion when I dared to move a bike to find a parking space, having gone round and round for ages trying to find a space, I found my car sprayed with acid the following morning. I wonder who the real culprit could be!

As for Mr. Taylor's laughable assertion that the area is predominantly commercial and that many of the residential homes are unoccupied most of the time as they are pied a terres or second homes for their owners all I can say is that like everything else Mr. Taylor turned it on its head. Two of the roads have been voted in the top 10 desirable areas to live in London and the cheapest flat costs in excess of half a million pounds. I guess in Mr. Taylor's mind people choose to live in cheaper homes in worst areas and have second homes in expensive good areas unoccupied. That's one way of looking at it and is the very reason why Mr. Taylor wants to pay good money to buy into this area to have his shop empty as he has presumably other restaurants in cheap awful areas.

I wish to repeat that this area is residential and all residents feel very proud and privileged to live in it. It would not be an exaggeration to say that the area is akin to a little village and if the residents take a dislike to a business they will not give him their custom and the business will folder and pack shop. Just like the seller of the premises who lasted less than 2 years.

But the residents will stay and it is their interests that should lie at the heart of every application! Not a here today gone tomorrow profiteering opportunist. I repeat think of the residents; and no resident wants this!

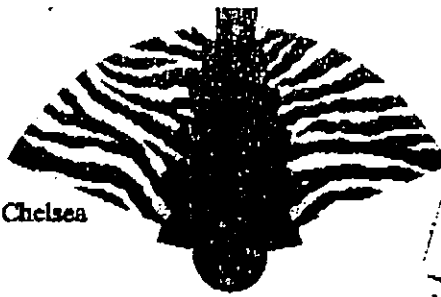
Yours faithfully,



K I Trian.

cc. The Transportation officer.

TP981890



The Planning Officer
Royal Borough of Kensington and Chelsea
Planning and Conservation
The Town Hall
Horton Street
London W8 7NX

PLANNING SERVICES									
EX	HDC	N	C	SW	SE	ENF	AO	ACK	
- 5 OCT 1998									
APPLS	IO	REC	ARB	FWD	CON	DES	FEES		
2 October 1998									

BALANS

Dear Madam/Sir,

Re: 239 Brompton Road

I am submitting a planning application, seeking to vary condition 2 of the planning permission (TP/97/1787.) granted on 16/10/97, in respect of the ground floor and basement of this property.

I would like permission to be granted to allow the restaurant to be open until 12 o'clock midnight each day. I believe that the existing condition was put in because of the Transportation Officers comments as stated in paragraph 4.6 of the report by The Executive Director. This paragraph states "The area is predominantly commercial and it is considered unlikely that the proposal would result in a significant reduction in the area's residential character and amenity. The Transportation Officer considers that the change of use is unlikely to have a significant impact upon parking pressure, although with high rates of parking occupancy in the area, a condition is recommended limiting the hours of operation in order to prevent any increase in parking pressure in the evening being of detriment to local residents."

I have been informed by Mr Gabrielle the current owner, that when the transportation Officer visited him during his original application, the Transportation Officer raised the possibility of increased parking pressure in the evening. Mr Gabrielle who intended to run a day time only patisserie style operation, volunteered this condition as he was planning to, and still does, shut at 6pm. I therefore believe that the possibility of parking pressure in the evenings was not fully explored.

Mr Gabrielle is now selling the restaurant to ourselves. We would like to trade until 12 o'clock midnight and do not see that this would increase parking pressure in the evening for two reasons:

1. As a local resident (living off Sloans Avenue) I have a good knowledge of local parking conditions. From my observations of the area directly around the site, whilst checking whether we should buy it, I have found the area one of the easiest to park in during the evenings- in resident bays as well as metered space and single yellow lines.

I believe that this is because the area is "predominantly commercial" and also large areas are occupied by hotels, museums and two large churches, none of which create evening parking pressure. I also believe that many of the residential homes are unoccupied most of the time as they are Pied a terres or second homes for their owners.

2. We operate as a value for money brasserie style restaurant in our existing restaurants and will continue this style on this site. We are not a smart "destination" restaurant and would not try and compete with the famous names already in the area. We rely on being a neighbourhood restaurant and our customers would already be there, either as late shoppers or workers eating before the go home, hotel guests from the many hotels, church goers from the evening services at Holy Trinity Brompton or Brompton Oratory or those local residents who are in residence.

Finally, having spoken to Tracy Rust in your office, I have been advised that I probably do not need to prepare extensive traffic surveys or instruct planning advisors on this application but should this application be deemed contentious, please let me know so that I can prove these points in more detail.

Yours Faithfully,


David Taylor
Balans Ltd.

Corner

ALL CORRESPONDENCE SHOULD BE SENT TO BALANS OF BROMPTON STREET

60 Old Compton Street, Soho, London W1V 5PA • Telephone 0171 437 5212 • Fax 0171 734 2005
239 Old Brompton Road, London SW5 9HP • Telephone 0171 244 5838
1022 Lincoln Road, South Beach, Miami 33139, U.S.A. • Telephone 305 534 9191 • Fax 305 534 7441

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

FILE COPY
R

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Barry Clark
Flat 2
63 Egerton Gardens
London SW3

Switchboard: 0171-937 5464
Extension: 2186
Direct Line: 0171-361 2186
Facsimile: 0171-361 3463
Email: PLNRF@RBKC.GOV.UK

19 October 1998

My reference: DPS/DCSE/RF/T Your reference:
P/98/1890

Please ask for: Richard Fowler

Dear Sir

Town & Country Planning Act 1990
239 Brompton Road, SW3

Thank you for your letter of 14th October 1998 regarding the planning application submitted in relation to the above named premises.

The proposal refers to the variation of a condition relating to the planning permission granted on 14th October 1997 by the Planning Services Committee (reference TP/97/1787) for the change of use of the premises from Class A1 (shop) to Class A3 (food & Drink). The application seeks to vary Condition 2 of this permission, which states:

“The use hereby permitted shall only be carried out between the hours of 6am and 7pm on any day.”

The Royal Borough is currently undertaking public consultation with regard to this planning application, though should you have any further enquiries please contact my assistant, Mr Fowler, on the above direct line.

Yours faithfully,

Bruce Coey,
Area Planning Officer,
For the Executive Director, Planning & Conservation

Barry Clark
Flat 2
63 Egerton Gardens
London SW3

MJ French
Executive Director
Planning and Conservation
The Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street
London W8 7NX

RECEIVED BY PLANNING SERVICES
EX DIR HDC N C S
16 00 1998
33
ACK

BB
1/10/98

14 October 1998

Dear MJ French,

Re: Your Ref DPS/DCSE/RF/TP/98/1890

Address of Application Property:

Ground Floor & Basement, 239 Brompton Road, London SW3

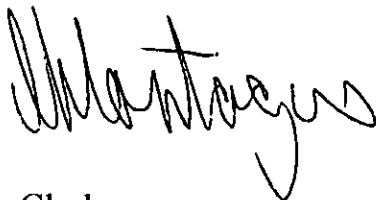
As a resident of the building, on the grounds of increased noise and smells I object to the proposed extension of the license for the restaurant at the above address. Additionally I would be grateful if you would advise when the 'change of use' planning application was granted enabling the unit to be converted from a retail outlet to a licensed restaurant and the date of the forthcoming licensing extension hearing.

amenity

I look forward to your earliest response.

Thank you.

Yours sincerely,



Barry Clark

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

THE OCCUPIER,
FLAT 2
63 EGERTON GARDENS,
CHELSEA, SW3

Switchboard: 0171-937-5464

Direct Line: 0171-361-

Extension: 2186

Facsimilie: 0171-361-3463

Date: 17/10/1998

My Reference: PP/98/01890/RF

Planning Information Office

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Proposed development at: Ground Floor and Basement, 239 Brompton Road, S.W.3

Thank you for your recent letter giving your comments on the application recently submitted to the Council relating to the above address. The Council's Planning Services Committee will consider your views very carefully when deciding this application.

You will appreciate that in some cases the Committee is not in a position to make an immediate decision. However, I shall notify you of that decision as soon as possible after it is reached.

If you would like any information about the progress of the application please do not hesitate to contact the Planning Information Office.

Yours faithfully,

M. J. French
Executive Director, Planning and Conservation

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

K I Trian
63 Egerton Gardens
London SW3 2DA

Switchboard: 0171-937 5464
Extension: 2080
Direct Line: 0171-361-2080
Facsimile: 0171-361 3463
Email: plntjr@rbkc.gov.uk

31 March 1999

My reference: DPS/TR/98/1890  Your reference:

Please ask for: Tracey Rust

Dear Mr Trian

Town and Country Planning Act, 1990
239 Brompton Road, SW3

I refer to your letter dated 20th March, 1999 and to the subsequent telephone conversation with my assistant Tracey Rust and now enclose a copy of the planning permission dated 12th February, 1999 for the variation of condition 2 of the planning permission dated 16/10/97 to allow the restaurant to be open until 23.30 hours.

As I have already explained in my previous letter to you dated 12th March, 1999, there is no provision under the above Act for the right to appeal by a third party, on a decision made by the Council's Planning Services Committee. However, I enclose for your information, this Council's leaflet on Making a Complaint and also the leaflet on How to Complain to the Local Government Ombudsman.

A copy of your letter has been forwarded to the Director of Transportation and Highways for a reply direct with regards to the number of residential permits in Egerton Gardens, Egerton Terrace and Egerton Crescent.

Yours sincerely

M. J. French
Executive Director of Planning and Conservation

R

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. For more in ment management www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. For more in ment management www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. For more in ment management www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. For more in ment management www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. For more in ment management www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

BC
Call your draft the letter
also - why can't he
cut the right design
was he?
[Signature]
25/3

K I TRIAN
63 EGERTON GARDENS LONDON SW3 2DA

M J F ?

(The writer insisted that you deal with this personally as I recall)

March 20, 1999

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

RECEIVED BY PLANNING SERVICES									
EX DIR	HDC	N	C	SW	ENF	AD	BACK		
37		20 MAR 1999							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEES			

Dear Sir,

YOUR REF: DPS/DCSE/RF/TP/98/1890
GROUND FLOOR AND BASEMENT, 239 BROMPTON ROAD

I write further to my note of 7th March and your reply of 12th March.

I note that the conditions sent to me were not in fact relating to this property but to some other one. I look forward to receiving the correct ones in due course.

I would also like to receive replies to my other points:

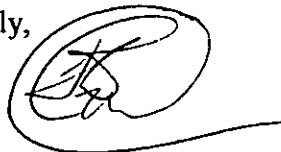
- My further rights to appeal and to take the issue further. I would like to have names and addresses and time limits, including your obdusman.
- Time limits for a judicial review.
- The number of residential permits granted in Egerton Gardens (preferably split between north and south) Egerton Terrace and Egerton Crescent and the number of resident bays available.

|| H&T

Please let me have this sooner rather than later as it is not the first time I have asked for this.

Yours faithfully,

K I TRIAN



MEMORANDUM

SOUTH-EAST

98/1890
4005

239 Brompton Road,
SW3

Amended Condition

3. delete "06.00" and substitute "08.00".

Additional Condition

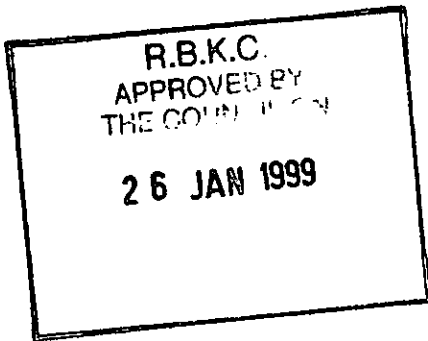
5. C.46 ... "08.00 hours and 23.30 hours ..."

Reason

5. R.42

Additional Informative

3. I.29. It is expected that the vaults will be used to store refuse, in order to preserve the amenities of adjoining residents.



98/1120
4008

5 Sloane Avenue,
SW3

Amended Conditions

Delete Condition 7, as detailed in Pre-Committee Addendum Report.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

ADDENDUM REPORT BY THE EXECUTIVE DIRECTOR,
PLANNING & CONSERVATION
PLANNING SERVICES
COMMITTEE 26TH JANUARY 1999

The Planning Services Committee is asked to note and agree the following amendments to the Committee reports for the SOUTH EAST area team.

ITEM 4005

239 BROMPTON ROAD, SW3

- a) Amend Condition 3 to read "The use hereby permitted shall not be carried out other than between the hours of 0600 and 2330 hours on any day".
- b) Two additional objections; one signed by five occupiers of flats in 36 Egerton Gardens objects on the grounds of security, noise, smell, pollution, rubbish and other hazards associated with the operation of a late night restaurant; and one from the occupier of 73 Egerton Gardens citing inaccuracies in the applicants covering letter submitted with the application.

ITEM 4006

41 CHESHAM STREET, SW1

One additional objection reiterating the objection set out in paragraph 5.2 of the report, to the revised drawings.

ITEM 4007

7-11 BASIL STREET, SW3

WITHDRAWN

ITEM 4008

5 SLOANE AVENUE, SW3

Add Condition 7 "The ground floor access to the surgery shall not be used except by patients unable to use the principal entrance to the surgery at basement level".

REASON - R.52

PAPER A2

2-5, 8 and 10 BEAUCHAMP PLACE, SW3

- a) Amend Condition 3 to read "The restaurant use hereby permitted shall not be carried out other than between the hours of 0800 and 2300 on any day".
- b) ADD to conditions 18, 21, 22 and 23 "and shall be so maintained.

PEOPLE SPEAKING

Mr. V. ...

6.30
1
7.20
4005 SE
239 Brompton Road,
S.W.3.
Mr. K. Trian,
63 Egerton Gardens, S.W.3.
Mr. D. Taylor,
Balans Ltd.
Objector
Agent

7.00
7.25
1.50
1.50
12 N
204 Latimer Road,
S.W.5.
Mr. A. Zangoura,
206 Latimer Road, S.W.5.
Mr. T. Appleton,
Stuart, Duffy Appleton.
Objector
Agent

7.00
7.30
2011 C
36 Argyll Road,
W.8.
Mr. G. Mortimer, Architect,
on behalf of Mr. F. Gugen of 38 Argyll Road.
Mr. N. Rawson,
Orefelt Associates.
Objector
Agent

R.E.K.C.
 APPROVED BY
 COUNCIL ON
 26 JAN 1999

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE 26/01/1999 APP NO. TP/98/01890
 AGENDA NO. 4005

ADDRESS/SUBJECT OF REPORT:

239 BROMPTON
 ROAD,
 KENSINGTON,
 S.W.3

APPLICATION DATED 02/10/1998

**RECOMMENDATION
 ADOPTED.**

APPLICATION REVISED N/A

APPLICATION COMPLETE 06/10/1998

APPLICANT/AGENT ADDRESS:

David Taylor,
 Balans Ltd.,
 60 Old Compton
 Street,
 London W1V 5PA

CONS. AREA Thurloe and
 Smith's
 Charity CAPS Yes

*Add Inf
 +
 Condition
 Re-word or
 use C.46*

ARTICLE '4' NO WARD Hans Town

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 92 OBJ. 4

SUPPORT PET.

RECOMMENDED PROPOSAL:

Variation under Section 73 of Condition No. 2 of permission TP/97/1787 dated 16/10/97 to allow restaurant to be open until 23.30 hours.

RBK & C DRAWING NO(S): N/A
 Applicant's drawing(s) No(s). N/A

RECOMMENDED DECISION: Grant planning permission

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

- The restaurant shall not be occupied by more than 80 customers at any one time.
Reason - To safeguard the amenities of neighbouring properties. (R.048)

2. **The basement of the property shall not be used for seating or as a bar area at any time.**

Reason - To safeguard the amenities of neighbouring properties. (R.048)

3. **C045 "The use hereby permitted shall only be carried out between the hours of 0600 hours and 2330 hours on any day. " 3. R.042**

4. C054 4. R.054

INFORMATIVES

1. I10

2. I21

1.0 SITE

- 1.1 The property consists of basement, ground, and four upper floors, and is situated on the South side of Brompton Road. The property lies within the Thurloe/Smith's Charity Conservation Area and within the non-core frontage of the Knightsbridge Principal Shopping Centre.
- 1.2 The application relates to the use of the ground floor of the property only.

2.0 PROPOSAL

- 2.1 The proposal seeks to vary Condition No. 2 of the planning permission dated 16/10/97 (ref: TP/97/1787) thereby extending the opening hours of the premises until midnight. However, in the light of the opening hours of neighbouring properties, 23.30 hours is recommended.

3.0 PLANNING HISTORY

- 3.1 The property was the subject of a planning application, submitted in August 1997, which sought permission to change the use of the premises from Class A1 (retail) to Class A3 (food and drink).
- 3.2 Planning permission was granted for this change of use on 16th October 1997, subject to certain conditions. Condition No. 2 stated:

"The use hereby permitted shall only be carried out between the hours of 6am and 7pm on any day."

3.3 This condition was imposed in order that the amenity of neighbouring properties be safeguarded.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main issues for consideration are the impact of the extension of opening hours upon parking in the area and upon the residential amenity enjoyed by neighbouring properties.
- 4.2 In recommending the change of use of the premises (from Class A1 to Class A3) for approval in connection with application TP/97/1787, the Transportation Officer was of the view that while parking occupancy in the area was high, and any evening A3 use would increase this pressure, it was unlikely that this change would have a significant effect on parking pressure.
- 4.3 With reference to the current application and the extension of opening hours, the

Transportation Officer is of the view that whilst the proposal property is situated on a Red Route and consequently there is little opportunity for parking outside the property itself, and parking pressure in the streets behind the property is severe (although spaces are available in Egerton Gardens itself), the proposal may be considered acceptable if it is subject to conditions relating to levels of occupancy in the property.

4.4 Therefore, the Transportation Officer raises no objection but advises Committee that additional pressure upon parking demand in the local residential streets is likely to occur. Consequently, conditions are recommended to ensure that a maximum of 80 people are allowed on the premises at any one time, and that the basement is not used as a bar or for seating.

4.5 With regard to the impact of the proposed extension of opening hours upon the residential amenity enjoyed by neighbouring properties, the following Policy as expressed by the Unitary Development Plan is of relevance:

CD34 To resist proposals where the noise generated would cause significant disturbance to surrounding properties.

4.6 The property is located within the Knightsbridge Principal Shopping Centre, and its character is predominantly commercial, although streets to the rear are predominantly residential. There are a number of restaurants in the immediate vicinity, and it is considered that the extension of opening hours will not result in sufficient noise generation to constitute disturbance to surrounding properties.

4.7 The recommended condition limiting occupancy of the property is intended to safeguard local residential amenity, by restricting certain uses which fall within Use Class A3 (food and drink). For example, the use of the property as a bar could have severe implications for the level of residential amenity currently enjoyed by neighbouring properties. By limiting occupancy of the property, the impact of the proposal upon residential amenity will be minimised.

4.8 Overall, the proposal is considered acceptable in terms of its impact upon parking pressure and residential amenity subject to the imposition of conditions.

5.0 PUBLIC CONSULTATION

5.1 Ninety two neighbouring properties in Brompton Road and Egerton Gardens were notified of the proposal.

5.2 Four letters of objection have been received (although one of these objects to the planning permission granted on 16th October 1997, ref: TP/97/1787), which address issues of noise and parking pressure. Three objectors live above the restaurant.

5.3 The objectors take the view that the extension of opening hours will seriously affect the amenity of what they consider to be primarily a residential area.

- 5.4 However, the property, which lies on a Red Route, is located within the Knightsbridge Principal Shopping Centre and, as such, the predominant character is commercial. The entrance to the property is in Brompton Road and it is considered that the impact of the increased opening hours on residential amenity will be primarily on parking availability in the surrounding streets.
- 5.5 Additionally, the restaurant at No. 225 Brompton Road is open until 11.30pm, seven days a week; that at No. 233 is open until 11.15pm, six days a week; that at No. 243 is open until 11.00pm, seven days a week; and that at Nos. 234-236 is open until 11.00pm, six days a week. Further, the retail premises at No. 209 is open 24 hours a day.
- 5.6 As stated in the Planning Considerations section of this report, the Transportation Officer has been consulted with regard to the likely impact of the proposal upon local parking pressure, and has raised no objection, subject to the imposition of conditions relating to maximum occupancy levels and the restriction of the seating and bar area to the ground floor only.

6.0 RECOMMENDATION

- 6.1 Grant planning permission.

M.J. French
Executive Director, Planning and Conservation

List of Background Papers:

The contents of file TP/98/01890 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: Richard Fowler
Report Approved By: RF/LAWJ
Date Report Approved: 12/01/1999

PSC9901/RF.REP

K I TRIAN
63 EGERTON GARDENS LONDON SW3 2DA
TEL/FAX: 0171-584 2162 MOBILE: 0468 08 08 02

P. French

Be
reply devt

20 December 1998

Mr. MJ French,
The Executive Director of Planning and Conservation
3rd Floor
Town Hall
Hornton Street, W8 7NX

RECEIVED BY PLANNING SERVICE							
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
94		2 - DF 1998					
UPPERLS	IO	REC	ARB	FWD PLN	CON DES	FEES	

Dear Mr. French,

239 BROMPTON ROAD SW3

Thank you for your letter of 15 December.

I appreciate you taking the time to respond to my worries.

As stated in my letter of 2nd December we have already approached lawyers in an effort to reverse last year's decision granting a change of use from "A1 to A3 food and drink - food shop".

Incidentally what exactly does "food and drink-food shop" mean? Is it the same as a restaurant as the present application you kindly sent me seems to state? Or is it just another way of appropriating restaurant use?

We feel so bitter about the way the change of use took place last year that we will spare no effort or expense to have this decision reversed. I wonder therefore whether there is any purpose in proceeding with the present application whilst our application to have last year's decision reversed is being processed through the courts of law. And frankly with the advent of the Christmas Holidays there is insufficient time for us to prepare and be properly represented at the hearing on the 13th of January that I would request that it be put back.

Having regard to the contents of your letter I would like you to clarify a number of points to me.

Both the present Council Notification of Development (copy enclosed) but also the 2 Notices you kindly sent me emanate from the Council itself - in fact they seem to come from your own office under your name. Why is it that you state that it is up to the applicant to notify leaseholders with more than 7 years' leases to run? Surely if the present extension application merited a notification from your good self so would last year's application as the application was more serious. There is something amiss here.

R
24/12/98
A

Secondly, I fail to see what protections there are in place in case the applicant fails to notify the leaseholders. Surely there must be some provisions for such eventualities, as I can never see an applicant informing anybody if it will be to his detriment to do so.

I would also like to have the evidence requested in the last but one paragraph on page 2 of my letter of 2nd December as to who erected the Notice where and for how long.

As for my request to have Mr. Fowler removed it is based on the simple wisdom that justice must be done and be seen to be done. If natural justice is to flow from this application then Mr. Fowler, his conduct having been called into question, cannot remain in charge of the application, as there will always be resentment should the case go against us. On more specific grounds:

- He told me that he had notified each of us last year, yet no one of us received what Mr. Fowler claims to have sent us.
- He told me that he had approved the present application and that the committee had approved it as well. (Later he changed his story and said that the committee had returned the documents with a request for further clarification.). I may be mixing the words authorised and approval but I am not lying nor my memory fails me. I fail to see how someone can be so quick off the blocks and I fail to see his reasons and justifications for being so quick to approve something without first hearing the opinion of the people who would be most disadvantaged for his decisions.
- Thirdly and equally importantly I am concerned that certain things should happen following letters sent by myself to the Council that make me believe that they are not coincidences. If you peruse my letter of 14th October it makes issue amongst other things about the rubbish situation. You won't believe what I found on the immediately next rubbish collection day! -Rubbish right against my door! I enclose a photograph that says it all. The rubbish of the restaurant instead of being deposited 4 metres away on the pavement in front of the gate leading to the basement of the restaurant (as was usually the case (itself unacceptable)) was deposited right in front of my door. That was too ostentatious and could not be a coincidence and was the very reason why I rushed upstairs and started taking photographs.

The atmosphere is already poisoned and it is best all round if Mr. Fowler was removed from the case so that a fresh person could consider his conduct, the previous application and the present extension sought. But I repeat, is there really any point in proceeding with the present application until a Court decides about last year's extension.

With season's greetings.

Yours sincerely,



K I TRIAN

Please reply as requested in my letter of 2nd December directly to my lawyer with a copy to me.

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
FLAT 3,
63 EGERTON GARDENS,
LONDON SW3

Switchboard: 0171 - 937 5464

Direct Line:

0171-361 2079/2080

Facsimile: 0171 - 361 3463

Date: 09/10/98

My reference:

Your reference:

Please ask for:

Planning Information Office

DPS/DCSE/RF/TP/98/1890

**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

GROUND FLOOR & BASEMENT, 239 BROMPTON ROAD,
S.W.3

Proposal for which permission is sought

Variation of Condition 2 of Planning Permission dated
16/10/97 to allow the restaurant to be open until
12 midnight.

PLEASE NOTE: WHEN INFORMATION OFFICE IS CLOSED PLANS RELATING TO PROPERTIES IN
SW7, SW5 & W8 CAN BE VIEWED AT THE CENTRAL LIBRARY, PHILLIMORE WALK. W8 0171-361-3036

Further details are printed overleaf.

Yours Sincerely,

M.J. FRENCH

Executive Director, Planning and Conservation

F

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr. K. I. Trian,
63 Egerton Gardens,
LONDON, SW3 2DA.

Switchboard: 0171-937 5464
Extension: 2944
Direct Line: 0171-361-2944
Facsimile: 0171-361-3463



**KENSINGTON
AND CHELSEA**

11 December 1998

My reference: EDPC/MJF/TP/ 98/1890 Your reference:

Please ask for: Mr. French

Dear Mr. Trian,

239 Brompton Road, S.W.3.

I refer to your letter dated 2nd December, received 10th December, concerning the current planning application to vary a condition imposed on the planning permission granted on 16th October 1997.

I have to advise you that the case officer, Mr. Fowler, is currently on compassionate leave, and I trust you will appreciate that I need to discuss the case with him before replying fully to you. In the interim, I would advise you that I have taken the case off the agenda for the 17th December Planning Services Committee. It is likely to be considered at the next meeting which is on 13th January, and I will confirm the date in my full reply to you.

The responsibility to notify leaseholders of the property that is the subject of the application, provided the leases have more than seven years unexpired, lies with the applicant. I enclose, as requested, copies of the notices that the Council posted on site concerning both the current and previous applications; the notices have to be displayed for seven days which accounts for the fact that they are not currently on display.

The only letter that I have on file from you, which has not been replied to, is that dated 1st November. If there are other letters which you wish me to respond to, I would be grateful if you could provide me with copies.

Yours sincerely,

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

K I TRIAN
63 EGERTON GRADENS LONDON SW3 2DA
TEL/FAX: 0171-584 2162 MOBILE: 0468 08 08 02

BC
Draft of Plans
[Signature]
19/12

2 December 1998

MJ French
Executive Director
Planning and Conservation
The Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street
London W8 7NX

Attached

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	G	SW	SE	ENF	AO LACK
<i>ab</i>				10 DEC 1998			
APPS	IO	REC	ARB	FWD PLN	CON DES	FEES	

YOUR REF: DPS/DCSE/RF/TP/98/1890
GROUND FLOOR AND BASEMENT 239 BROMPTON ROAD LONDON SW3

I write with reference to my telephone conversation of yesterday with Mr. Fowler and Mr. Coey (?) and earlier correspondences.

I wish to express from the outset my complete dissatisfaction in the way the change of use of the aforementioned premises from a retail shop into a restaurant is taking place.

To me the following is the sequence of events:

Two years ago each of the 3 flats purchased a long lease of our apartments. We had the option to purchase the freehold but as we were told and advised that the basement and ground floor retail premises would always remain retail we decided against this idea. A year ago somebody opened up on the ground floor as a delicatessen. Nor I, nor Barry Clark nor John Kennedy were ever consulted or informed about the conversion. The place opened initially selling sweets; the consumption of food was incidental to the main business we were told in writing. Then gradually more and more seats appeared on the scene and more and more people appeared to be seated in the restaurant. Then more and more tables and chairs appeared at the back of the restaurant right underneath of our bedrooms. We got up at arms we complained to the owner of the business and we were threatened, the writer twice, of being "handled". The writer called the police on two occasions but because there were no other witnesses the police took no further action. Now we are told that an extension of the licence granted last year is being sought for the Restaurant (this is the first time we hear this awful word) to remain open until 12.00 midnight.

We complained to the Council and of all the letters sent out only I (neither Barry Clark nor John Kennedy) receive an acknowledgement to one of my letters. Times passed by and still no contact. I sent further reminders all to no avail.

Eventually I resorted to telephone calls.

On the third day of telephone calls a Mr. Fowler responded and told me in the most emphatic manner that without even responding to our letters he had authorised the

① extension! → How could I? (+ therefore why would I say such?)
This is a most unacceptable behaviour. How can peremptory decisions be taken without consultation and referral to the people who would be most affected and disadvantaged by their decision?

② No notices were ever erected and yet Mr. Fowler asserts that we were notified and that notices were erected. So many of our letters went unanswered and telephone calls not returned until we got angry and complained bitterly. → not by me!!

Accordingly would you please act / respond to the following:

- Reply thoroughly to all my letters and the letters of all other lessees. Copies of your replies should be sent to my lawyer Mr. Harvey Shulman of Graham Harvey Solicitors at Norway House, 1379 High Road, Whetstone, London N20 9LP.
- Suspend all decisions for a month to give us time to consider our positions and take legal and other professional advice.
- ③ • An explanation of our rights as to the decisions already taken and to be taken and the timetable of future events and decisions.
- Procedures and steps to reverse last year's wrongful and unjust decision to allow the change of use.
? ? ? ?
- ④ • Your guidelines and procedures of planning meetings.
- ④ • Please note that we wish to be represented in person at all future hearings and meetings by our lawyers and any other professional person or persons they recommend.
- ⑤ • We wish the removal of Mr. Fowler from the case and an in-depth examination of his conduct.
- Copies of all correspondence that Mr. Fowler claims to have sent to us that we have never received and copies of notices also alleged to have been posted, when they were posted, how they were posted, where they were posted, by whom they were posted and for how long they were posted. Evidence of any representations resulting from the above and any comments/conclusions for the lack of representations in contrast to the present representations. Evidence of the above **must** be provided.
- Why are even now no notices evident for the current application? ↘

instruct to PSC?

site notice? you
notification? by applicant

Any decision must not be taken lightly. A whole history of the area going back 30 years must not be reversed at a stroke. I repeat there is no other restaurant or business that stays open later than 11.00pm and our flat leases forbid us from making any noise whatsoever after 11.00pm and before 8.00am. There is no other restaurant or night time business of whatever nature which has its seating space underneath the bedrooms of the flats above. Our livelihood must not be left dependent on the whim of restaurant owners and their (drunken) customers.

One must not lose sight of the violence and dangers involving drunken persons late at night. The crime, violence and near murder of the proprietor of the Chinese restaurant a few doors away and the covering of the pavements by blood in front of our doorstep only a couple of months ago is a most chilling example of such dangers.

⑦ The residents' right to peaceful and quiet enjoyment of this neighbourhood must be the paramount factor in deciding this application.

You will appreciate that a judicial review will be considered.

I look forward to your response by return of post.

Yours faithfully,


K I TRIAN

NB. This letter is written jointly by K I Trian, Barry Clark, and John Kennedy who are the residents of the 3 flats above the premises in question.

K I TRIANTAFYLLIDES
63 EGERTON GARDENS LONDON SW3 2DA

Perak / (RF)

1 November 1998

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

RECEIVED BY PLANNING SERVICES

EX DIR	HDC	N	C	SW	SE	ENF	AG JAC
17 - 3 NOV 1998							W
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	

Dear Sir,

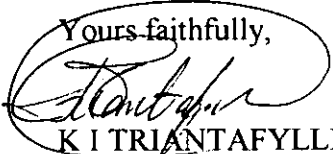
YOUR REF: DPS/DCSE/RF/TP/98/1890
GROUND FLOOR AND BASEMENT, 239 BROMPTON ROAD

Thank you for your letter of 26 October (copy enclosed)

However I enclose a copy of my original letter from which you will see that there are a number of points which remain unanswered and are independent of your decision on the planning issue.

I have highlighted these and would appreciate a response as soon as possible.

Yours faithfully,


K I TRIANTAFYLLIDES

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

K. I. TRIANTAFYLIDIS,
63 EGERTON GARDENS,
LONDON, SW3 2DA

Switchboard: 0171-937 5464

Direct Line: 0171-361

Facsimile: 0171-361 3403

2079/

2080



KENSINGTON
AND CHELSEA

Date: 26/10/98

My reference:

Your reference:

Please ask for:

DPS/DCSE/RF/TP/98/1890

Planning Information Office

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990

GROUND FLOOR & BASEMENT, 239 BROMPTON ROAD,
S.W.3

Thank you for your recent letter giving your comments on the above application submitted to the Council. The Council's Planning Services Committee will consider your views very carefully when deciding this application.

You will appreciate that in some cases the Committee is not in a position to make an immediate decision. I will notify you of that decision as soon as possible after it is reached. If you would like any information about the progress of the application please contact the Planning Information Office.

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

K I TRIANTAFYLLIDES
63 EGERTON GARDENS LONDON SW3 2DA

14 October 1998

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

Dear Sir,

YOUR REF: DPS/DCSE/RF/TP/98/1890
GROUND FLOOR AND BASEMENT, 239 BROMPTON ROAD

I write as the occupier of Flat 3 Egerton Gardens which is located directly above 239 Brompton Road.

I write to protest in the strongest terms about the proposed action for the following reasons:

When we bought the flat 2 years ago we were told that 239 was a shop. We had an option to buy 239 with the flat but we refused it.

We were never told about the conversion of 239 into a restaurant in the first instance. In fact, when we complained to the freehold owners about the use of the shop as a restaurant we were told that the consumption of food (drink was totally out of the question) was incidental to the use of the shop.

We are now told by you that a variation is sought to the Planning Permission dated 16/10/97. Why were we not consulted about that permission?

239 Brompton Road is already adding to the unbearable rubbish situation in Egerton Gardens which is by far the worst of any street in Knightsbridge. Everyone says that from residents to tourists alike.

I have complained bitterly to the appropriate departments about the rubbish deposited in the street in front of my entrance door by the shop at 239 Brompton Road only for the departments of RBK&C to side with the shop presumably because he pays more rates! The place where 239 Brompton Road deposits the rubbish is the dirtiest in Egerton Gardens. The Environmental Officers told me that the shop was supposed to clean the pavement but I have only seen this once so far in over a year since I have complained so bitterly last September. In fact so much is the residue of liquids from bags left on the pavement that nothing can now be done to remove the stains.

When I complained to the shop owners about the rubbish I was physically threatened and had to call the police on 2 occasions. My next door neighbour did the same and suffered the same fate.

I repeat already Egerton Gardens is the dirtiest street in the whole of Knightsbridge. If we have not complained about the dirty state of the street every day of the year it is only because we give up on the state of the area and the fair play of RBK&C which we do not believe to be even handed.

Over and above this is the level of noise that will emanate from the restaurant. Once about 3 months ago when the "shop" had customers until 12.30 am presumably in contravention of the permission dated 16/10/97 (which we have never seen) we could not sleep until 1.00am having gone to bed at 10.30 as some of us have to get up at 6.00am to start work.

We can hear the cutlery of St Quintins in the summer and that restaurant is a good 3 doors away. Imagine what the level of noise will be if we have a restaurant open until 12.00 midnight with noise continuing until well after that. It will upset our way of life, we will not be able to sleep and function properly at work and eventually we may lose our employment.

On a further note why is it that 239 has seating space and tables at the back of Brompton Road directly fronting Egerton Gardens and directly under our bedrooms. Surely this cannot be legal and steps must be taken immediately to correct this situation. It cannot be right that our life and livelihood depend at the whims of restaurant customers and restaurant owners one of whom has already shown total disregard of our wellbeing and the wellbeing of the area in his handling of our rubbish complaints.

Can we have your categoric assurances that the permission granted in October 97 was granted in the clearest of circumstances without any underhand tactics having taken place and an explanation as to why we were never consulted in the first instance.

Can we also have explained to us how to take steps to have that permission reversed even if it means having to go to court for it.

Further if for whatever reason even if this application is refused will you please take the necessary steps to close down that section of the seating space which is directly under our bedrooms so that we can have some peace and quiet.

Egerton Gardens should remain a resident's area and not belong to the shops and restaurants of Brompton Road.

The variation should therefore be refused bluntly and flatly.

Yours faithfully,

K I TRIANTAFYLLIDES

PS. The other occasional residents in my flat also append their signature below.

K I TRIANTAFYLIDIS
63 EGERTON GARDENS LONDON SW3 2DA

14 October 1998

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

RECEIVED BY PLANNING SERVICES									
EX DIR	HDC	N	C	SW	S	ENF	AO	ACA	obj.
(119)		26 OCT 1998							
APPEALS	IO	REC	AMB	FWD	CON	DES	FEEES		

Dear Sir,

YOUR REF: DPS/DCSE/RF/TP/98/1890
GROUND FLOOR AND BASEMENT, 239 BROMPTON ROAD

I write as the occupier of Flat 3 Egerton Gardens which is located directly above 239 Brompton Road.

I write to protest in the strongest terms about the proposed action for the following reasons:

When we bought the flat 2 years ago we were told that 239 was a shop. We had an option to buy 239 with the flat but we refused it.

We were never told about the conversion of 239 into a restaurant in the first instance. In fact, when we complained to the freehold owners about the use of the shop as a restaurant we were told that the consumption of food (drink was totally out of the question) was incidental to the use of the shop.

We are now told by you that a variation is sought to the Planning Permission dated 16/10/97. Why were we not consulted about that permission?

239 Brompton Road is already adding to the unbearable rubbish situation in Egerton Gardens which is by far the worst of any street in Knightsbridge. Everyone says that from residents to tourists alike.

I have complained bitterly to the appropriate departments about the rubbish deposited in the street in front of my entrance door by the shop at 239 Brompton Road only for the departments of RBK&C to side with the shop presumably because he pays more rates! The place where 239 Brompton Road deposits the rubbish is the dirtiest in Egerton Gardens. The Environmental Officers told me that the shop was supposed to clean the pavement but I have only seen this once so far in over a year since I have complained so bitterly last September. In fact so much is the redidue of liquids from bags left on the pavement that nothing can now be done to remove the stains.

26/10/98
W

When I complained to the shop owners about the rubbish I was physically threatened and had to call the police on 2 occasions. My next door neighbour did the same and suffered the same fate.

I repeat already Egerton Gardens is the dirtiest street in the whole of Knightsbridge. If we have not complained about the dirty state of the street every day of the year it is only because we give up on the state of the area and the fair play of RBK&C which we do not believe to be even handed.

Over and above this is the level of noise that will emanate from the restaurant. Once about 3 months ago when the "shop" had customers until 12.30 am presumably in contravention of the permission dated 16/10/97 (which we have never seen) we could not sleep until 1.00am having gone to bed at 10.30 as some of us have to get up at 6.00am to start work.

We can hear the cutlery of St Quintins in the summer and that restaurant is a good 3 doors away. Imagine what the level of noise will be if we have a restaurant open until 12.00 midnight with noise continuing until well after that. It will upset our way of life, we will not be able to sleep and function properly at work and eventually we may lose our employment.

On a further note why is it that 239 has seating space and tables at the back of Brompton Road directly fronting Egerton Gardens and directly under our bedrooms. Surely this cannot be legal and steps must be taken immediately to correct this situation. It cannot be right that our life and livelihood depend at the whims of restaurant customers and restaurant owners one of whom has already shown total disregard of our wellbeing and the wellbeing of the area in his handling of our rubbish complaints.

Can we have your categoric assurances that the permission granted in October 97 was granted in the clearest of circumstances without any underhand tactics having taken place and an explanation as to why we were never consulted in the first instance.

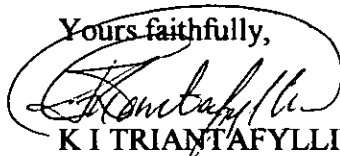
Can we also have explained to us how to take steps to have that permission reversed even if it means having to go to court for it.

Further if for whatever reason even if this application is refused will you please take the necessary steps to close down that section of the seating space which is directly under our bedrooms so that we can have some peace and quiet.

Egerton Gardens should remain a resident's area and not belong to the shops and restaurants of Brompton Road.

The variation should therefore be refused bluntly and flatly.

Yours faithfully,



K I TRIANTAFYLLIDES

PS. The other occasional residents in my flat also append their signature below.



G. MAVROCOSTAS

REFERENCE: DPS/DCSE/RF/TP/98/1890

RE: 239 BROMPTON RD - SW3

F/36 EGERTON QDS
LONDON SW3 2DB

RESTAURANT OPEN UNTIL MIDNIGHT

Dear Mr. French,

RECEIVED BY PLANNING SERVICES							
EX DIP	HGC	N	C	OW	SE	DEF	obj.
22		19 OCT 1998					

objections to proposal as follows: -

Due to our immediate area already swamped with restaurants, coffee whops + small hotels, we are blighted by excessive traffic - delivery vans, nightly garbage collection lorries, & taxis, plus car owners who treat our narrow street as a parking lot to frequent the whops + restaurants.

This is a condensed residential area, & due to the above-mentioned excess of additional traffic we already endure, residents here have little chance of being able to park their vehicles close to their own homes. Basically, our narrow street has too many 'visitors' parking spaces on the north side of the Gardens - which are well used already. Any proposal which would cause additional parking + pulling out (causing noise, & pollution wafting into our homes) we are firmly against.

Yours sincerely
M. Williams.

63 EGERTON GARDENS
LONDON S W 3

~~63 EGERTON GARDENS~~

6.199
M

27/12/98

M.J. French Esq. Ex-Dirt.
Planning Conservation
Town Hall RBKC
Horton Street
London W8

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AC ACK
- 5 JAN 1999							(4)
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	

Ref: DPS/DCSE/RE/TP/98/1890.

Dear Sir,

I refer to my letter of 24th Oct last in response to Council NOP 9/10/98. I do not appear to have had a reply, but I have been very ill and have been away for long periods - indeed I expect to have to have another operation in the new year.

I am objecting to revocation of Council of Planning Permission of 16/10/97 (the granting of which I and my neighbours were unaware of) to allow the 'Continental Grocery Store' at 239 Brompton Rd (and effectively 63 Egerton Gardens) to be converted to a fully licensed restaurant to 12 pm.

2.

● I object strongly:

Firstly my main personal objection: I am on the first floor of 63 and my bedroom is over the former office to the shop.

Presently, the occupiers have been using this as a restaurant room in conjunction with their unfortunately unsuccessful "Deli" business:

It is noisy - I can hear the chattering and clattering I did not expect - it was always an office. Noise comes through the ceiling, the old chimney flues and up the old 1880 early concrete staircase & stairwell (like a sounding board)

No amount of insulation could change this. The building was designed for 'dry goods' retail premises, and has remained as such until very recently (barely 12 months?)

A Restaurant below me (x my bedroom) serving till 12.00 pm and open probably till ^{around} 2.00 am would be intolerable (to me, residents & neighbours)

- 3.
- Secondly: I thought the Council were against more restaurants in the neighborhood particularly in residential streets.

In the past the Old Brompton Grill was comparatively small quiet and all deliveries & garbage came and went discreetly through the commercial front on Brompton Rd. 'St. Quirins' Restaurant broke all this and did what they liked.

The Council and residents & handborders have had constant trouble with Brompton Road businesses treating Egerton Gardens like a service road & commercial Mews

I cannot believe that the Council will change its policy on our stretch of residential Egerton Gardens

The proposals for a restaurant seem to be an attempt - first a deli, then a seating area, finally, a would be full scale restaurant - to creep in on the sly - possibly for a huge capital gain on their lease - which was never originally for restaurant purposes.

Trustingly - a very very worried

John Kennedy.

PLANNING AND CONSERVATION

THE TOWN HALL, HORNTON STREET, LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



Mr K.I. Trian
63 Egerton Gardens
London, SW3 2DA

Switchboard: 0171-937 5464
Extension: 2186
Direct Line: 0171-361 2186
Facsimile: 0171-361 3463
Email: PLNRF@RBKC.GOV.UK

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

15 December 1998

My reference: EDPC/MJF/TP/9 Your reference:
8/1890

Please ask for: Mr French

Dear Mr Trian

239 Brompton Road, SW3

Further to my letter of 11th December, I have now had the opportunity to discuss the current planning application to vary a condition imposed on the planning permission granted on 16th October 1997, and I now in a position to respond fully to the issues raised in both your letters of 14th October and 2nd December.

With regard to the issue of consultation over last year's planning application for the change of use to A3 (food & drink), it is, as stated in my previous letter, the responsibility of the applicant to notify leaseholders of the property that is the subject of the application. Copies of the notices posted on site were forwarded to you with my previous letter. Further, the application was processed in accordance with statutory procedures, and consultation undertaken in accordance with the appropriate government guidance.

I have notified the Royal Borough's Cleansing Enforcement team of the problems you appear to have been experiencing in relation to rubbish being deposited in Egerton Gardens. Such matters are beyond the control of the Royal Borough's Department of Planning & Conservation, although I understand that Cleansing Enforcement have more immediate powers to deal with such problems. You also mention an incident earlier in the year where customers were present on the premises until 12.30 am. I am unable to find any record of a complaint relating to this incident, hence the lack of action by the Department. Additionally, in isolated cases of noise nuisance, the Royal Borough's Environmental Health Noise Nuisance Team is in a stronger position to take action and therefore may I suggest that should noise prove to be a problem in future that you address your complaint accordingly.

With regard to seating and tables located in the rear of premises, under planning legislation the Royal Borough is unable to exercise control over such internal arrangements.

Unfortunately I am not in a position to offer guidance in terms of the options open to you in seeking the reversal of the planning permission granted on 16th October 1997. You may wish to seek legal advice with regard to the reversal of this decision. In addition, you state that you were advised that the ground floor premises would always remain in retail use. It is my considered opinion that this is a

private legal matter, possibly between yourselves and the freeholder, and as such you may wish to seek legal advice regarding your rights as a leaseholder.

With specific reference to your letter of 2nd December you state that Mr Fowler informed you he had authorised the extension. Considering no decision has yet been made, and that Mr Fowler is fully aware he is in no position to make such a decision (a decision which, in fact, may only be made by the Planning Services Committee), I find it very hard to believe that he would have made such a statement. Please be informed that the application is now scheduled to be considered by the Planning Services Committee at its meeting on 13th January 1999. Should you wish to be represented at this meeting in order that you may express your concerns I advise you to write to the Chairman of the Planning Services Committee (Councillor David Campion) with your request to speak, though please be aware that the decision to allow you to address the Committee is made at the Chairman's discretion. Please find attached a copy of the Royal Borough's Guide to the Proceedings of the Planning Services Committee as requested.

You have also requested that Mr Fowler be removed from the case and that his conduct be investigated. However, you fail to state on what grounds you make such a request, and therefore I would be interested to learn why you feel such action would be justified. In the meanwhile Mr Fowler will continue to act as case officer.

Finally, I am in complete agreement with your view that the residential amenity of local residents is of paramount importance in determining this application. Accordingly, the case officer's recommendation to Committee will be based upon an assessment of the impact of this planning application upon the existing level of residential amenity and, should the Committee approve the application, conditions are likely to be imposed in order that this is protected.

Yours sincerely,

MJ French,
Executive Director

FLAT 1

JOHN KENNEDY
63 EGERTON GARDENS LONDON SW3 2DA

RECEIVED BY	CLERK					
PLANNING	DESIGN					
30 OCT 1998						
APPEALS	IO	REC	ARB	FWD	CON	FELS
					DES	

25 October 1998

REF: DPS/DCSE/RF/TP/98/1890

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

RECEIVED BY	CLERK					
PLANNING	DESIGN					
30 OCT 1998						
APPEALS	IO	REC	ARB	FWD	CON	FELS
					DES	

Dear Sir,

RE: GROUND FLOOR AND BASEMENT, 239 BROMPTON ROAD, SW3

I wish to object against the proposal to allow a restaurant to remain open until 12.00 midnight.

My reasons for objecting are the following:

NOISE. I live directly above the said premises and the noise from the restaurant will be absolutely unbearable. I go to bed very early at about 10.00 am and will not be able to do this any more.

I also suffer from a long, protracted and serious illness which has incapacitated me for the best part of the last 18 months. Any noise will be detrimental to my health.

Further the lease of my flat prohibits me and the other lessees in my block and also the other residents in the neighbourhood, from any noise whatsoever after 11.00pm and before 8.00pm. The restaurant cannot overrule this clause which has been around for more than 30 years of my stay in the area.

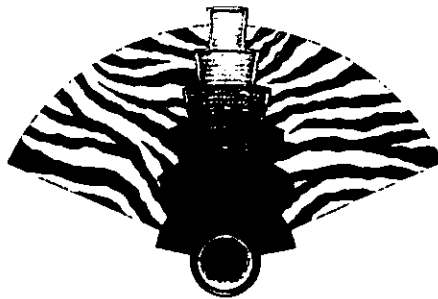
RUBBISH. The said premises have been dumping their rubbish right outside my front door for as long as they have been opened. They are not amenable to any reason and the deposition of rubbish will worsen.

REDUCTION IN VALUE OF MY FLAT.

The granting of a licence to run a restaurant as opposed to a retail shop will diminish the value of my flat and increase the value of the restaurant.

Please reject the proposal as it is the only right thing to do.

Yours faithfully,



BALANS

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

13 January 1999

Dear Mr Fowler,

Re: 239 Brompton Road, London, SW3 2EP

Following our conversation of today and the advice you gave me, I agree and confirm that we will amend our application to a closing time of 11.30pm in line with other restaurants in the area.

Yours sincerely

David Taylor

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
15 JAN 1999							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	

46
1511

PO/RF

(ALL U.K. CORRESPONDENCE SHOULD BE SENT TO BALANS, OLD COMPTON STREET)

60 Old Compton Street, Soho, London W1V 5PA · Telephone 0171 437 5212 · Fax 0171 734 2665
239 Old Brompton Road, London SW5 9HP · Telephone 0171 244 8838
1022 Lincoln Road, South Beach, Miami 33139, U.S.A. · Telephone 305 534 9191 · Fax 305 534 7441



BALANS

POYHOK / RF

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

13 January 1999

RF
(31)

Dear Mr Fowler,

Re: 239 Brompton Road, London, SW3 2BP

Following our conversation of today and the advice you gave me, I agree and confirm that we will amend our application to a closing time of 11.30pm in line with other restaurants in the area.

Yours sincerely

David Taylor

(ALL U.K. CORRESPONDENCE SHOULD BE SENT TO BALANS, OLD COMPTON STREET)

60 Old Compton Street, Soho, London W1V 5PA · Telephone 0171 437 5212 · Fax 0171 734 2665
239 Old Brompton Road, London SW5 9HP · Telephone 0171 244 8838
1022 Lincoln Road, South Beach, Miami 33139, U.S.A. · Telephone 305 534 9191 · Fax 305 534 7441

BALANS LIMITED IS REGISTERED IN ENGLAND NO. 01946181 · REGISTERED ADDRESS - 60 DATTAKI CO. 47 HILL ROAD, FINNOR, MIDDELSEX HAS FLA-VAT REGISTRATION NO. 640308319

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr. D. Taylor,
Balans Ltd.,
60 Old Compton Street,
LONDON, W1V 5PA.

Switchboard: 0171-937 5464

Extension: 2944

Direct Line: 0171-361 2944

Facsimile: 0171-361 3463

20th January 1999

My reference: EDPC/MJF/TP/ Your reference:
98/1890

Please ask for: Mr. French

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

Dear Mr. Taylor,

239 Brompton Road, S.W.3.

I am writing to inform you that arrangements have been made for you to attend and address the Planning Services Committee on 26th January 1999 at 6.30 p.m. on the above planning application.

An objector to the planning application has requested to attend and address the Committee. In order to avoid deferrals caused by either or both invited parties not attending, I am hereby advising you that should either party fail to attend or provide adequate reasons for non-attendance, the Committee will proceed to determine the application. You may of course bring photographs etc. if you consider that they help to illustrate your case more clearly.

In the event of only the objector appearing, he/she will be given an opportunity to state his/her objections and answer any questions asked by Members relating to the proposals. With regard to the applicant/agent, he/she will be allowed to make a short summary address of the proposals and be prepared to answer any questions raised by Members of the Committee.

Should you have any queries regarding either the arrangements made or this letter, I would be grateful if you would contact my secretary in the first instance.

Yours sincerely,

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

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr. K. Trian,
63 Egerton Gardens,
LONDON S.W.3.

Switchboard: 0171-937 5464

Extension: 2944

Direct Line: 0171-361 2944

Facsimile: 0171-361 3463

20th January 1999

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: EDPC/MJF/TP/ 98/1890 Your reference:

Please ask for: Mr. French

Dear Mr. Trian,

239 Brompton Road, S.W.3.

I am writing to inform you that arrangements have been made for you to attend and address the Planning Services Committee on 26th January 1999 at 6.30 p.m. on the above planning application. I would be grateful if you could send me a brief statement of the points you wish to raise.

The agent for the planning application has also been invited to attend and address the Committee. In order to avoid deferrals caused by either or both invited parties not attending, I am hereby advising you that should either party fail to attend or provide adequate reasons for non-attendance, the Committee will proceed to determine the application. You may of course bring photographs etc. if you consider that they help to illustrate your case more clearly.

In the event of only the objector appearing, he/she will be given an opportunity to state his/her objections and answer any questions asked by Members relating to the proposals. With regard to the applicant/agent, he/she will be allowed to make a short summary address of the proposals and be prepared to answer any questions raised by Members of the Committee.

Should you have any queries regarding either the arrangements made or this letter, I would be grateful if you would contact my secretary in the first instance.

Yours sincerely,

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

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr. K.I. Trian,
63 Egerton Gardens,
London,
SW3 2DA.

Switchboard: 0171-937 5464

Extension: 2944

Direct Line: 0171-361 2944

Facsimile: 0171-361 3463

18 January 1999

My reference: EDPC/MJF/98/1890/BB

Your reference:

Please ask for: M.J. French

Dear Mr. Trian,

Town and Country Planning Act 1990
239 Brompton Road, London, SW3

I am writing in response to your letters dated 20th December and 7th January concerning No. 239 Brompton Road. I would firstly advise you that the planning permission granted on 16th October 1998 authorised use for food and drink purposes within Class A3 of the Town and Country Planning (Use Classes) Order 1987. Class A3 is described in this Order as "Use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises", and includes use as a restaurant. The term "food and drink food shop" was used by the applicants on the submitted application form and was repeated on the site and press advertisements, and constituted their interpretation of the definition in the Order.

The responsibility of the applicant to notify any person who holds a lease in the application property which has a period of less than seven years unexpired is set out in Sections 65 and 66 of the above Act. The local planning authority, i.e. in this case the Royal Borough, has a duty under Section 73 of the Planning (Listed Buildings and Conservation Areas) Act to advertise applications in the press and by notice posted on site, any applications which are likely to affect the character or appearance of a Conservation Area. It is copies of these notices posted by the Royal Borough that you have been provided with, and the copies are signed by the officer who posted them and marked with the date and location when and where they were posted.

In recent months, the Royal Borough has adopted the practice of also notifying the occupier of the application property of the application, even though they have no responsibility to do so, in order to ensure that the occupier is aware of an application. This practice was not however current in 1997. The Council did, and still currently does, advertise all applications in the Kensington and Chelsea Times and it is by this method that interested parties are notified of applications should all other methods fail.

I note that you have now submitted, as requested, the grounds why you request that the case officer, Mr. Fowler, be removed from the case. I have the following comments to make:-

- (a) It is not the case officer who arranges notification of applications. This responsibility rests with the Area Planning Officer.
- (b) You must have misunderstood what Mr. Fowler actually said to you, as the sole responsibility to determine applications rests with the Council's Planning Services Committee. Case officers have no responsibility whatsoever to determine applications.
- (c) I really cannot accept the suggestion you are making that there is some connection between letters sent by you to the Council and rubbish being deposited against your door. I have not received the photograph which you claim to have sent, but would advise you that any problems concerning refuse should be addressed to the Royal Borough's Director of Waste Management and Leisure, Mr. Norman Cook, whose office is at the Council Offices in Pembroke Road, Kensington, W8.

In view of the above comments, I trust that you will accept that Mr. Fowler will continue to act as case officer for this application. The application will, however, be presented to Committee by the Area Planning Officer, Mr. Coey. It will not be heard by Committee on 13th January, but I intend to report to the following meeting which sits on 26th January.

I will forward, as soon as it is available, a copy of the minutes of the Planning Services Committee meeting on 14th October 1997. I can, however, advise you that the recommendation that I made to the Committee, to grant conditional planning permission, was adopted.

Finally, would you please note that I have received no communication from your solicitor. I am, therefore, corresponding directly to you.

Yours sincerely,

Executive Director of Planning and Conservation

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

THIS IS A CARRIER SHEET. The EDM Group, Britain's leading document management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

RF
I haven't seen to
Mr Trian, can you
now draft a letter
in response to his
of the 20/12/99 please
by 15/1/00 please
13/1/00

MESSAGE FORM

To Mike 9.45.

WHILE YOU WERE OUT

Mr. Tran

of

Tel. No. 0468-080802

CALL TO SEE YOU	PLEASE RING	Bak
TELEPHONED	PLEASE VISIT	
WANTS TO SEE YOU	WILL RING YOU	
URGENT	WILL CALL AGAIN	

re Anxious to spk to you

Message Pls my lunch this afternoon

Cap. for 239 Brompke Rd : recommended for approval 26/11 : Variation of Condition of P.P. 16-10-97 to allow restaurant to open to midnight.

Signed _____)

Date _____ Time _____

MESSAGE FORM

To Mike

WHILE YOU WERE OUT

Mr. Trian

of

Tel. No. 0711 935 2766

John & Ann

CALLED TO SEE YOU		PLEASE RING	
TELEPHONED		PLEASE VISIT	<u>Today</u>
WANTS TO SEE YOU		WILL RING YOU	
URGENT		WILL CALL AGAIN	

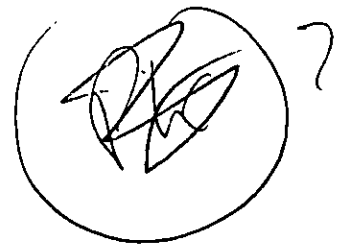
re 289 Brompke Rd hearing

Message went words with you rather than R Fowler

Signed

Date Time

K I TRIAN
63 EGERTON GARDENS LONDON SW3 2DA
TEL/FAX: 0171-584 2162 MOBILE: 0468 08 08 02



07 January 1999

Mr. MJ French,
The Executive Director of Planning and Conservation
3rd Floor
Town Hall
Homton Street, W8 7NX

RECEIVED BY PLANNING SERVICES							
EDPC	HDC	N	C	SW	SE	ENF	AO ACK
- 8 JAN 1999							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	

Dear Mr. French,

239 BROMPTON ROAD SW3
YOUR REF: EDPC/MJF/TP/9

I refer to my letter of 20 December 98 in response to yours of 15th December.

I regret to note that I have yet to receive a reply and your prompt attention would be most appreciated in view of the forthcoming hearing for the application which we are passionately against.

I request yet again that the hearing be cancelled so that our legal attempts to have the decision reversed be heard first.

Should you decide to go ahead with the hearing I would like to attend the hearing and put my case forward for the application to be refused. I will bring with me a number of letters from the residents who have supported me wholeheartedly so far and I am very pleased and moved to see that not one single resident has come against my attempts and in favour of the application. Do you think I should send these to you prior to the hearing?

Should the hearing go ahead please inform the appropriate authorities that I wish to attend, possibly in the company of my lawyer.

In an effort to present as sound a case as possible to the courts of law I would appreciate it if you could let me have the following if I am entitled to them.

Mr. Fowler's recommendation for last year's application and the current.

The minutes of the hearing.

Any other information that is relevant to our court appeal.

Yours sincerely,


K I TRIAN

RBK&C TRANSPORTATION COMMENTS

T.P. Number: 98/1890	Address: 239 Brompton Road	Date of obs. 21/10/98				
Development: increase in hours of operation		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Obj.</td> <td style="width: 50%;">No obj.</td> </tr> <tr> <td></td> <td style="text-align: center;">✓</td> </tr> </table>	Obj.	No obj.		✓
Obj.	No obj.					
	✓					
File Number: TM 202/B	Obs. INITIAL / FULL files	Transportation officer: JF	D.C. officer: RF			
Other information:						

Comments:

	Parking occupancy	
Egerton Cres.	88%	- v. nearly saturated.
" Gardens	74%	- 20 spaces available
" Gardens Mens.	87%	- v. nearly saturated.
" Terrace	93%	- saturated
" Place	100%	- saturated.

Source: survey 1996.

The above info shows parking occupancy in the streets "behind" the proposed use. It can be seen that parking stress is severe, although spaces are available in Egerton Gardens itself.

The proposal is located on a Red Route with little opportunity for parking of the premises. If we accept 80 seats & say 10 additional people & 90 people on the premises at any one time, 20% car driver, 50% new trips = 9 additional cars. The floorspace (84sqm) will accommodate 63 seats. If the applicant insists on 80 then I would suggest we use this a maximum number of people on the

premises at any one time. An additional 10 - 15% on top of this would be unreasonable levels of occupancy.

I would raise no objection if this condition is attached, but the Committee should be made aware that additional pressure on parking demand in local residential streets will be likely to occur.

Summary

Conditions - no more than 80 people on the premises at any one time.
- basement not to be used for seating / bar area.

**Royal Borough of Kensington and Chelsea
Directorate of Planning Services - Policy Observations**

TP No: TP/98/1890	Address: 239 Brompton Road, SW3	Date Received 21.10.98	Date of Obs. 12.11.98
UDP Paras/Policies		Obj.	No obj. <input checked="" type="checkbox"/>
	Development: Variation to condition 2 of pp	HMO?	No. of Dwelling Units Existing Proposed
		D.C. Officer RF	Policy Officer RG

Comments:

Premises have planning permission to be used as an A3 use, in the non-core of the Knightsbridge Principal Shopping Centre.

Proposal: Variation to the condition restricting the hours of opening.

Issues: The likely increase in parking pressure in the locality resulting from evening opening has already been addressed by GP in transportation obs. In line with the transportation's comments it is considered that the variation to the hours of opening is only going to be acceptable if accompanied by an additional conditions limiting the number of people on the premises at any one time and that the basement is not used as a bar or for seating.

The initial application was for a café style operation which did not require additional ventilation. Because of the change in proprietor it appears likely that the new operation will now need ventilation equipment. It is therefore recommended details of ventilation to be installed are supplied so that the amenity impact of this aspect can be assessed as it will require pp.

Providing these aspects can be resolved then there is no objection to varying the hours of opening.

PH 15.11.98

RBK&C TRANSPORTATION COMMENTS

T.P. Number: 981890.	Address: 239 Brompton Rd.	Date of obs. 14/10/98
Development: A3 extension of house \Rightarrow 12m ² dining		Obj. / No obj. ? /
File Number: TM 202/B.	Obs. <u>INITIAL</u> / FULL	Transportation officer: GP.
Other Information: MORE INFO PLEASE		D.C. officer: RE.

Comments:

The applicant gives no information about floor space or proposed seating numbers.

Looking at drawings for the previous application, the ground floor appears to be 84sqm gross, which would seat 42 approx. The drawings show approx 42 seats.

The applicant should be asked to confirm

- (a) ground & basement floor areas
- (b) proposed seating area & nos. of seats.

If we can condition the number of seats to eg. 40, and the number of people on the premises to say 50, then I am unlikely to raise an objection.

The application effectively changes the use from a coffee shop to a restaurant, with consequent implications for increased patron pressure, but limited to a small number, it is likely to be acceptable.

THE ROYAL
BOROUGH OF

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.

SCHEDULE

Reference: TP/98/1890/RF

Date: 16/10/98

GROUND FLOOR & BASEMENT, 239 BROMPTON ROAD, S.W.3

Variation of Condition 2 of Planning Permission dated 16/10/97 to
allow the restaurant to be open until 12 midnight.

APPLICANT David Taylor

*Lampard pm
aj*

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: 09/10/98

My reference:

Your reference:

Please ask for:

Planning Information Office

DPS/DCSE/RF/TP/98/1890

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

GROUND FLOOR & BASEMENT, 239 BROMPTON ROAD,
S.W.3

Proposal for which permission is sought

Variation of Condition 2 of Planning Permission dated
16/10/97 to allow the restaurant to be open until
12 midnight.

PLEASE NOTE: WHEN INFORMATION OFFICE IS CLOSED PLANS RELATING TO PROPERTIES IN
SW7, SW5 & W8 CAN BE VIEWED AT THE CENTRAL LIBRARY, PHILLIMORE WALK, W8 0171-361-3036

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 21 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 21 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 Reference Library, Chelsea Old Town Hall, King's Road, SW3. Tel. 0171-361-4158. Any questions you have regarding Planning matters should be directed to the Planning Department at the Town Hall, Hornton Street, W8. Tel. 0171-361-2079/2080
- (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:**
- i) In the interest of economy, letters in agreement or without objections to the proposals will not be acknowledged.
 - ii) Should you be interested in attending the Committee Meeting at which the application is to be determined, you are advised to contact the Planning Information Office.

MEMORANDUM

From: EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION	To: FOR FILE USE ONLY
My Ref: TP/98/1890/RF	Your Ref:
P.A.X.No. 2186	Date: 07/10/98

DEVELOPMENT

GROUND FLOOR & BASEMENT, 239 BROMPTON ROAD, S.W.3

Variation of Condition 2 of Planning Permission dated 16/10/97 to allow the restaurant to be open until 12 midnight.

Would you please advertise the above development under:-

1. Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (development affecting the character or appearance of a Conservation Area or adjoining Conservation Area).

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

DEVELOPMENT CONTROL

TECHNICAL INFORMATION
GROUND FLOOR & BASEMENT

SE

ADDRESS 239, Brompton Rd
SWS3
PP/98/01890

THE ROYAL BOROUGH OF



KENSINGTON AND CHELSEA

- HB Buildings of Architectural or Historic interest
- AMI Area of Metropolitan Importance
- MDO Major Sites with Development Opportunities
- MOL Metropolitan Open Land
- SBA Small Business Area
- PSC Principal Shopping Centre (Core or Non core)
- LSC Local Shopping Centre
- AI Sites of Archeological Importance
- SV Designated View of St. Paul's from Richmond
- SNCI Sites of Nature Conservation Importance
- REG 7 Restricted size and use of Estate Agent Boards
- ART IV Restrictions of Permitted Development Rights

Conservation Area	HB	CPO	TPO	AMI	MDO	MOL	SBA	Unavailable for Diplomatic use		PSC	LSC	AI	SV	SNCI	REG 7	ART IV	
								C	N								
13A										✓							

Density	
Site Area	
Habitable rooms proposed	
Proposed Density	

Floor Ratio	
Site Area	
Zoned Ratio	
Floor Area proposed	
Proposed Floor Ratio	

Daylighting	Complies	
	Infringes	

Car Parking	spaces required	
	spaces proposed	

Notes

239 BROMPTON ROAD

Property Card N° : 0095 246 00

Sitename :
 Comment :
 TP Arch/History : 23483 H17521
 See Also :

Xref :
 Notes :

TP No	Brief Description of Proposal	1	of	6	Adverts & History No
CHANGE OF USE TO BANK.					

Received	Decision & Date	Appeal	Works
Completd	Refused	24/09/73	Lodged
Revised			Completed

TP No	Brief Description of Proposal	2	of	6	Adverts & History No
NEW SHOP FRONTAGE.					

Received	Decision & Date	Appeal	Works
Completd	Conditional	28/12/73	Lodged
Revised			Completed

TP No	Brief Description of Proposal	3	of	6	Adverts & History No
USE REAR OF BASEMENT AND GROUND FLOOR AS BANK PREMISES. PERSONAL.					

Received	Decision & Date	Appeal	Works
Completd	Conditional	09/01/74	Lodged
Revised			Completed

TP No	TP/97/0240	Brief Description of Proposal	4	of	6	Adverts & History No
REMOVAL OF EXISTING SHOP FRONT.						CA/97/029

**CONSERVATION AREA CONSENT NO LONGER REQUIRED FOR PROPOSAL
APPLICATION WITHDRAWN BY COUNCIL.**

Received	03/02/97	Decision & Date	Appeal	Works
Completd	06/02/97	Withdrawn	22/04/97 L	Lodged
Revised				Completed

Any Queries Please ring 0171 937 5464 x 2564

239 BROMPTON ROAD

Property Card N° : 0095 246 00

Sitename :
 Comment :
 TP Arch/History : 23483 H17521
 See Also :

Xref :
 Notes :

TP No	TP/97/0239	Brief Description of Proposal	5	of	6	Adverts & History No
INSTALLATION OF NEW SHOP FRONT .						

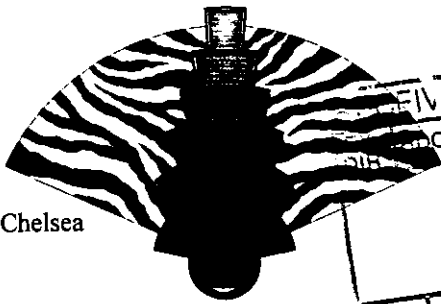
Received	03/02/97	Decision & Date		Appeal	Works
Completd	06/02/97	Conditional	01/05/97	Lodged	Completed
Revised	12/03/97				

TP No	TP/97/1787	Brief Description of Proposal	6	of	6	Adverts & History No
CHANGE OF USE FROM CLASS A1 (SHOP) TO CLASS A3 (FOOD AND DRINK)						

**** SHALL ONLY BE CARRIED OUT BETWEEN THE HOURS OF 6AM AND 7PM ON ANY DAY ****

Received	02/08/97	Decision & Date		Appeal	Works
Completd	06/08/97	Conditional	16/10/97	Lodged	Completed
Revised					

The Planning Officer
Royal Borough of Kensington and Chelsea
Planning and Conservation
The Town Hall
Horton Street
London W8 7NX



BALANS

RECEIVED BY PLANNING SERVICES							
DOC	N	C	SW	SE	ENF	AO	ACK
- 5 OCT 1998							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEES	

2 October 1998

Dear Madam/Sir,

TP981890

Re: 239 Brompton Road

I am submitting a planning application, seeking to vary condition 2 of the planning permission (TP/97/1787.) granted on 16/10/97, in respect of the ground floor and basement of this property.

I would like permission to be granted to allow the restaurant to be open until 12 o'clock midnight each day. I believe that the existing condition was put in because of the Transportation Officers comments as stated in paragraph 4.6 of the report by The Executive Director. This paragraph states "The area is predominantly commercial and it is considered unlikely that the proposal would result in a significant reduction in the area's residential character and amenity. The Transportation Officer considers that the change of use is unlikely to have a significant impact upon parking pressure, although with high rates of parking occupancy in the area, a condition is recommended limiting the hours of operation in order to prevent any increase in parking pressure in the evening being of detriment to local residents."

I have been informed by Mr Gabrielle the current owner, that when the transportation Officer visited him during his original application, the Transportation Officer raised the possibility of increased parking pressure in the evening. Mr Gabrielle who intended to run a day time only patisserie style operation, volunteered this condition as he was planning to, and still does, shut at 6pm. I therefore believe that the possibility of parking pressure in the evenings was not fully explored.

Mr Gabrielle is now selling the restaurant to ourselves. We would like to trade until 12 o'clock midnight and do not see that this would increase parking pressure in the evening for two reasons:

1. As a local resident (living off Sloane Avenue) I have a good knowledge of local parking conditions. From my observations of the area directly around the site, whilst checking whether we should buy it, I have found the area one of the easiest to park in during the evenings- in resident bays as well as metered space and single yellow lines.

I believe that this is because the area is "predominantly commercial" and also large areas are occupied by hotels, museums and two large churches, none of which create evening parking pressure. I also believe that many of the residential homes are unoccupied most of the time as they are Pied a terres or second homes for their owners.

2. We operate as a value brassiere style restaurant in our existing restaurants and will continue this style on this site. We are not a smart "destination" restaurant and would not try and compete with the famous names already in the area. We rely on being a neighbourhood restaurant and our customers would already be there, either as late shoppers or workers eating before the go home, hotel guests from the many hotels, church goers from the evening services at Holy Trinity Brompton or Brompton Oratory or those local residents who are in residence.

Finally, having spoken to Tracy Rust in your office, I have been advised that I probably do not need to prepare extensive traffic surveys or instruct planning advisors on this application but should this application be deemed contentious, please let me know so that I can prove these points in more detail.

Yours Faithfully,

David Taylor
Balans Ltd.

(ALL U.K. CORRESPONDENCE SHOULD BE SENT TO BALANS, OLD COMPTON STREET)

60 Old Compton Street, Soho, London W1V 5PA · Telephone 0171 437 5212 · Fax 0171 734 2665
239 Old Brompton Road, London SW5 9HP · Telephone 0171 244 8838
1022 Lincoln Road, South Beach, Miami 33139, U.S.A. · Telephone 305 534 9191 · Fax 305 534 7441

TOWN & COUNTRY PLANNING ACT 1990

FORM TP1

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

FOR OFFICE USE ONLY

Fee £ 20.00

Cheque / Postal Order / Cash 003535

Receipt No. Issued 1010104

COMPLETE
6 OCT 1998

Borough Ref.

Registered No. TP981890

Date Received

PLEASE READ CAREFULLY THE GENERAL NOTES BEFORE FILLING IN THE FORM

PART ONE	To be completed by or on behalf of all applicants as far as applicable	
	FEE (where applicable)	£ 95-00

1. APPLICANT (in block capitals)

Name DAVID TAYLOR

Address BALANS LTD.

60 OLD COMPTON ST.

LONDON W1U5PA

Tel. No. 0171 - 437 - 5212

AGENT (if any) to whom correspondence should be sent

Name

Address

Tel. No. Ref.

2. PARTICULARS OF PROPOSAL FOR WHICH PERMISSION IS SOUGHT

(a) Full address or location of the land to which this application applies
61 FLY 239 BROMPTON ROAD
LONDON SW3

(b) Site area

(c) Give details of proposal indicating the purpose for which the land/buildings are to be used and including any change(s) of use.
Variation of condition 2 of planning permission dated 16/10/97. To allow the restaurant to be open until 12 midnight.

(d) State whether applicant owns or controls any adjoining land and if so, give its location.
NO

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

(i) New building(s) or extension(s) to existing building(s) NO YES If "Yes" state gross floor area of proposed building(s). m²

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

(ii) Alterations NO YES

(iii) Change of use NO YES 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). Hectares/m²

(iv) Construction of new access to a highway } vehicular } NO YES } pedestrian } NO YES

(v) Alteration of an existing access to a highway } vehicular } NO YES } pedestrian } NO YES

RECEIVED BY PLANNING SERVICES

X	HDC	N	C	SW	SE	ENF	AO
IR							ACK

(22) - 5 OCT 1998

PEALS	IO	REC	ARB	FWD	CON	FEE
			Change	of use		

6 OCT 1998

Strike out whichever is inapplicable

3. PARTICULARS OF APPLICATION

State whether this application is for: State Yes or No

- (i) Outline planning permission NO
- (ii) Full planning permission YES
- (iii) Renewal of temporary permission or permission for retention of building or continuance of use without complying with a condition subject to which planning permission has been granted. YES
- (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 previous condition.

Date 16/10/97 Number TP/97/1787

The Condition No: 2

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

State :-

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

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

N/A

6. ADDITIONAL INFORMATION State Yes or No

- (a) Is the application for non-residential development YES If "Yes" complete PART THREE of this form (See PART THREE for exemptions)
- (b) Does the application include the winning and working of minerals NO If "Yes" complete PART FOUR of this form
- (c) Does the proposed development involve the felling of any trees NO If "Yes" state numbers and indicate precise position on plan
- (d) (i) How will surface water be disposed of? AS EXISTING
- (ii) How will foul sewage be dealt with? AS EXISTING
- (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 N/A

We hereby apply for (strike out whichever is inapplicable)

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

Signed [Signature] on behalf of BALANS LTD. Date 2/10/98

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

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

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

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

Name and Address of Tenant

Date of Service of Notice

Signed _____ on behalf of _____ Date _____

PART TWO TOWN AND COUNTRY PLANNING ACT 1990 CERTIFICATE UNDER SECTION 66 TP981890

PLEASE READ THE NOTES OVERLEAF BEFORE FILLING IN PART TWO.

CERTIFICATE B

I hereby certify that:

† See note (a) to Certificate

1. I have/the applicant has* given the requisite notice to all persons, who 20 days before the date of accompanying application, were owners of any part of the land to which the application relates, viz:

Name of Owner Mr. Mark Gabriele Address 239 Brompton Rd. SW3
~~21/10/98~~ Date of Service of Notice 2/10/98

*2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or

3. ~~I have/the applicant has given the requisite notice to every person other than myself/himself* who, 20 days before the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:~~

Name and Address of Tenant N/A

Date of Service of Notice

Signed [Signature] on behalf of BALANS LTD. Date 2/10/98

* Strike out whichever is inapplicable

CERTIFICATE C

I hereby certify that:

† See note (a) to Certificate

1. (i) I am/the applicant is* unable to issue a certificate in accordance with either paragraph (a) or paragraph (b) of Section 66 (1) of the Act, in respect of the accompanying application dated

(ii) I have/ the applicant has* given the requisite notice to the following persons who, 20 days before the date of the application, were owners of any part of the land, to which the application relates, viz:

Name of Owner Address
Date of Service of Notice

(iii) I have/the applicant has* taken the steps listed below, being steps reasonably open to me/him* to ascertain the names and addresses of the other owners of the land or part thereof and have/has* been able to do so:

(a)

*2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or

3. I have/the applicant has been given the requisite notice to every person other than myself/himself* who, 20 days before the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:

Name and Address of Tenant

Date of Service of Notice

Signed on behalf of Date

(a) Insert description of steps taken.
(b) Insert name of local newspaper circulating in the locality in which the land is situated.
(c) Insert date of publication (which must not be earlier than 20 days before the application).

* Strike out whichever is inapplicable

CERTIFICATE D

I hereby certify that:

† See note (a) to Certificate

1. (i) I am/the applicant is* unable to issue a certificate in accordance with Section 66 (1) (a) of the Act in respect of the accompanying application dated and have/has* taken the steps listed below, being steps reasonably open to me/him*, to ascertain the names and addresses of all the persons who, 20 days before the date of the application were owners of any part of the land to which the application relates and have/has* been unable to do so:

(a)

(ii) Notice of application as set out below has been published in the (b) on (c) (Copy of notice as published).

*2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or

3. I have/the applicant has given the requisite notice to every person other than myself/himself* who, 20 days before the date of 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

Date of Service of Notice

Signed on behalf of Date

(a) Insert description of steps taken.
(b) Insert name of local newspaper circulating in the locality in which the land is situated.
(c) Insert date of publication (which must not be earlier than 20 days before the application).

* Strike out whichever is inapplicable

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

David Taylor,
Balans Ltd.,
60 Old Compton Street,
London
W1V 5PA

Switchboard: 0171-937-5464
Direct Line: 0171-361-2702
Extension: 2702
Facsimilie: 0171-361-3463

My Reference: PP/98/01890 Your reference:

Please ask for: South East Area

Dear Mr. Taylor,

TOWN AND COUNTRY PLANNING ACT 1990

Application for Planning Permission at: Ground Floor and Basement, 239 Brompton Road, S.W.3

Dated: 02/10/1998

Complete: 06/10/1998

Decision due by: 01/12/1998

I acknowledge receipt of your application.

If you have not been notified by the Council of its decision within 8 weeks of the date of receipt above you are entitled to appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990. You may, by agreement in writing with the Council, extend the period within which the decision is to be given. The Council decides on applications as soon as possible. Many applications can be determined in six weeks or less, although there will often be reasons why a longer period is necessary.

Proposals that may affect the character or appearance of a Conservation Area, or the special character or setting of a Listed building, and some other proposals, must be advertised on site and in a local newspaper. Therefore, these applications often take longer to determine. Many applications, including all those to which objections are received, must be presented to the Planning Services Committee, which may also mean a short delay. Should you wish to discuss the progress of your application, please contact the Case Officer on the above number.

You are reminded that it would be unlawful to begin the development forming the subject of this application prior to receipt of a written Planning Permission from the Council, and you are strongly advised against doing so.

Yours faithfully,

M. J. French
Executive Director, Planning and Conservation

NOTICE OF A PLANNING APPLICATION

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

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 (Dept. 705) within 21 days of the date of this notice.

SCHEDULE

Reference: PP/98/01890

Date: 16/10/1998

Ground Floor and Basement, 239 Brompton Road, S.W.3

Variation of Condition 2 of planning permission dated 16/10/97 to allow the restaurant to be open until 12 midnight.

APPLICANT David Taylor,

MEMORANDUM

TO: FOR FILE USE ONLY

**From: EXECUTIVE DIRECTOR
PLANNING & CONSERVATION**

**My Ref:
Room No:**

CODE A1

Date: 8 October 1998

DEVELOPMENT AT:

Ground Floor and Basement, 239 Brompton Road, S.W.3

DEVELOPMENT:

Variation of Condition 2 of planning permission dated 16/10/97 to allow the restaurant to be open until 12 midnight.

The above development is to be advertised under:-

1. Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (development affecting the character or appearance of a Conservation Area or adjoining Conservation Area)

M.J. French

Executive Director, Planning & Conservation

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

FILE COPY

1 Direct Line: 0171-361-2084

Extension: 2084

Facsimilie: 0171-361-3463

Switchboard: 0171-937-5464

Date: 09/10/1998

My Reference: PP/98/01890/RF

Planning Information Office

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

The Council has received a planning application for development at:

Ground Floor and Basement, 239 Brompton Road, S.W.3

Brief details of the proposed development are set out below. Members of the public may inspect copies of the application, the plans and any other documents submitted with it. The Council's Planning Services Committee, in considering the proposal, welcomes comments either for or against the scheme. Anyone who wishes to make representations about the application should write to the Council at the above address **within 21** days of the date of this letter. Unfortunately, the Council does not have the resources to advise objectors of the Committee date, and you should telephone for further information.

Proposal for which permission is sought

Variation of Condition 2 of planning permission dated 16/10/97 to allow the restaurant to be open until 12 midnight.

Applicant

David Taylor, Balans Ltd., 60 Old Compton Street, London
W1V 5PA

Yours faithfully,

M. J. French
Executive Director, Planning and Conservation

Closed with out reply
File 98/1890

~~BC~~

K I TRIAN

63 EGERTON GARDENS LONDON SW3 2DA
TEL/FAX: 0171-584 2162 MOBILE: 0468 08 08 02

2 April 1999

Mr. F.J. French,
Executive Director
Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

Copy

RECEIVED BY PLANNING SERVICES							
E DI	HDC	N	C	SW	SE	ENF	AO ACK
07 APR 1999							
IO	REC	ARB	FWD PLN	CON DES	FEE		

62

Dear Mr. French,

239 BROMPTON ROAD SW3

I enclose a copy of a letter of mine to which I should be grateful for a reply.

I have to say that I have requested such information many times in the past.

Yours sincerely,

K I Trian

K I TRIAN
63 EGERTON GARDENS LONDON SW3 2DA

March 20, 1999

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

*Called again on
31/3/99*

Dear Sir,

YOUR REF: DPS/DCSE/RF/TP/98/1890
GROUND FLOOR AND BASEMENT, 239 BROMPTON ROAD

I write further to my note of 7th March and your reply of 12th March.

I note that the conditions sent to me were not in fact relating to this property but to some other one. I look forward to receiving the correct ones in due course.

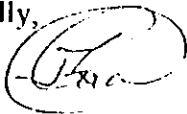
I would also like to receive replies to my other points:

- My further rights to appeal and to take the issue further. I would like to have names and addresses and time limits, including your ôbdusman.
- Time limits for a judicial review.
- The number of residential permits granted in Egerton Gardens (preferably split between north and south) Egerton Terrace and Egerton Crescent and the number of resident bays available.

Please let me have this sooner rather than later as it is not the first time I have asked for this.

Yours faithfully,

K I TRIAN



TOWN & COUNTRY PLANNING ACT 1990

FORM TP1

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

FOR OFFICE USE ONLY

Borough Ref.

Fee £

Registered No.

Cheque / Postal Order / Cash

Date Received TP981890

Receipt No. Issued

PLEASE READ CAREFULLY THE GENERAL NOTES BEFORE FILLING IN THE FORM

PART ONE	To be completed by or on behalf of all applicants as far as applicable	
	FEE (where applicable)	£ <u>95-00</u>

1. APPLICANT (in block capitals)

AGENT (if any) to whom correspondence should be sent

Name DAVID TAYLOR
 Address BALANS LTD.
60 OLD COMPTON ST.
LONDON W1USPA
 Tel. No. 0171-437-5212

Name
 Address
 Tel. No. Ref.

2. PARTICULARS OF PROPOSAL FOR WHICH PERMISSION IS SOUGHT

(a) Full address or location of the land to which this application applies 239 BROMPTON ROAD
LONDON SW3.

(b) Site area

(c) Give details of proposal indicating the purpose for which the land/buildings are to be used and including any change(s) of use.
Variation of condition 2 of planning permission dated 16/10/97. To allow the restaurant to be open until 12 midnight.

(d) State whether applicant owns or controls any adjoining land and if so, give its location.
NO

(e) State whether the proposal involves:-

State Yes or No

PLANNING SERVICES

(i) New building(s) or extension(s) to existing building(s) ENF AO LACK

- 5 OCT 1998

APPEALS IO REC ARB FWD CON FEES
 PLN DES

NO YES **If "Yes" state gross floor area of proposed building(s).** m²

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

(ii) Alterations NO

(iii) Change of use NO

(iv) Construction of new access to a highway } vehicular NO
 } pedestrian NO

(v) Alteration of an existing access to a highway } vehicular NO
 } pedestrian 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). Hectares/m²

Strike out whichever is inapplicable

3. PARTICULARS OF APPLICATION

State whether this application is for: State Yes or No

(i) Outline planning permission NO

(ii) Full planning permission YES

(iii) Renewal of temporary permission or permission for retention of building or continuance of use without complying with a condition subject to which planning permission has been granted. YES

(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 previous condition.

Date 16/10/97 Number TP/97/1787

The Condition No: 2

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

State :-

(i) Present use of buildings/land RESTAURANT

(ii) If vacant the last previous use and period of use with relevant dates. N/A

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

N/A

6. ADDITIONAL INFORMATION State Yes or No

(a) Is the application for non-residential development YES If "Yes" complete PART THREE of this form (See PART THREE for exemptions)

(b) Does the application include the winning and working of minerals NO If "Yes" complete PART FOUR of this form

(c) Does the proposed development involve the felling of any trees NO If "Yes" state numbers and indicate precise position on plan

(d) (i) How will surface water be disposed of? AS EXISTING

(ii) How will foul sewage be dealt with? AS EXISTING

(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 N/A

We hereby apply for (strike out whichever is inapplicable)

(a) Planning permission to carry out the development described in this application and the accompanying plans in accordance therewith

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

Signed [Signature] on behalf of SALANS LTD. Date 2/16/98

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

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

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

*Strike out whichever is inapplicable.

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

(a) "Owner" means a person having freehold interest or a leasehold interest the unexpired term of which was not less than 7 years.

Name and Address of Tenant

Date of Service of Notice

Signed on behalf of Date

PART TWO TOWN AND COUNTRY PLANNING ACT 1990
CERTIFICATE UNDER SECTION 66 TP981890

PLEASE READ THE NOTES OVERLEAF BEFORE FILLING IN PART TWO.

CERTIFICATE B

I hereby certify that:

† See note (a) to Certificate

1. I have/the applicant has* given the requisite notice to all persons, who 20 days before the date of accompanying application, were owners of any part of the land to which the application relates, viz:

Name of Owner Mr. Mark Gabriele Address 239 Brompton Rd. SW3
~~21/10/98~~ Date of Service of Notice 2/10/98

*2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or
3. ~~I have/the applicant has given the requisite notice to every person other than myself/himself* who, 20 days before the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:~~

Name and Address of Tenant N/A

Date of Service of Notice
Signed D. Taylor on behalf of BALANS LTD. Date 2/10/98

* Strike out whichever is inapplicable

CERTIFICATE C

I hereby certify that:

† See note (a) to Certificate

1. (i) I am/the applicant is* unable to issue a certificate in accordance with either paragraph (a) or paragraph (b) of Section 66 (1) of the Act, in respect of the accompanying application dated

(ii) I have/ the applicant has* given the requisite notice to the following persons who, 20 days before the date of the application, were owners of any part of the land, to which the application relates, viz:

Name of Owner Address
..... Date of Service of Notice

(iii) I have/the applicant has* taken the steps listed below, being steps reasonably open to me/him* to ascertain the names and addresses of the other owners of the land or part thereof and have/has* been able to do so:

(a)

*2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or

3. I have/the applicant has been given the requisite notice to every person other than myself/himself* who, 20 days before the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:

Name and Address of Tenant

Date of Service of Notice
Signed on behalf of Date

(a) Insert description of steps taken.
(b) Insert name of local newspaper circulating in the locality in which the land is situated.
(c) Insert date of publication (which must not be earlier than 20 days before the application).

* Strike out whichever is inapplicable

CERTIFICATE D

I hereby certify that:

† See note (a) to Certificate

1. (i) I am/the applicant is* unable to issue a certificate in accordance with Section 66 (1) (a) of the Act in respect of the accompanying application dated and have/has* taken the steps listed below, being steps reasonably open to me/him*, to ascertain the names and addresses of all the persons who, 20 days before the date of the application were owners of any part of the land to which the application relates and have/has* been unable to do so:

(a)

(iii) Notice of application as set out below has been published in the (b) on (c) (Copy of notice as published).

*2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or

3. I have/the applicant has given the requisite notice to every person other than myself/himself* who, 20 days before the date of 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

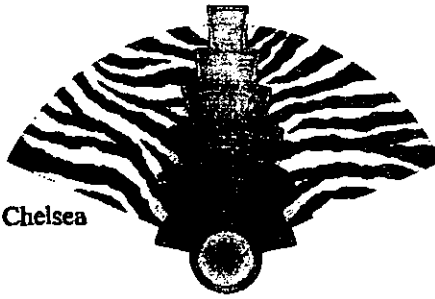
Date of Service of Notice
Signed on behalf of Date

(a) Insert description of steps taken.
(b) Insert name of local newspaper circulating in the locality in which the land is situated.
(c) Insert date of publication (which must not be earlier than 20 days before the application).

* Strike out whichever is inapplicable

TP981890

The Planning Officer
Royal Borough of Kensington and Chelsea
Planning and Conservation
The Town Hall
Horton Street
London W8 7NX



BALANS

2 October 1998

Dear Madam/Sir,

Re: 239 Brompton Road

I am submitting a planning application, seeking to vary condition 2 of the planning permission (TP/97/1787.) granted on 16/10/97, in respect of the ground floor and basement of this property.

I would like permission to be granted to allow the restaurant to be open until 12 o'clock midnight each day. I believe that the existing condition was put in because of the Transportation Officers comments as stated in paragraph 4.6 of the report by The Executive Director. This paragraph states "The area is predominantly commercial and it is considered unlikely that the proposal would result in a significant reduction in the area's residential character and amenity. The Transportation Officer considers that the change of use is unlikely to have a significant impact upon parking pressure, although with high rates of parking occupancy in the area, a condition is recommended limiting the hours of operation in order to prevent any increase in parking pressure in the evening being of detriment to local residents."

I have been informed by Mr Gabrielle the current owner, that when the transportation Officer visited him during his original application, the Transportation Officer raised the possibility of increased parking pressure in the evening. Mr Gabrielle who intended to run a day time only patisserie style operation, volunteered this condition as he was planning to, and still does, shut at 6pm. I therefore believe that the possibility of parking pressure in the evenings was not fully explored.

Mr Gabrielle is now selling the restaurant to ourselves. We would like to trade until 12 o'clock midnight and do not see that this would increase parking pressure in the evening for two reasons:

1. As a local resident (living off Sloane Avenue) I have a good knowledge of local parking conditions. From my observations of the area directly around the site, whilst checking whether we should buy it, I have found the area one of the easiest to park in during the evenings- in resident bays as well as metered space and single yellow lines.

I believe that this is because the area is "predominantly commercial" and also large areas are occupied by hotels, museums and two large churches, none of which create evening parking pressure. I also believe that many of the residential homes are unoccupied most of the time as they are Pied a terres or second homes for their owners.

2. We operate as a value for money brassiere style restaurant in our existing restaurants and will continue this style on this site. We are not a smart "destination" restaurant and would not try and compete with the famous names already in the area. We rely on being a neighbourhood restaurant and our customers would already be there, either as late shoppers or workers eating before the go home, hotel guests from the many hotels, church goers from the evening services at Holy Trinity Brompton or Brompton Oratory or those local residents who are in residence.

Finally, having spoken to Tracy Rust in your office, I have been advised that I probably do not need to prepare extensive traffic surveys or instruct planning advisors on this application but should this application be deemed contentious, please let me know so that I can prove these points in more detail.

Yours Faithfully,

David Taylor
Balans Ltd.

(ALL U.K. CORRESPONDENCE SHOULD BE SENT TO BALANS, OLD COMPTON STREET)

60 Old Compton Street, Soho, London W1V 5PA • Telephone 0171 437 5212 • Fax 0171 734 2065
239 Old Brompton Road, London SW5 9HP • Telephone 0171 244 8838
1022 Lincoln Road, South Beach, Miami 33139, U.S.A. • Telephone 305 534 9191 • Fax 305 534 7441



RF
19/10

Re Ack / (RF)

BALANS

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

PLANNING SERVICES						
LOG	N	C	SW	SE	ENF	AO ACK
19 OCT 1998						
IO	REC	ASB	FWD PLN	CON DES	FEE	

16 October 1998

Dear Mr Fowler

Re: 239 Brompton Road

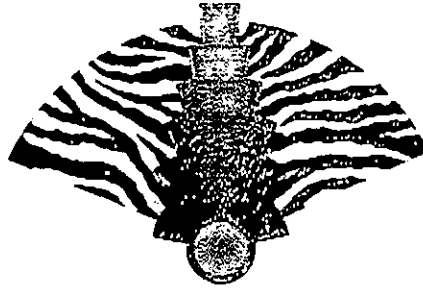
Further to our conversation today I can confirm that our proposed seating area is the ground floor of the site. We will have no more than 80 seats and a bar will be included in the area. The basement floor will have no seating and will only be used as ancillary space for the ground floor i.e. kitchen, storage and toilets.

Yours sincerely,

David Taylor.

(ALL U.K. CORRESPONDENCE SHOULD BE SENT TO BALANS, OLD COMPTON STREET)

60 Old Compton Street, Soho, London W1V 5PA • Telephone 0171 437 5212 • Fax 0171 734 2665
239 Old Brompton Road, London SW5 9HP • Telephone 0171 244 8838
1022 Lincoln Road, South Beach, Miami 33139, U.S.A. • Telephone 305 534 9191 • Fax 305 534 7441



BALANS

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

16 October 1998

Dear Mr Fowler

Re: 239 Brompton Road

Further to our conversation today I can confirm that our proposed seating area is the ground floor of the site. We will have no more than 80 seats and a bar will be included in the area. The basement floor will have no seating and will only be used as auxiliary space for the ground floor i.e. kitchen, storage and toilets.

Yours sincerely,

David Taylor.

ALL UK CORRESPONDENCE SHOULD BE SENT TO BALANS OLD COMPTON STREET

60 Old Compton Street, Soho, London W1V 5PA - Telephone 0171 437 5212 - Fax 0171 734 2665
239 Old Brompton Road, London SW3 9HP - Telephone 0171 242 8838
1022 Lincoln Road, South Beach, Miami 33139, U.S.A. - Telephone 305 534 0191 - Fax 305 534 7441

BALANS LIMITED IS REGISTERED IN ENGLAND NO. 20946583 - REGISTERED ADDRESS: 40 BATAFANI G. 47 BILLAGARD FINNEN, NIBBELHAYDA - THE ESTABLISHMENT NO. 70401119



Pack (RF)

17/10

BALANS

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

15 October 1998

RECEIVED BY PLANNING SERVICES									
EX DIR	HDC	N	C	SW	ENF	AO	LACK		
14		19 OCT 1998							
APPCS	IO	PEC	ARB	FWD	CON	DES	FRES		
		PLN							

Dear Mr Fowler

Re: 239 Brompton Road

Further to my letter of 2 October 1998 and our subsequent telephone conversations I am writing to thank you for processing our application as you have. I understand the points you have made and that you are generally in favour of the application's approval.

I would like to add to my original letter and address in particular the Transportation Officer's idea of possibly limiting the number of seats on the premises. It seems clear to me from the Committee Report for 16 October 1997, when change of use was originally granted, that the restaurant complies with the relevant policies in the up to date U.D.P. In particular Policy S15 where it passed the required 4 criteria and the restaurant therefore posed no threat to residential amenities. The only possible concern would be, therefore, whether there would be any 'significant' parking pressure caused by A3 usage after 19.00 hours. I understood that the Transportation Officer, although showing approval for our application, is minded to consider placing a restriction on the number of seats and over all occupancy of the premises. Although I obviously want my application to succeed, I strongly contest this idea as I do not think there would be a parking problem for the following reasons:

1. We are not a 'destination' restaurant. My knowledge of our other restaurant in the Borough shows me that the number of customers that travel specifically to the restaurant are few and far between, if they do they are more likely to travel by tube, bus or cab. We do have non-local customers but they are in the area because they are visiting friends, the Earl's Court Exhibition Centre or the various clubs in the area, there are numerous.
2. It is precisely because we are not a 'destination' restaurant that we are purchasing this

(ALL U.K. CORRESPONDENCE SHOULD BE SENT TO BALANS, OLD COMPTON STREET)

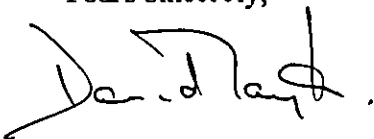
60 Old Compton Street, Soho, London W1V 5PA • Telephone 0171 437 5212 • Fax 0171 734 2665
239 Old Brompton Road, London SW5 9HP • Telephone 0171 244 8838
1022 Lincoln Road, South Beach, Miami 33139, U.S.A. • Telephone 305 534 9191 • Fax 305 534 7441

site and although we intend to operate here for many years to come, should we move on, any future operators would feel the same way for these reasons. The site is on a red route, the rent and premium are very high because it is part of the retail parade. It is therefore only suitable for attracting passing and local trade. A big name/ destination restaurant that people were going to drive to would choose much cheaper premises to operate from.

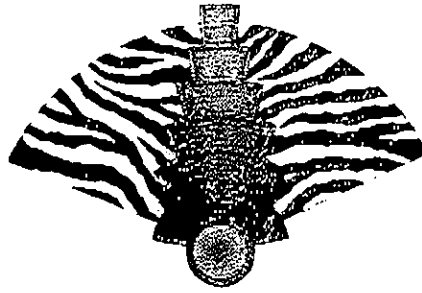
3. Nowadays with the changing habits of retailers and customers, an A1 operator could include coffee shops, convenience stores and many late night service stores which would be more likely to significantly increase parking pressure than a restaurant.
4. The most compelling reason for resisting a limit on seat numbers is as follows:
 - a. Restaurants have certain times of day and night when they are busy. It is at peak times when a restaurant has to take money to succeed. A restaurant is not constantly full.
 - b. Our restaurant in this site would do a good 70% of it's business in the day before 19.00 hours. The remaining crucial 30% would come from the dinner sitting between 19.00 hours and leaving by 24.00 hours. We would only have full occupancy one or two nights of the week.
 - c. The premises would allow (because of it's size) for a maximum occupancy of 80 people.
 - d. If we assumed that the maximum number that specifically travelled to the restaurant by car was 10% (it would certainly not be that high) and that these 10% travelled as a couple or 2 couples together then on our busiest night we would have a maximum of 4 and more likely 2 cars specifically visit the area to visit our restaurant. I therefore can not see us significantly increasing the parking pressure in the area but I can see that a limit on seating of say 50/60 would impact severely on our chances of success as a restaurant.

Thank you again for your attention in this matter and I will speak to you on Monday as you asked.

Yours sincerely,



David Taylor.



BALANS

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

15 October 1998

Dear Mr Fowler

Re: 239 Brompton Road

Further to my letter of 2 October 1998 and our subsequent telephone conversations I am writing to thank you for processing our application as you have. I understand the points you have made and that you are generally in favour of the application's approval.

I would like to add to my original letter and address in particular the Transportation Officer's idea of possibly limiting the number of seats on the premises. It seems clear to me from the Committee Report for 16 October 1997, when change of use was originally granted, that the restaurant complies with the relevant policies in the up to date U.D.P. In particular Policy S15 where it passed the required 4 criteria and the restaurant therefore posed no threat to residential amenities. The only possible concern would be, therefore, whether there would be any 'significant' parking pressure caused by A/J usage after 19.00 hours. I understood that the Transportation Officer, although showing approval for our application, is minded to consider placing a restriction on the number of seats and over all occupancy of the premises. Although I obviously want my application to succeed, I strongly contest this idea as I do not think there would be a parking problem for the following reasons:

1. We are not a 'destination' restaurant. My knowledge of our other restaurant in the Borough shows me that the number of customers that travel specifically to the restaurant are few and far between, if they do they are more likely to travel by tube, bus or cab. We do have non-local customers but they are in the area because they are visiting friends, the Earl's Court Exhibition Centre or the various clubs in the area, there are numerous.
2. It is precisely because we are not a 'destination' restaurant that we are purchasing this

(ALL UK CORRESPONDENCE SHOULD BE SENT TO BALANS, OLD COMPTON STREET)

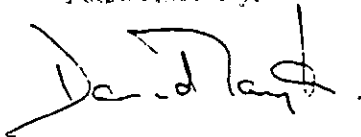
60 Old Compton Street, Soho, London W1V 5PA • Telephone 0171 437 5212 • Fax 0171 734 2665
 239 Old Brompton Road, London SW5 9HP • Telephone 0171 244 8838
 1022 Lincoln Road, South Beach, Miami 33139, U.S.A. • Telephone 305 534 9191 • Fax 305 534 7441

site and although we intend to operate here for many years to come, should we move on, any future operators would feel the same way for these reasons. The site is on a red route, the rent and premium are very high because it is part of the retail parade. It is therefore only suitable for attracting passing and local trade. A big name/destination restaurant that people were going to drive to would choose much cheaper premises to operate from.

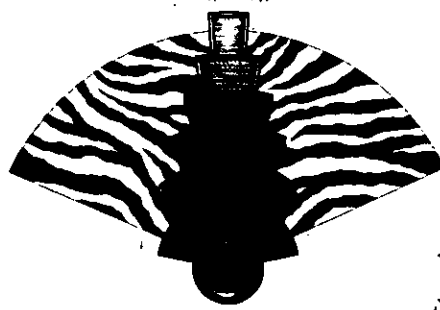
3. Nowadays with the changing habits of retailers and customers, an A1 operator could include coffee shops, convenience stores and many late night service stores which would be more likely to significantly increase parking pressure than a restaurant.
4. The most compelling reason for resisting a limit on seat numbers is as follows:
 - a. Restaurants have certain times of day and night when they are busy. It is at peak times when a restaurant has to take money to succeed. A restaurant is not constantly full.
 - b. Our restaurant in this site would do a good 70% of it's business in the day before 19.00 hours. The remaining crucial 30% would come from the dinner sitting between 19.00 hours and leaving by 24.00 hours. We would only have full occupancy one or two nights of the week.
 - c. The premises would allow (because of it's size) for a maximum occupancy of 80 people.
 - d. If we assumed that the maximum number that specifically travelled to the restaurant by car was 10% (it would certainly not be that high) and that those 10% travelled as a couple or 2 couples together then on our busiest night we would have a maximum of 4 and more likely 2 cars specifically visit the area to visit our restaurant. I therefore can not see us significantly increasing the parking pressure in the area but I can see that a limit on seating of say 50/60 would impact severely on our chances of success as a restaurant.

Thank you again for your attention in this matter and I will speak to you on Monday as you asked

Yours sincerely,



David Taylor



BALANS

BBB
14-10

Peck/RF

RECEIVED BY PLANNING SERVICE
EX OIR | HDC | N | C | SW | S | EN | AO ACK

58 . 14 OCT 1998

APPROB | IO | REC | ARB | FWD | CON | FEES
PLN | DES

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

13 October 1998

Dear Mr Fowler

Re: 239 Brompton Road

Further to my letter of 2 October and our subsequent telephone conversation, I can confirm that we would trade during the day as well as the evening. As you know we have a restaurant in the Royal Borough sited at 239 Old Brompton Road and this restaurant is open from 8am. Our menu has a breakfast section that runs all day, as well as salads and pastas, which are aimed at our daytime customers. We envisage that 70% of our custom would be during the daytime. I can therefore guarantee that we would be open from 8am and possibly start at 7am.

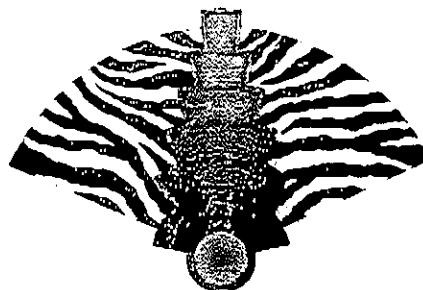
Please let me know if I can give you any other information.

Yours sincerely

David Taylor

(ALL U.K. CORRESPONDENCE SHOULD BE SENT TO BALANS, OLD COMPTON STREET)

60 Old Compton Street, Soho, London W1V 5PA • Telephone 0171 437 5212 • Fax 0171 734 2665
239 Old Brompton Road, London SW5 9HP • Telephone 0171 244 8838
1022 Lincoln Road, South Beach, Miami 33139, U.S.A. • Telephone 305 534 9191 • Fax 305 534 7441



BALANS

Handwritten notes: "RF" in a circle, "RF" in a circle, and "RFB 14/10" written vertically.

Richard Fowler
Royal Borough of Kensington & Chelsea
Planning and Conservation
The Town Hall
Horton Street
London W8 7NX

R.K.S.
TOWN PLANNING
13 OCT 1998
RECEIVED

13 October 1998

Dear Mr Fowler

Re: 239 Brompton Road

Further to my letter of 2 October and our subsequent telephone conversation, I can confirm that we would trade during the day as well as the evening. As you know we have a restaurant in the Royal Borough sited at 239 Old Brompton Road and this restaurant is open from 8am. Our menu has a breakfast section that runs all day, as well as salads and pastas, which are aimed at our daytime customers. We envisage that 70% of our custom would be during the daytime. I can therefore guarantee that we would be open from 8am and possibly start at 7am.

Please let me know if I can give you any other information.

Yours Sincerely

Handwritten signature of David Tavler

David Tavler

(ALL U.K. CORRESPONDENCE SHOULD BE SENT TO BALANS, OLD COMPTON STREET)

60 Old Compton Street, Soho, London W1V 5PA • Telephone 0171 437 5212 • Fax 0171 734 2665
239 Old Brompton Road, London SW5 9HP • Telephone 0171 244 8838
1000 Lincoln Road, South Beach, Miami 33139, U.S.A. • Telephone 305 534 9191 • Fax 305 534 7441

BALANS (INC) LTD IS REGISTERED IN ENGLAND NO. 02946578. REGISTERED OFFICE: CO-DATA SYSTEMS CO., 47 HILL ROAD PINNER MIDDLESEX HA5 1LE. VAT REGISTRATION NO. 91905119



