



Your ref: 39 Steps, 130 Brompton Road
My ref: 19/01621/TCH

Please reply to:

Tel No:

Email:

Hayley White

020 7641

southplanningteam@westminster.gov.uk

Mr David Luxon
Luxon Projects Ltd
169 Craddocks Avenue
Ashted
KT21 1NT
United Kingdom

Development Planning
Westminster City Council
PO Box 732
Redhill, RH1 9FL

1 May 2019

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
REFUSAL OF PERMISSION TO DEVELOP

The City Council has considered your application and REFUSES to permit the development referred to below as shown on the plans submitted.

Your attention is drawn to the Applicant's Rights.

SCHEDULE

Application No: 19/01621/TCH

Application Date:

Date Received: 04.03.2019

Date Amended: 11.03.2019

Plan Nos: Site location plan
A.040 Rev 04
Table and chair specifications

Information Only

Sheldon Investments Verification of Investment

Address: 130 Brompton Road, London, SW3 1JD,

Proposal: Use of two areas of the public highway measuring 6.24m x 2.11m on Brompton Road facade for placement of six tables and 12 chairs, and 4.42m x 0.60m on Montpelier Street facade for placement of 2 tables and 4 chairs.

See next page for reasons for refusal.

Yours faithfully

Barbara Brownlee
Executive Director Growth Planning and Housing

Reason(s) for Refusal:

- 1 The proposed tables and chairs would unacceptably intensify an existing unauthorised A3 use that would be contrary to Policy TACE 11 of the Council's Unitary Development Plan (adopted in 2007).
- 2 The proposed tables and chairs would block the flow of pedestrians along the footpath and so could be unsafe. This would also make it difficult to clean the footpath. This would not meet Policies TRANS 3 and TACE 11 of the Council's Unitary Development Plan (adopted in 2007), S41 of the Westminster's City Plan (adopted in 2016) and KBR7, KBR14 and KBR28 of the Knightsbridge Neighbourhood Plan (adopted in December 2018).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

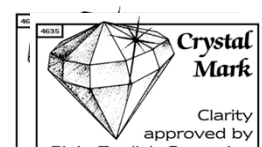
In addition further guidance was offered to the applicant at the application stage by the case officer to the applicant to address elements of the scheme considered unacceptable. The case officer recommended that the highways issues were addressed to make the application more acceptable in highways terms. However, the case officer also recommended that the application was first withdrawn to regularise the unlawful A3 use, which, if addressed in this application, would materially change the development proposal. The applicant was therefore minded to submit a prior approval application to the City Council as required by Class C, Part 3 of Schedule 2 of the General Permitted Development Order (England) (as amended) for determination.

Required amendments:

- Regularise the unlawful A3 use
- Remove tables and chairs from Montpelier Street frontage
- Reduce layout density on Brompton Road frontage

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.





City of Westminster

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

Applicant's Rights and General Information

1. Applicant's Rights (refusals and conditional approvals)

a) *Appeals to the Planning Inspectorate*

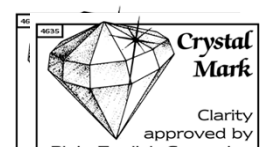
If your application has been **refused** by the City Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government.

The time limits for submitting an appeal may vary. The period after the date of the City Council's decision within which an appeal must be received by the Secretary of State is:

- **28 days** in the case of an appeal against refusal of a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice.
- **8 weeks** in the case of an appeal against refusal of advertisement consent.
- **12 weeks** in the case of appeals made under s78(1) against refusal of any 'householder application' – that is,
 - refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house.
 - Refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.
 - Refusal of prior approvals relating to dwelling houses, including the neighbours' consultation scheme for larger home extensions under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order.
- **12 weeks** in the case of 'minor commercial applications that is,
 - refusal of an application for development of an existing building or part of a building currently in use for any purposes in Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.
 - Interested parties have no right to comment on an appeal with regards to a minor commercial development (specifically a shopfront).
- **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building consent application. The 6 month time limit also applies to any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



If you want to appeal, you must use the correct appeal form from the following list: Planning, Householder, Minor Commercial, Listed Building Consent or Certificate of Lawful Use or Development.

The Planning Inspectorate has an online appeals service: <https://www.gov.uk/planning-inspectorate>
The Inspectorate will publish details of your appeal on the internet. This may include a copy of the application form and associated documents and the completed appeal documents. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure that you have their permission to do so. Alternatively, you can obtain a form from the **Customer Support Team, Planning Inspectorate, 3/08a, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0303 444 5000**. An extension of time for lodging an appeal is unlikely to be granted except in special circumstances. There is a guide and other useful advice about appeals on line at <https://www.gov.uk/appeal-planning-decision>

APPROVAL OF DETAILS:

If your application has been granted and is subject to the approval of details reserved by condition please use the form 'Application For Approval Of Details Reserved By Condition' in order to discharge the relevant details. This form can be downloaded from the City Council's web site at www.westminster.gov.uk/planning

b) Purchase Notices

In certain circumstances the owner of a property has the right to serve a Purchase Notice on the City Council or the Department for Communities and Local Government. A Notice may be served if, following a refusal or a conditional approval, the owner considers the land cannot be put to a reasonably beneficial use in either its existing state or through development which has or would be permitted. A Purchase Notice would require the City Council to purchase the owner's interest in the land in accordance with the relevant provisions of the Acts (Part VI of the Town and Country Planning Act 1990 and Sections 32-37 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

2. General information relating to all approvals

a) Other legislative requirements

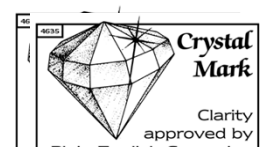
This decision has been made by the City Council as the local planning authority. You are reminded of the need to comply with other relevant regulations and statutory provisions and respect the rights of other owners/occupiers provided by relevant property legislation.

Transportation: If your proposal involves works which affect the public highway you should consult the City Council as Highways Authority. This includes works to, over or below any carriageway, footway or public forecourt. You should contact the Highways Planning Team by email highwaysplanning@westminster.gov.uk or telephone 020 7641 3326. If your proposal is related to paving works and/or is associated with an agreement under Section 106 of the Town and Country Planning Act 1990 please telephone: 020 7641 2920.

Highways Licensing: For general enquiries about temporary structures on the highway, such as hoardings, skips, the excavation and storage of materials on the highways, please telephone 020 761 2000.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



Building Control: You are advised to contact Westminster District Surveyors immediately to find out whether your proposal will require consent under the Building Regulations: Tel: 020 7641 6500 Email :districtsurveyors@westminster.gov.uk.

Building Regulation forms and further information is available on the Council's web site: <http://www.westminster.gov.uk/services/environment/landandpremises/buildings/forms/>

Land Drainage: Where major works are involved, Land Drainage Consent may be required under the Water Resources Act 1991 and Thames Region Land Drainage By Laws 1981. You are advised to contact the Environment Agency, Apollo Court ,2 Bishop's Square Business Park, St Albans Road West Hatfield AL10 9EX Tel: 03708 506 506 or email:enquiries@environment-agency.gov.uk.

b) Provision of access and facilities for disabled people

Designing new buildings and adapting existing buildings to meet the needs of people with disabilities results in a safer and more convenient environment for all. General advice is available from planning and building control officers who can also direct you to appropriate sources of technical/specialist advice.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.

