

Dear

The Future of Portobello Antiques Market

Councillor Daniel Moylan has asked me to thank you for your letter dated 1st February, enclosing letters and a petition, and to respond to you, on his behalf.

Both he and I have carefully noted your concern and that of the petitioners over the future of the Portobello Road Antiques Market. As you rightly say, the Council recognises the importance of protecting our markets, and Portobello is given special recognition in Policy CF4 of our Core Strategy.

However, may I be very clear that planning permission was not required for the conversion of the premises at Westbourne Grove / Portobello road from an antiques arcade to a single retail shop. We have no legal power to require a planning application for this change, and thus planning permission has neither been granted nor refused by the Council. We have no planning power to intervene in the change of tenancy of retail premises nor a change in the nature of goods sold.

In respect of these premises, an application was received, and granted, in 2004 and again in 2007, for various alterations to the appearance of the building, including new shopfronts. Much of this work has (as you have seen) been carried out, although the shopfronts which have recently been revealed are not in accordance with the design which was permitted. My officers are discussing this with the owners and tenants in order to bring this back to conformity with what was consented. If the outcome of these discussions is not satisfactory (and any amended design would need to be tested by the submission of a fresh planning application, on which local people would be consulted), then the Council has the option of serving an enforcement notice, requiring the removal of unauthorised works. We have, incidentally, seen details of the premises in Camden which you mention, the details of which are very different from those in this Borough.

In terms of policies to protect the locality, may I be very clear that although we cannot change the planning legislation regarding changes of use, both officers and Councillors of the Royal Borough are carefully considering whether there are any other powers or strategies which might be adopted in order to reinforce what currently exists.

As you may know, in 2006 the Council set up a Retail Commission to investigate what could be done to protect independent retail generally in the borough. The commission's final report 'A Balance of Trade'

(www.rbkc.gov.uk/pdf/23%20Balance%20of%20Trade%20Final%20Report%202007.pdf) made a number of recommendations including appointing a retail champion for the borough and identifying additional planning powers that were required. The Council produced a document 'Response to the Report from the Retail Commission', enclosed, which sets out the recommendations that were accepted by the Council. Since publication of the report the Council has

appointed both a Town Centre Initiatives Manager and a Markets Development Officer. We lobbied central Government for additional planning powers until the recent publication of PPS4 Planning for Economic Development led us to conclude that they are not to be persuaded to our way of thinking. However, we have not given up and we are now exploring the possibility of a new London Local Authorities Bill that would give the London boroughs these additional discretionary planning powers.

I hope this information will assist you and thank you for taking the trouble to write with your views. A full response to the petition will soon be posted on the Council's website and I will write to you again with details of the web link, so that you can advise the petitioners.

Yours sincerely,

Peter Lerner
Executive Director

In their letters accompanying the petition, some writers made reference to a planning enforcement action taken by the London Borough of Camden. The property in Camden and the nature of the shopfront installed are very different from that at Portobello Road / Westbourne Grove and the Council would be unwise to follow the Camden decision as a direct precedent; any enforcement action pursued by the Royal Borough of Kensington and Chelsea would follow careful investigation and clear legal advice.

The Council hopes that the above information will be helpful and thanks all those who took the trouble to sign the petition or write letters concerning this matter.