

PLANNING SERVICES APPLICATION

6

CONSULTATION SHEET

APPLICANT:

Stiff & Trevillion Architects,  
4 Westbourne Grove Mews,  
Kensington,  
London  
W11 2RU

APPLICATION NO: PP/99/02505

APPLICATION DATED: 29/11/1999

DATE ACKNOWLEDGED: 13 December 1999

APPLICATION COMPLETE: 13/12/1999

DATE TO BE DECIDED BY: 07/02/2000

SITE: 6 North Pole Road, London, W10 6QL

PROPOSAL: Residential usage above. ~~Shop/restaurant works include construction of rear extension on Brewster Gardens elevation. Four self-contained flats (currently 3) and reorganisation of ground floor to A3 (Food and Drink) and B1 (Business).~~

*Change of use of ground floor to A3 restaurant, erection of rear extension, formation of additional self-contained flat and elevational alterations.*

ADDRESSES TO BE CONSULTED

1. 4, 4a, 6, 8, 10, 12, 14 North Pole Rd  
 2. 5, 7, 9, 11, 13, 15 North Pole Rd 5 (FLATS A-C) 7 (FLATS D-C) 9 (FLATS 1-6)  
 3. 1-40 Coronated Court, Brewster Cds 11 (FLATS A-C) 13/15 NORTH POLE P.H  
 4. 1, 3, 5, 7, 9 Brewster Cds  
 5. 1-40  
 6. 1 (GRND, 1ST/2ND) 3, 5, 7, 9  
 7.  
 8. CS SHOP  
 9. 4, 4A (SHOP)  
 10.  
 11. 6 (GRND, 1ST, 2ND) 8 (1ST/2ND) 10, 12 (1ST/2ND) 14  
 12.  
 13.  
 14.  
 15.

CONSULT STATUTORILY

- HBMC Listed Buildings
- HBMC Setting of Buildings Grade I or II
- HBMC Demolition in Conservation Area
- Demolition Bodies
- DoT Trunk Road - Increased traffic
- DoT Westway etc.,
- Neighbouring Local Authority
- Strategic view authorities
- Kensington Palace
- Civil Aviation Authority (over 300')
- Theatres Trust
- National Rivers Authority
- Thames Water
- Crossrail
- LRT/Chelsea-Hackney Line

ADVERTISE

- Effect on CA
- Setting of Listed Building
- Works to Listed Building
- Departure from UDP
- Demolition in CA
- "Major Development"
- Environmental Assessment
- No Site Notice Required
- Notice Required other reason
- Police
- L.P.A.C
- British Waterways
- Environmental Health

✓  
16/12/99

✓  
16/12/99  
72

# DEVELOPMENT CONTROL

## TECHNICAL INFORMATION

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

ADDRESS 6 North Pole Road 7

POLLING DISTRICT C PP9 2505

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

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

Within the line of Safeguarding of the proposed Chelsea/Hackney underground line

Within the line of Safeguarding of the proposed Eastwest/Crossrail underground line

Density	
Site Area	
Habitable rooms proposed	
Proposed Density	

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

<b>Daylighting</b>	Complies	
	Infringes	

<b>Car Parking</b>	Spaces required	
	Spaces proposed	

**Notes:**



# NOTICE OF A PLANNING APPLICATION

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

MEMORANDUM

8

TO: FOR FILE USE ONLY.

From: EXECUTIVE DIRECTOR,  
PLANNING & CONSERVATION

My Ref: PP/99/02505/MC

CODE SL

Room No:

Date: 16 December 1999

**DEVELOPMENT AT:**

6 North Pole Road, London, W10 6QL

**DEVELOPMENT:**

Change of use of ground floor to A3 restaurant, erection of rear extensions, formation of additional self contained flat and elevational alterations.

The above development is to be advertised under:-

**NO REQUIREMENT FOR SITE NOTICE/ADVERTISEMENT IN THIS CASE.**

**M.J. French**

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

---

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS TP MRTPI Cert TS

**9****THE ROYAL  
BOROUGH OF****KENSINGTON  
AND CHELSEA**THE OCCUPIER  
FILE COPY  
0171-361- 2096Switchboard: 0171-937-5464  
Extension: 2096  
Direct Line:Facsimile: 0171-361-3463  
Date: 16 December 1999

My reference:

Your reference:

Please ask for:

My Ref: DPS/DCN/PP/99/02505/MC

Planning Information Office

Dear Sir/Madam,  
**TOWN AND COUNTRY PLANNING ACT 1990****Proposed development at: 6 North Pole Road, London, W10 6QL**

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****Change of use of ground floor to A3 restaurant , erection of rear extensions, formation of additional self contained flat and elevational alterations.****Applicant****Stiff & Trevillion Architects, 4 Westbourne Grove Mews, Kensington, London  
W11 2RU****The Planning Information Office Christmas opening hours are as follows:- Mon 20th -  
Thurs 23rd Dec. 9.00-16.45. Fri 24th Dec 9.00-13.00. Wed 29th & Thur 30th Dec  
9.00-13.00 then 14.00-16.30. The office will be closed on 27th, 28th & 31st Dec. & 3rd  
Jan. Normal office hours resume on Tues. 4th Jan at 9.00.**

Yours faithfully,

**M. J. FRENCH**

Executive Director, Planning and Conservation

10

### **WHAT MATTERS CAN BE TAKEN INTO ACCOUNT**

When dealing with a planning application the Council has to consider the policies of the Borough Plan, known as the Unitary Development Plan, and any other material considerations. The most common of these include (not necessarily in order of importance):

- \* The scale and appearance of the proposal and impact upon the surrounding area or adjoining neighbours;
- \* Effect upon the character or appearance of a Conservation Area;
- \* Effect upon the special historic interest of a Listed Building, or its setting;
- \* Effect upon traffic, access, and parking;
- \* Amenity issues such as loss of Sunlight or daylight, Overlooking and loss of privacy, Noise and disturbance resulting from a use, Hours of operation

### **WHAT MATTERS CANNOT BE TAKEN INTO ACCOUNT**

Often people may wish to object on grounds that, unfortunately, **cannot** be taken into account because they are not controlled by Planning Legislation. These include (again not in any order of importance):

- \* Loss of property value;
- \* Private issues between neighbours such as land covenants, party walls, land and boundary disputes, damage to property;
- \* Problems associated with construction such as noise, dust, or vehicles (If you experience these problems Environmental Services have some control and you should contact them direct)
- \* Smells (Also covered by Environmental Services)
- \* Competition between firms;
- \* Structural and fire precaution concerns; (These are Building Control matters)

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### **WHERE TO SEE THE PLANS**

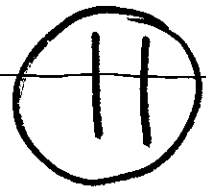
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If you are a registered disabled person, it may be possible for an Officer to come to your home with the plans. Please contact the Planning Department and ask to speak to the Case Officer for the application.

**PLEASE QUOTE THE APPLICATION REFERENCE NUMBER ON YOUR REPLY**

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



TP No: TP/99/2505	Address: 6 North Pole Road. W10	Date Received 20-12-99	Date of Obs. 11-1-00
UDP Paras/Policies		Obj. ***	No obj.
S1, S17, CD37, E2	Development: The change of use of the ground floor to A3 and B1 unit, the formation of an additional residential flat, rear extension and elevational alterations.	HMO? No	No. of Dwelling Units Existing: 3, Proposed: 4
		D.C. Officer MC	Policy Officer DC

**Comments:**

**Site:**

The property is located on the north side of North Pole Road at its corner with Brewster Gardens. The property lies within the North Pole Local Shopping Centre.

**Existing Use:**

Retail unit on the ground floor with 3 flats above.

**Planning History:**

No relevant planning decisions.

**Proposed use:**

The change of use of the ground floor to A3 and B1, the provision of 4 residential units, rear extension and elevational alterations.

**Policy Issues:**

Retail

The retail unit, currently operating as an off-licence, is considered to play an important part in providing day-to-day shopping needs to nearby residents (see para. 5.2 of the shopping chapter) and those employed in businesses in the nearby Freston Road/Latimer Road Employment Zone. It is therefore important to resist the loss of such retail uses in local shopping centres. This stance has been reinforced by the results of the Retail Capacity Study which has identified a projected growth in convenience shopping expenditure and a deficiency in local shops that provide for day-to-day shopping. The study also reinforces the weight that can be attached to Policy S1, which normally resists the loss of retail units and floorspace, and Policy S17, which resists the loss of any shop in a local shopping centre.

Residential

The upper floors comprise 3 residential units; a studio and a one bedroom flat on the first floor and a three bedroom flat on the second floor. The applicant proposes internal alterations on the upper floors to provide an additional residential accommodation on the second floor. The provision of additional housing is welcomed and complies not only with Policy H2 but also with STRAT 13 & 14 of the Unitary Development Plan and RPG3. The relevant policy for residential conversions is policy H6 as altered which states:

“To permit proposals for the conversion of self-contained residential units into smaller dwellings, except where they would result in :

- (a) unacceptable levels of on-street parking demand or add to already unacceptable levels;

PH 12.1.00

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

12

- (b) the unacceptable loss of off-street parking spaces;
- (c) the loss of houses of flats of 100 square metres (gross) or less which have access to amenity space;
- (d) the creation of undersized dwellings which are contrary to council standards.”

It is now proposed to provide two, 1 bed and 2 bed flats. The upper floors have no access to amenity space, however, concerns are raised to the size of the proposed units. The one bed flats, containing two habitable rooms, measure 29.4sq.m and the two bed flats, comprising 3 habitable rooms, measure 45 sq.m. These internal space sizes are well below the minimum standards as set out in paragraph 3.2 of the Standards Chapter, being 44.5sq.m and 57sq.m respectively. See Transportation regarding policy H6(a) & (b).

Business

The applicant proposes a new B1 unit measuring approximately 35 sq.m. at the rear of the ground floor unit. Policy E2 permits development for small scale business use except where in conflict with other policies in the plan. Small business operations, particularly less the 100 sq.m are usually compatible with the character and function of the Borough by virtue of their scale and activity and contribute to the health and vitality and diversity of the local economy. It will also provide employment opportunities to local people.

**Recommendation:**

An objection is raised to the loss of retail and the substandard residential accommodation.

PH 12.1.00

MC

Our ref: VK/2028/6.00

13

January 18, 2000

Bohri  
Pl.ack

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

✓ CT  
19/1/2000

RECEIVED BY PLANNING SERVICES									
EX DIR	HDC		C	SW	SE	ENF	AO ACK		
22		19 JAN 2000							
IO	REC	ARB	FWD PLN	CON DES	FEES				

Dear Sirs, 6 NORTH POLG RJ

Please find enclosed revised drawings as requested.  
Kitchen and extract for restaurant added.  
Approx. seating for 30 guests and there will be no take away for the restaurant.

↓  
COPY OF PLANS  
TO INFORMATION  
OFFICE PLEASE

Should you have any queries please do not hesitate to contact me.

Yours Sincerely

Veronika Kral  
Stiff+Trevillion Architects

Enc.

green sheet  
to beho  
21/00  
resp 21 days



Our ref: VK/2028/6.00

? → January 18, 2000

MC  
Bodini  
Pl. act

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

CT  
6/3/2000

14

Reg. 6 North Pole Road, London W10

RT  
COPY  
TO INFO  
OFFICE PLEASE

Dear Sir/Madam,

Please find enclosed revised drawings 2028-02, 10B, 11B of the above mentioned project..

Should you have any queries please do not hesitate to contact me.

Yours Sincerely

Veronika Kral  
Stiff+Trevillion Architects

Enc.

RECEIVED BY PLANNING SERVICES									
EX DIR	HDC	M	C	SW	SE	ENF	AO ACK		
								17	6 MAR 2000
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEES			

2005

**RBK&C TRANSPORTATION COMMENTS**

<b>PP Number:</b> 99/2505	<b>Address:</b> 6 North Pole Road	<b>Date of obs:</b> 20 Jan 2000	
<b>Proposal:</b> Change of use of ground floor to A3 restaurant, erection of rear extension formation of additional self-contained flat and elevational alterations.			Obj No Obj ✓
<b>File Number</b> TF/202/N	<b>Initial Observations</b>	Transportation Officer: Steve Lauder	D C Officer: MC
	<b>Full Observations</b> ✓		

**Supplementary information:**  
N/A

**IS**

**A3 USE**

The proposed A3 use covers an area of 53 sqm on of the ground floor. Provided that conditions were attached limiting the number of seats to 25, and number of people on the premises at any one time to 30, I am of the view that the impact in transportation terms would not merit an objection. You may also wish to give some consideration to restricting the opening hours, should you be minded to recommend approval.

**B1 USE**

The proposed B1 use is also considered acceptable in transportation terms, and I do not intend to raise an objection to this aspect of the proposal.

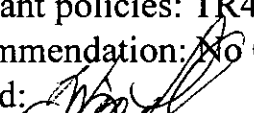
**RESIDENTIAL USE**

UDP policy TR46 requires 'all new residential development to include adequate off street parking unless such provision would be unacceptable in townscape terms'.

Although the provision of off-street parking is desirable, I am of the view that the requirements of TR46 are unachievable in this instance.

Although I do not intend to raise an objection to this aspect of the proposal, it should be noted that, the provision of additional residential units from conversions, which do not include adequate off-street parking provision, will possibly lead to increasing levels of demand for a finite amount of on-street parking space.

The emergent UDP contains a specific reference to these situations, and it will become more difficult to outweigh the lack of parking provision as the revised UDP emerges and is adopted.

Relevant policies: TR46  
 Recommendation: No Objection  
 Signed: 

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**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS TP MRTPI Cert TS

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**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

THE OCCUPIER  
FILE COPY  
0171-361- 2096

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

Facsimile: 0171-361-3463  
Date: 24 January 2000

My reference:

Your reference:

Please ask for:

My Ref: DPS/DCN/PP/99/02505/MC

Planning Information Office

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Proposed development at: 6 North Pole Road, London, W10 6QL**

You were recently notified on, and/or have commented on, the application for development at the above address. The Council has now received **AMENDMENTS** to this application, and brief details of these are set out below. The Council's Planning Services Committee, in considering the proposal, welcomes comments upon these amendments. Members of the public may **inspect copies of the amended plans**, and any other submitted documents. Details are provided overleaf.

**Amended Proposal**

**Change of use of ground floor to A3 restaurant , erection of rear extensions, formation of additional self contained flat and elevational alterations. REVISED DRAWINGS RECEIVED.**

**Applicant**

**Stiff & Trevillion Architects, 4 Westbourne Grove Mews, Kensington, London  
W11 2RU**

Anyone who wishes to submit comments on the amended application should write to the Council at the above address within **14 days** of the date of this letter.

Yours faithfully,

**M. J. FRENCH**

Executive Director, Planning and Conservation

### **WHAT MATTERS CAN BE TAKEN INTO ACCOUNT**

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**PLEASE QUOTE THE APPLICATION REFERENCE NUMBER ON YOUR REPLY**

FILE NUMBER: ..... *PP/99/2505* .....  
ADDRESS: .. *C. North Pole Road* .....  
..... *Kennington* .....  
..... *W.O.* .....

*18*

REVISED DRAWINGS RECEIVED

- those originally ~~not~~ notified +*
1. Please re-notify all objectors. Add to letter:  
"Revised drawings received. Any further comments must be received by *14 days*" \*  
*2. Please re-advertise \**

*✓ CT 24/1/2000 .*  
*72 NEIGHBOURS / OBJECTORS NOTIFIED .*

\* delete or add as appropriate



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# RBKC District Plan Observations CONSERVATION AND DESIGN

Address	6 North Pole Road, W10	Appl. No.	99 / 2505 / MC	L.B.	C.A.	N
Description	Rear extension and elev-altts.	Code		X	(adj) SA	C S

The rear extension would result in an almost a full width / full depth extension, almost certainly unwelcome in design terms (at the 1st and 2nd floor levels). This building is facing a Conservation Area and a review this summer for possible extension to boundaries so highly design sensitive.

The front and side elevation alterations do not improve matters, some aspects make them even worse. The drawings are also highly inconsistent - if the survey's versus proposed and the plans vs. elevations.

Site visit is necessary to assess what, if anything, is possible.

3/2/00

FILE NUMBER:

pp/99/2505

ADDRESS:

6 Norton Pole Road

Kewington

W10

20

REVISED DRAWINGS RECEIVED

- 1. Please re-notify all <sup>those originally notified &</sup> objectors. Add to letter:

"Revised drawings received. Any further comments must be received by <sup>14 days</sup>" \*

- 2. ~~Please re-advertise~~ \*

→ Revised Description:

"Erection of rear extension at first floor level and glazed roof over rear yard area. ~~Provision~~ <sup>Formation</sup> of new (Class B1) studio/office to rear ground floor and elevational alterations"

\* delete or add as appropriate

NB: Change of use of retail shop to restaurant ~~is~~ has been omitted from scheme.

CT  
7/3/2000

72 LETTERS →

PLANS SENT TO N.K.L.

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

Executive Director M J FRENCH FRICS TP MRTPI Cert TS

21

THE OCCUPIER  
FILE COPY  
0171-361- 2079/ 2080

Switchboard: 0171-937-5464  
Extension: 2079/ 2080  
Direct Line:

Facsimile: 0171-361-3463  
Date: 7 March 2000

My reference:

Your reference:

Please ask for:

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**Amended Proposal**

**REVISED DESCRIPTION:** Erection of rear extension at first floor level and glazed roof over rear yard area. Formation of new (Class B1) studio/office to rear ground floor and elevational alterations.

**N.B.** Change of use of retail shop to restaurant has been omitted from scheme.

**Applicant**

**Stiff & Trevillion Architects, 4 Westbourne Grove Mews, Kensington, London  
W11 2RU**

Anyone who wishes to submit comments on the amended application should write to the Council at the above address within **14 days** of the date of this letter.

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**M. J. FRENCH**

Executive Director, Planning and Conservation



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Details of the application can be seen at the **Planning Information Office, 3rd floor, Town Hall, Hornton Street W8**. It is open from 9am to 4.45pm Mondays to Thursdays (4pm Fridays). A Planning Officer will always be there to assist you.

In addition, copies of applications in the **Chelsea Area (SW1, SW3, SW10)** can be seen at **The Reference Library, Chelsea Old Town Hall, Kings Road SW3 (0171-361 4158)**, for the **Central Area (W8, W14, SW5, SW7)** can be viewed in the **Central Library, Town Hall, Hornton Street, W8**. and applications for districts **W10, W11 and W2** in the **North** of the Borough can be seen at **The Information Centre, North Kensington Library, 108 Ladbroke Grove, London W11** (under the Westway near Ladbroke Grove Station **0171-727-6583**). Please telephone to check the opening times of these offices.

If you are a registered disabled person, it may be possible for an Officer to come to your home with the plans. Please contact the Planning Department and ask to speak to the Case Officer for the application.

**PLEASE QUOTE THE APPLICATION REFERENCE NUMBER ON YOUR REPLY**



23

# RBKC District Plan Observations CONSERVATION AND DESIGN

Address	6, North Pole Road	Appl. No.	99/2505/MC	L.B.	-	CA.	(adj)	N	✓
Description	Rear extensions, elev. alterations.	Code	X	LSA					

This is much better, but still some points to resolve; I would comment as follows:

The raised infill extension at the 1st floor level is still not exactly welcome, but as long as it is no higher than shown - we should have a section through it to prove it can work headroom wise and as long as all the refurbishment works to the building's elevations really happen (i.e. would have to be Section 106) then perhaps this could be seen as an acceptable package.

- the rear facing existing windows at the main second floor level is being blocked up, will look very odd. should keep it, or at least block up in recess and retain thereby the opening & arch over it, to prevent completely blank elevation.
- there is still an ominous note left on the rear elevation drawing, re: new extension at the 2nd floor level. must be omitted?
- any new brickwork would have to match in every respect to avoid patchy appearance. Happy to discuss.

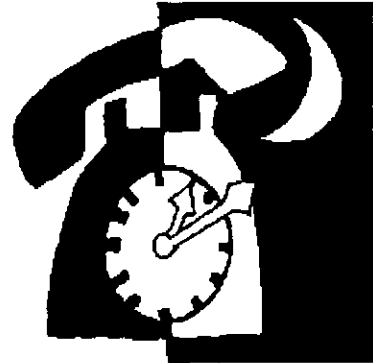
7/3/2000

**ENVIRONMENTAL HEALTH**  
Noise Nuisance and Pest Control Service

**MEMO**

24

From **Huw Griffiths** EHO  
To **Melanie Charalambous** Planning Officer  
Date **10.march 2000**  
Re **6 North Pole Rd**



cc

**RE: PLANNING REF - PP/99/2505**  
**6 NORTH POLE ROAD, LONDON, W10**  
**PROPOSED RESTAURANT.**

I write to advise that I received the above planning application which included the installation of an extraction unit and duct to serve a proposed restaurant at the above address. The nature of the Information Request Form was to assess the acceptability of the extraction ducting in relation to location, noise and smell.

I was able to visit the premises recently and was advised by Mr H. Patel that the planning permission regarding the restaurant and therefore, the extraction ducting had been withdrawn. Is this the same information that you have?

Please could you contact me on 5693 or DEHHDG to confirm this.

Regards

Huw Griffiths  
Noise and Nuisance

# INFORMATION REQUEST FORM

## Planning Services to Environmental Health

*Low Hooper*

**To:** Paul Morse - Director of Environmental Health

**Address/Issue**  
 6 North Pole Road  
 Keenfron  
 W10 *proposed restaurant*

**Planning Reference No.:** PP/99/2505

**Planning Case Officer:** Melanie Charalambous

**Summary of Proposal:**

**Policy Issue/Subject of Advice**

(key Features)(Uses,Scale etc.)(Main Issues/Problems).

*proposed restaurant + extract duct*  
*Suitability of extract duct* **25**

**Schedule of Attachments:**

Specifications  *Form*  
 Drawings   
 Supporting Info.  *location plan*  
 Draft Text etc.

**Schedule of Key Dates:**

1. Case initiated/Application received: 29 1 1 9 9  
 4. Information required by: 1 4 0 2 0 0  
 2. Sent by Planning Services: 2 1 0 1 0 0  
 5. Returned by Environmental Health:   
 3. Entered on EHIS: 2 4 0 1 0 0

**Purpose/Status of Request:**

- Planning Application
- Planning Issues paper
- Impact Assessment
- Planning Appeal
- Planning Guidance
- General Advice
- Planning Brief
- UDP Consultation
- Other

**Nature of Request in brief:**

*Please could you let me know if the proposed extract duct is acceptable in relation to location, noise & smells.*

**Previous Planning History:**

Need for telephone discussion of background

**Essentials of relevant UDP or other Policy:**

Need for telephone discussion of background

**Specific Issues for Environmental Health Comment**

- Food
- Noise and Nuisance
- Health and Safety
- Contaminated Land
- HMO's
- Air Quality
- Other

**E.H. Response:** (Continue on reverse if necessary)

**EHIS Reference No.:** 70744/100

*Visit made. - Ground floor to be left as shop. No Extractor system to be installed, only flat combustion upstairs. No comments.*

**E.H. Case officer(s) and telephone number(s):**

H.D. Griffiths 5693

RECEIVED  
 24 JAN 2000  
 ENVIRONMENTAL HEALTH  
 R.B.K. & C.

TO ENVIRONMENTAL HEALTH TO PLANNING SERVICES TO ENVIRONMENTAL HEALTH TO PLANNING SERVICES TO...

Our ref: VK/2028/6.00

26

March 20, 2000

MC  
Book  
Pl. code

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

RECEIVED		PLANNING SERVICES					
EX	DIR	21 MAR 2000					
4							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	

Reg. 6 North Pole Road, London W10

Dear Sir/Madam,

✓  
LT  
21/3/2000

Please find enclosed revised drawings 2028-02A, 11C, 12 of the above mentioned project.

Should you have any queries please do not hesitate to contact me.

Yours Sincerely

Veronika Kral  
Stiff+Trevillion Architects

Enc.

LT  
COPY OF PLANS  
TO INFORMATION  
OFFICE PLEASE

Reg. 6 North Pole Road. (27)

Please find enclosed photographs  
of the above mentioned project  
as requested.

Yours Sincerely  
Veron Hill

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	SI	SP	SP	ENF	AO ACK	
24 MAR 2000							
APPS	IO	REC	ARB	FWD PLN	CON DES	FEES	

28



---

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

Della Russell  
10 Coronation Court  
Brewster Gardens  
Kensington  
W10 6AL

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

24 March 2000

---

---

THE ROYAL  
BOROUGH OF



**KENSINGTON  
AND CHELSEA**

---

---

My reference: DPS/DCN/PP/99/ Your reference:  
2505

Please ask for: Melanie Charalambous

Dear Madam,

**Town and Country Planning Act 1990**

**Re: 6 North Pole Road, Kensington W10**

I write with reference to your letter of 28 February 2000, regarding the current planning application at the above property.

Amendments have been received in relation to this application and the description of development has been altered to omit the change of use of the ground floor shop to a restaurant as well as the omission of the second floor level rear extension. The proposal is now only for the erection of rear extensions at ground and first floor levels, elevational alterations and the formation of a Class B1 studio/office unit at rear ground floor level.

I would advise you that the application is due to go before the Planning Services Committee on 11 April 2000.

If you have any further enquiries, please do not hesitate to contact my assistant on the above extension.

Yours faithfully,

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



Our ref: VK/2028/6.00

March 27, 2000

MC

Bodhi  
Pl-ade

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

30

Reg. 6 North Pole Road, London W10

Dear Sir/Madam,

I hereby confirm that the owner of the above mentioned property is accepting a legal agreement between The Royal Borough of Kensington and Chelsea and himself in order to get planning permission for works as shown on drawings 2028-01, 02A, 10B, 11C, 12 and planning application. The agreement to include upgrading of front elevation residential windows and removal of big advertisement screen to side elevation.

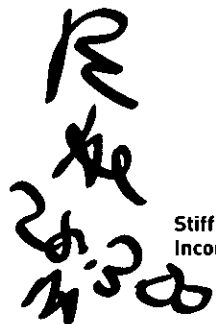
Yours Sincerely



Veronika Kral  
Stiff+Trevillion Architects

Enc.

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	M	C	SW	SF	ENF	AO ACK
bb		28 MAR 2000					
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	



MEMORANDUM

31

To: Melanie Charalambous  
Planning and Conservation  
North Area

From: Director of Legal Services

cc:

Your Ref:

My Ref: HS  
Ext: 3370

Date: 28 June 2000

**6 NORTH POLE ROAD - SECTION 106 AGREEMENT**

Further to the above matter, I attach for your comments a draft Section 106 agreement. Please can you check the agreement and in particular the definition of "Applicant's Drawings" and "Elevational Works" on page two of the agreement together with the covenant on Page five of the agreement.

Please contact me should you have any queries.



RECEIVED BY PLANNING SERVICES									
EX DIR	HIS	C	SW	SE	ENF	AO ACK			
(53)	29 JUN 2000								
		FWD PLN	CON DES	FEES					

Hazel Salisbury  
for Director of Legal Services

enc

Cont. slip

**CURRENT APPLICATION**

COMMITTEE: \_\_\_\_\_

<p><b>FOR OBSERVATIONS:</b></p> <p>1. Policy 17/12/99</p> <p>2. (Hb) Design 21/01/00</p> <p>3. Transportation POLICY OBS</p> <p>12/01/00</p> <p>For Schedule Typing Committee FILE</p>	<p>PLEASE ENTER OBSERVATIONS ON 2ND PAGE OF CURRENT PINK SHEET IN FILE</p> <p>Report Written</p> <p>OFFICER IN OUT</p> <p>NOTES: 20.12.99 4.1.00</p> <p>n.b. Not in Conservation Area</p>	<p>Officer <u>MC</u></p>
--	---	--------------------------

JAN 2000

66

**THIS DEED** is made the            day of            Two thousand

32

**BETWEEN**

- (1) **THE MAYOR AND BURGESSES OF THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA** of the Town Hall Hornton Street London W8 7NX ("the Council")
- (2) **HEMANT KUMAR PATEL and ILA HEMANT PATEL** both of 39 Leybourne Road Hillingdon Middlesex ("the Owners")
- (3) **BARCLAYS BANK plc** of P O Box 48 28 George Street Luton LU1 ("the First Mortgagee")
- (4) **NATIONAL WESTMINSTER BANK plc** of Sheffield Securities Centre P O Box 502 2<sup>nd</sup> and 3<sup>rd</sup> Floors 42 High Street Sheffield S1 2YW ("the Second Mortgagee")

**WHEREAS**

- A The Council is the local planning authority for the administrative area of the Royal Borough of Kensington and Chelsea for the purposes of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 ("the Act")
- B The Owners are registered at HM Land Registry under title number LN 102983 with freehold Title Absolute in respect of the Land
- C The Planning Application was made to the Council
- D The Council resolved at a meeting of its Planning Services Committee on 11 April 2000 to grant planning permission in respect of the Development following completion of an agreement for the purpose of making acceptable arrangements for the carrying out of the Development ("this Deed")
- E The First Mortgagee has the benefit of a legal charge dated 23 May 19991 granted by the Owners
- F The Second Mortgagee has the benefit of a legal charge dated 17 April 2000 granted by the Owners

NOW THIS DEED WITNESSETH AS FOLLOWS:-

33

1. INTERPRETATION

1.1 In this Deed the following words and expressions shall unless the context otherwise requires have the following meanings:-

**WORDS AND EXPRESSIONS**

**MEANINGS**

**“Additional Residential Accommodation”**

the whole of the first floor extension to be provided as part of the Development

**“Applicant’s Drawings”**

applicant’s drawing numbers 2028/01, /02A, /10B, /11C and /12

**“Development”**

the development referred to in the Planning Application and described in the First Schedule

**“Elevational Works”**

all of the elevational alterations more particularly detailed in the Applicant’s Drawings which include the removal of the advertisement hoarding from the side elevation of the Land, the replacement of existing casement windows together with the other elevational works detailed in the Applicant’s Drawings

**“Executive Director”**

the Executive Director, Planning and Conservation and shall be deemed to mean the officer for the Council from time to time holding that appointment or (if no officer holds that appointment) carrying out the duties of that appointment

**“Implementation”**

the carrying out of any act pursuant to the Planning Permission which constitutes a material operation within the meaning of Section 56 and material operations shall be construed as being carried out at the earliest date on which any material operation is begun and "Implemented" shall be construed accordingly

**"Land"**

the land at 6 North Pole Road, Kensington, London W10 6QL which is registered with other land at HM Land Registry under Title No. LN 102983 and is shown for identification purposes edged in red on the Plan

**"Plan"**

the Plan annexed hereto



**"Planning Application"**

the application for planning permission under the Council's reference number PP/99/02505

**"Planning Permission"**

the planning permission to be granted pursuant to the Planning Application

1.2 Words in this Deed importing the singular meaning shall where the context so admits include the plural meaning and vice versa

1.3 Words in this Deed of the masculine gender shall include the feminine and neuter genders and vice versa and words denoting natural persons shall include corporations and vice versa

1.4 References in this Deed to any statutes or statutory instruments shall include and refer to any statute or statutory instrument amending consolidating or replacing them respectively from time to time and for the time being in force

1.5 Covenants made hereunder if made by more than one person are made jointly and severally

## 2. **LEGAL EFFECT**

2.1 This Deed is made pursuant to Section 111 of the Local Government Act 1972, Section

106 of the Act and all other powers so enabling

35

- 2.2 This Deed contains a planning obligation made pursuant to the said Section 106 which is enforceable by the Council and which binds each and every part of the Land
- 2.3 The terms of this Deed (other than 4.1 and 4.2 below) shall come into effect upon the grant of the Planning Permission
- 2.4 Nothing contained or implied in this Deed shall prejudice or affect the rights, powers, duties and obligations of the Council in the exercise of their functions as Local Planning Authority and their rights, powers, duties and obligations under all public and private statutes, byelaws and regulations may be as fully and effectually exercised as if the Council were not a party to this Deed
- 2.5 If any provision in this Deed shall be held to be invalid, illegal or unenforceable the validity, legality and enforceability of the remaining provisions shall not in any way be deemed thereby to be affected or impaired
- 2.6 No waiver (whether express or implied) by the Council of any breach or default in performing or observing any of the covenants, terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the said terms or conditions or from acting upon any subsequent breach or default
- 2.7 Nothing in this Deed shall be construed as a grant of planning permission
- 2.8 The covenants herein shall be enforceable without any limit of time against the Owners and any successors in title and assigns of the Owners or any person claiming title thorough or under the Owners to the Land or any part thereof as if that person had also been an original covenanting party in respect of the interest or estate for the time being

held by that person **PROVIDED THAT** no person shall be liable for any breach of the covenants restrictions or obligations contained in this Deed occurring after he has parted with the whole of his interest in the Land or the part in respect of which such breach occurs

36

2.9 In accordance with the provisions of the Contracts (Rights of Third Parties) Act 1999 it is hereby declared that none of the terms of this Deed shall in the absence of any express provision to the contrary be construed as being enforceable by any third party

3. **THE OWNER'S COVENANTS**

3.1 The Owners covenant not to occupy or to permit the occupation of the Additional Residential Accommodation until the Elevational Works have been completed to the satisfaction of the Executive Director and so confirmed by him in writing

4. **FURTHER TERMS**

4.1 The Owners shall on the execution hereof pay the Council's costs incurred in the preparation and settlement of this Deed

The covenants in this Deed shall be treated and registered

[(a)] as local land charges for the purposes of the Local Land Charges Act 1975 and

[(b)] in the Charges Register of the registered titles of the Owner(s) at HM Land Registry

4.2 The First Mortgagee and the Second Mortgagee hereby consent to the completion of this Deed and acknowledge that from the date of this Deed the Land shall be bound by the restrictions and obligations contained herein **PROVIDE THAT** the First Mortgagee and the Second Mortgagee shall not be liable in respect of any breach of the terms of this Deed unless and until he takes possession of the Land or otherwise exercises any contractual or statutory power in relation thereto

37

FIRST SCHEDULE  
DESCRIPTION OF THE DEVELOPMENT

The erection of rear extensions at ground floor and first floor levels, elevational alterations and the formation of new (Class B1) studio/office to rear of ground floor in accordance with the Royal Borough of Kensington and Chelsea drawing numbers PP/99/02505, PP/99/2505/B, PP/02505C and Applicant's drawing numbers 2028/01,/ 02A,/ 10B,/11C and /12

IN WITNESS of which this Deed has been executed on the first date before written

THE COMMON SEAL of the MAYOR )  
AND BURGESSES OF THE ROYAL )  
BOROUGH of KENSINGTON AND )  
CHELSEA was hereunto affixed )  
in the presence of:- )

SIGNED as a DEED and delivered )  
by the said HEMANT KUMAR PATEL )  
in the presence of:- )

SIGNED as a DEED and delivered )  
by the said ILA HEMANT PATEL in )  
the presence of:- )



EXECUTED as a DEED and )  
delivered by the said )  
BARCLAYS BANK Plc )  
in the presence of:- )



EXECUTED as a DEED and )  
delivered by the said )  
NATIONAL WESTMINSTER BANK Plc )  
in the presence of:- )

DATED

39

20

THE MAYOR AND BURGESSES OF  
THE ROYAL BOROUGH OF  
KENSINGTON AND CHELSEA

-and-

HEMANT KUMAR PATEL

-and-

ILA HEMANT PATEL

-and-

NATIONAL WESTMINSTER BANK Plc

-and-

BARCLAYS BANK Plc

---

**DEED**

Made pursuant to Section 106 of  
the Town and Country Planning  
Act 1990 (as amended by the  
Planning and Compensation Act 1991)

Re: Land at 6 North Pole Road

---

A G Phillips  
Director of Legal Services  
The Royal Borough of Kensington and Chelsea  
The Town Hall  
Hornton Street  
London  
W8 7NX

My Ref: HS/100216343  
Tel: 020 7361 3370

Charalambous, Melanie: PC-PlanSvc

110

**From:** Salisbury, Hazel: CP-Legal  
**Sent:** 24 October 2001 11:35  
**To:** Charalambous, Melanie: PC-PlanSvc  
**Subject:** 6 North Pole Road - Section 106 Agreement - Committee 11.04.2000

Dear Melanie,

I know you have moved teams but you may remember this one from your time in the North Team. To recap, it was an application to erect rear extensions at ground floor and first floor levels, elevational alterations and formation of new (class B1) studio/office to rear ground floor. The application was granted subject to a section 106 agreement to ensure that the additional residential accommodation is not occupied until all of the elevational alterations are completed to the satisfaction of the Executive Director.

The agreement has not yet been completed but I understand the owner has signed it together with their bank. The owner called me yesterday to explain they had completed all of the residential extensions & elevational works (despite not yet having planning permission!) except for insertion of the replacement windows to be erected in the position of the current advertisement hoarding.

The section 106 agreement requires all the elevational works (which includes the removal of the hoarding & replacement of windows) to be completed prior to the occupation of the residential units. Mr Patel explained that they had been in dispute with Mills & Allen over the termination of the advertising space and basically as a result of which they cannot remove the hoarding until 1st March 2002.

Therefore, he asked whether there could be any flexibility over them occupying the residential units prior to the removal of the hoarding. I explained that this would be in breach of the 106 and that this would conflict with the decision of the Committee. He asked that I took instructions anyway.

Please can you give me a call when you have had chance to look at the file.

Thanks

Hazel

## LEGAL SERVICES

THE TOWN HALL, HORNTON STREET, LONDON W8 7NX

DIRECTOR OF LEGAL SERVICES      RICHARD HEMMINGS

41

H K Patel  
6 North Pole Road  
Kensington  
London  
W10 6QL

TELEPHONE      0207-361-3370  
FACSIMILE      0207-361-3843  
DX      84015 Kensington High Street 2  
INTERNETHazel.salisbury@rbkc.gov.uk

13 November, 2001

My reference:  
HS/10021633

Your reference:

Please ask for:  
Hazel Salisbury

Dear Sir,

**Re:    Town and Country Planning Act 1990  
      Section 106 Agreement – 6 North Pole Road  
      Subject to Agreement**

I refer to our telephone conversation on the 23<sup>rd</sup> October 2001 concerning the above premises and the outstanding Section 106 Agreement.

I understand that the section 106 agreement has now been duly signed by yourselves and the Mortgagee. I should advise you that until the section 106 agreement has been returned to me and formally completed by the Council, the planning permission cannot be issued by the Executive Director of Planning and Conservation. In these circumstances, I therefore advise you that works carried out prior to the issue of the planning permission are unauthorised.

However, it is my understanding that you wish to enter into the section 106 agreement but have some difficulty with Clause 3.1. Despite the lack of planning permission as explained above, you advised me that most of the elevational works have been completed except for the removal of the advertisement hoarding from the side elevation of the land. During our conversation, you explained that your contract with the advertisement company was to terminate on the 1<sup>st</sup> March 2002 following a dispute and therefore the advertisement would be removed on that date to comply with the Section 106 Agreement.

During our conversation, you asked whether or not the Council could be flexible in respect of the requirement within the Section 106 Agreement that all the elevational works had to be completed prior to the occupation of the residential accommodation to be provided in the first floor extension. As discussed with you, it was the decision of the Planning Services Committee on the 11<sup>th</sup> April 2000 that planning permission should not be issued unless a Section 106 Agreement had been entered into containing this requirement. In these circumstances, I am unable to amend the Section 106 Agreement to allow the residential accommodation to be occupied prior to the removal of the hoarding. In addition, all of the other elevational works must also be completed prior to the occupation of the residential accommodation.

However, I am instructed that if you provide me with written confirmation and evidence that the advertisement hoarding contract will terminate on the 1<sup>st</sup> March 2002 and that it will be removed on that date then this requirement of the section 106 agreement is unlikely to be enforced prior to 1<sup>st</sup> March 2002 should the residential accommodation be occupied during the interim.

However, I should point out that this will only apply to the removal of the hoarding in that all other elevational works must be completed before any occupation is permitted, and so confirmed by the Executive Director of Planning and Conservation in writing.

● In these circumstances, I would be grateful if you could return the duly signed section 106 agreements to me together with the documentary evidence as indicated above. However I suggest that you obtain your own legal advice prior to allowing the occupation of the residential accommodation should any future difficulties arise with the removal of the hoarding given that this will be a breach of the terms of the agreement.

Once I receive the signed section 106 agreements from you, I will make arrangements for them to be sealed by the Council. The section 106 agreement may then be completed following receipt of the balance of legal costs incurred on this matter (which I will advise you of in due course).

I look forward to hearing from you shortly. Please do not hesitate to contact me if you should have any queries.

Yours faithfully,

A handwritten number '42' is enclosed within a hand-drawn circle. The number is written in a simple, slightly slanted font.

Hazel Salisbury  
for Director of Legal Services

M E M O R A N D U M

To: ~~Executive Director,~~  
~~Planning and Conservation~~  
 cc: Local Land Charges

From: Director of Law and  
 Administration

43

Your Ref: ~~Alice Horan~~  
 Lloydon McBarnette  
 Michael Ireland

My Ref: HS/10021633  
 Ext: 3370  
 Room No. 315

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		24 APR 2002		PLANNING		
N	C	SW	SE	APP	IO	REC
ARB			FPLN	DES	FEES	

AM

Date: 22 April, 2002

**Section 106 Agreement : completed 22nd April 2002**  
**Address: 6 North Pole Road, Kensington, London W10 6DL**  
**Planning Application number: PP/99/02505**

File

With reference to the above, I write to advise you that the Section 106 agreement on the above property was completed on 22<sup>nd</sup> April 2002. Therefore, the Executive Director, Planning and Conservation may now arrange for the planning permission to be issued. The agreement should also be registered on the Planning Register and on the Local Land Charges Register.

I set down below details of the agreement for insertion into the Section 106 agreement database by Alice Horan.

- (a) Address of Property: 6 North Pole Road, Kensington,  
London W10 6DL
  
- (b) Planning application reference: PP/99/02505
  
- (c) Date Agreement completed: 22<sup>nd</sup> April 2002
  
- (d) Parties to the agreement: Royal Borough of Kensington & Chelsea  
Hemant Kumar Patel  
Ila Hemant Patel  
and National Westminster Bank Plc
  
- (e) Planning officer/Area: North Area/Melanie Charlambous

(f) Summary of the Requirements:

**Not to occupy residential part of development until all elevational works completed  
(including removing of hoarding)**

(g) Money required to be paid: N/A

444

(h) Timescale for review if appropriate:

3 months to ensure residential part not in occupation until all works completed. I have been informed that a substantial amount of works have been completed already prior to Section 106 being completed and that hoarding has already been removed.

I attach hereto a copy of the Section 106 agreement for your file. As usual, the original deed shall be retained by Legal Services and is available for inspection on request.



**Hazel Salisbury**  
**for the Director of Law and Administration**  
Enc

THIS DEED is made the 22<sup>nd</sup> day of April

Two thousand and <sup>Two</sup>one

45

**BETWEEN**

- (1) **THE MAYOR AND BURGESSES OF THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA** of the Town Hall Hornton Street London W8 7NX ("the Council")
- (2) **HEMANT KUMAR PATEL and ILA HEMANT PATEL** both of 39 Leybourne Road Hillingdon Middlesex ("the Owners")
- (3) **NATIONAL WESTMINSTER BANK plc** of Sheffield Securities Centre P O Box 502 2<sup>nd</sup> and 3<sup>rd</sup> Floors 42 High Street Sheffield S1 2YW ("the Mortgagee")

**WHEREAS**

- A The Council is the local planning authority for the administrative area of the Royal Borough of Kensington and Chelsea for the purposes of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 ("the Act")
- B The Owners are registered at HM Land Registry under title number LN 102983 with freehold Title Absolute in respect of the Land
- C The Planning Application was made to the Council
- D The Council resolved at a meeting of its Planning Services Committee on 11 April 2000 to grant planning permission in respect of the Development following completion of an agreement for the purpose of making acceptable arrangements for the carrying out of the Development ("this Deed")
- E The Mortgagee has the benefit of a legal charge dated 17 April 2000 granted by the Owners



NOW THIS DEED WITNESSETH AS FOLLOWS:-

1. **INTERPRETATION**

1.1 In this Deed the following words and expressions shall unless the context otherwise requires have the following meanings:-

46

WORDS AND EXPRESSIONS

MEANINGS

**"Additional Residential Accommodation"**

the whole of the first floor extension to be provided as part of the Development

**"Applicant's Drawings"**

applicant's drawing numbers 2028/01, /02A, /10B, /11C and /12

**"Development"**

the development referred to in the Planning Application and described in the First Schedule

**"Elevational Works"**

all of the elevational alterations more particularly detailed in the Applicant's Drawings which include the removal of the advertisement hoarding from the side elevation of the Land, the replacement of existing casement windows together with the other elevational works detailed in the Applicant's Drawings

**"Executive Director"**

the Executive Director, Planning and Conservation and shall be deemed to mean the officer for the Council from time to time holding that appointment or (if no officer holds that appointment) carrying out the duties of that appointment

**"Implementation"**

the carrying out of any act pursuant to the Planning Permission which constitutes a material operation within the meaning of Section 56 and material operations shall be construed as being carried out at the earliest date on which any material operation is begun and "Implemented" shall be construed accordingly

46303 Bernie Rya

Principal  
Litigation  
Solicitor

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**"Land"**

the land at 6 North Pole Road, Kensington, London W10 6QL which is registered with other land at HM Land Registry under Title No. LN 102983 and is shown for identification purposes edged in red on the Plan

**"Plan"**

the Plan annexed hereto



**"Planning Application"**

the application for planning permission under the Council's reference number PP/99/02505

**"Planning Permission"**

the planning permission to be granted pursuant to the Planning Application

1.2 Words in this Deed importing the singular meaning shall where the context so admits include the plural meaning and vice versa

1.3 Words in this Deed of the masculine gender shall include the feminine and neuter genders and vice versa and words denoting natural persons shall include corporations and vice versa

1.4 References in this Deed to any statutes or statutory instruments shall include and refer to any statute or statutory instrument amending consolidating or replacing them respectively from time to time and for the time being in force

1.5 Covenants made hereunder if made by more than one person are made jointly and severally

2. **LEGAL EFFECT**

2.1 This Deed is made pursuant to Section 111 of the Local Government Act 1972, Section 106 of the Act and all other powers so enabling

- 2.2 This Deed contains a planning obligation made pursuant to the said Section 106 which is enforceable by the Council and which binds each and every part of the Land
  
- 2.3 The terms of this Deed (other than 4.1 and 4.2 below) shall come into effect upon the grant of the Planning Permission
  
- 2.4 Nothing contained or implied in this Deed shall prejudice or affect the rights, powers, duties and obligations of the Council in the exercise of their functions as Local Planning Authority and their rights, powers, duties and obligations under all public and private statutes, byelaws and regulations may be as fully and effectually exercised as if the Council were not a party to this Deed
  
- 2.5 If any provision in this Deed shall be held to be invalid, illegal or unenforceable the validity, legality and enforceability of the remaining provisions shall not in any way be deemed thereby to be affected or impaired
  
- 2.6 No waiver (whether express or implied) by the Council of any breach or default in performing or observing any of the covenants, terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the said terms or conditions or from acting upon any subsequent breach or default
  
- 2.7 Nothing in this Deed shall be construed as a grant of planning permission
  
- 2.8 The covenants herein shall be enforceable without any limit of time against the Owners and any successors in title and assigns of the Owners or any person claiming title thorough or under the Owners to the Land or any part thereof as if that person had also been an original covenanting party in respect of the interest or estate for the time being held by that person **PROVIDED THAT** no person shall be liable for any breach of the covenants restrictions or obligations contained in this Deed occurring after he has

parted with the whole of his interest in the Land or the part in respect of which such  
breach occurs

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2.9 In accordance with the provisions of the Contracts (Rights of Third Parties) Act 1999 it is hereby declared that none of the terms of this Deed shall in the absence of any express provision to the contrary be construed as being enforceable by any third party

3. **THE OWNER'S COVENANTS**

3.1 The Owners covenant not to occupy or to permit the occupation of the Additional Residential Accommodation until the Elevational Works have been completed to the satisfaction of the Executive Director and so confirmed by him in writing

4. **FURTHER TERMS**

4.1 The Owners shall on the execution hereof pay the Council's costs incurred in the preparation and settlement of this Deed

The covenants in this Deed shall be treated and registered

[(a)] as local land charges for the purposes of the Local Land Charges Act 1975 and

[(b)] in the Charges Register of the registered titles of the Owner(s) at HM Land Registry

4.2 The Mortgagee hereby consents to the completion of this Deed and acknowledge that from the date of this Deed the Land shall be bound by the restrictions and obligations contained herein **PROVIDED THAT** the Mortgagee shall not be liable in respect of any breach of the terms of this Deed unless and until he takes possession of the Land or otherwise exercises any contractual or statutory power in relation thereto

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FIRST SCHEDULE

DESCRIPTION OF THE DEVELOPMENT

The erection of rear extensions at ground floor and first floor levels, elevational alterations and the formation of new (Class B1) studio/office to rear of ground floor in accordance with the Royal Borough of Kensington and Chelsea drawing numbers PP/99/02505, PP/99/2505/B, PP/02505C and Applicant's drawing numbers 2028/01/02A, 10B, 11C and /12

IN WITNESS of which this Deed has been executed on the first date before written

THE COMMON SEAL of the MAYOR )  
AND BURGESSES OF THE ROYAL )  
BOROUGH of KENSINGTON AND )  
CHELSEA was hereunto affixed )  
in the presence of:- )

*Bernie Ryan*

**PRINCIPAL  
SOLICITOR**

46303

SIGNED as a DEED and delivered )  
by the said HEMANT KUMAR PATEL )  
in the presence of:- *me JAGDEEP GILL* )

*Jagdeep Gill*

*Patel*

SIGNED as a DEED and delivered )  
by the said ILA HEMANT PATEL in )  
the presence of:- )

SHAKESH HIRALAK THAKRAR

*Patel*  
*Shakesh*

EXECUTED as a DEED and )  
delivered by the said )  
NATIONAL WESTMINSTER BANK Plc )  
in the presence of:- )

*Debbie Williams*  
DEBBIE WILLIAMS

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in the presence of  
LOUEAN RAMSDEN  
Bank Official  
*Ramsden*  
Sheffield Securities Centre  
PO Box No. 502  
2nd Floor, 42 High Street  
Sheffield S1 2TA

DATED 22.04 2002

THE MAYOR AND BURGESSES OF  
THE ROYAL BOROUGH OF  
KENSINGTON AND CHELSEA

-and-

HEMANT KUMAR PATEL

-and-

ILA HEMANT PATEL

-and-

NATIONAL WESTMINSTER BANK Plc

**DEED**

Made pursuant to Section 106 of  
the Town and Country Planning  
Act 1990 (as amended by the  
Planning and Compensation Act 1991)

Re: Land at 6 North Pole Road

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Richard Hemmings  
Director of Legal Services  
The Royal Borough of Kensington and Chelsea  
The Town Hall  
Hornton Street  
London  
W8 7NX

My Ref: HS/100216343  
Tel: 020 7361 3370

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# 6 North Pole Road

PP/99/2505

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- The works under this planning p. have been completed as required by the S.106. (see photo attached) with the boarding gone and now replaced by four timber windows.

The two low level panels were allowed to remain under the PP.

The standard of work is relatively poor, but not sufficient to amount to any material deviation from the approved plans, or not in any other way that could form a breach of planning control (there were no conditions, for example, referring to sample panels etc)

- The S.106 fees in the sum of £1100 have been paid.

179 Goswell Road

London

EC1V 7HS

Dec 31/10/2

MESSAGE FORM

Friday

To ..... Dosak

WHILE YOU WERE OUT

55

M Ranch Bais.

of Bais Solicitors.

Tel. No 7558 7777, 7558 7764.

CALLED TO SEE YOU		PLEASE RING	<input checked="" type="checkbox"/>
TELEPHONED		PLEASE VISIT	<input type="checkbox"/>
WANTS TO SEE YOU		WILL RING YOU	<input type="checkbox"/>
URGENT		WILL CALL AGAIN	<input type="checkbox"/>

re 6 North Lake Rd.

Message PP/99/2505

affirmative form  
Exec. Director of

HAVE THE BEEN

① works carried

out satisfactorily?

Signed ② Hand fees in relation

Date ..... Time .....

to section 106 have been paid.

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Derek -  
they answered  
when I rang -  
Mr. Beins'  
direct  
line is 7558  
7764

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**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

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Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

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Mr. Bains  
Bains Solicitors  
179 Goswell Road  
London  
EC1V 7HJ

Extension: 2701  
Direct Line: 0207-361-2701  
Facsimile: 0207-361-3463  
Email: plndmt@rbkc.gov.uk  
Web: www.rbkc.gov.uk  
Mr.: D. Taylor

31 October 2002

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My reference: DPS/DCN/PP/99/ Your reference:  
2505

Please ask for: Mr D. Taylor

Dear Sir,

**Town and Country Planning Act 1990**  
**6 North Pole Road W10**

I write further to your enquiry relating to the requirements of the Planning Permission ref. PP/99/2505 dated 25<sup>th</sup> April 2002, and related Planning Obligation under S.106 of the above Act.

Following a site inspection this morning, I can confirm that the development has been implemented in accordance with the requirements of the Planning Permission and the Planning Obligation. This letter should be treated as confirmation of this pursuant to Clause 3.1 of the Obligation.

I can also confirm that the relevant fees for administration in connection with the Obligation have been paid pursuant to Clause 4.1 of that document.

Yours faithfully,

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

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