

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/24/01458	Agenda Item:	N55	
Address:	310 Portobello Road, LONDON			
Proposal:	Increased height of side entrance door to Bevington Road			
Applicant:	Public House Group Ltd.			
Agent:	Mr Gancikov Gancikov Architecture & Design			
Properties notified:	Objections:	Support:	Comments:	Petition:
4	3	0	0	0

1. Summary

- 1.1 Revised drawings were received during the course of the application to remove the proposed glass awnings from the proposal. The proposal is now limited to an alteration to the side entrance door fronting Bevington Road. In its revised form, the proposal would preserve both the character of the existing building and the nearby Oxford Gardens Conservation Area, in accordance with statutory requirements. The appearance of the property would not be harmed, and the proposed alterations would have an acceptable impact on neighbouring living conditions.
- 1.2 Objections received from interested parties have been taken into consideration and are addressed throughout the report and in Section 8. Where appropriate and necessary, conditions are recommended to address the concerns raised.

It is recommended the Committee grants planning permission with the conditions listed in Section 9 of this report.

2. Reason for committee consideration

- Three or more objections were received during the consultation period and the recommendation is to grant.

3. The site and its surroundings

- 3.1 No. 310 Portobello Road is a three storey plus basement level Public House with frontages to Portobello Road, Golborne Road and Bevington Road.
- 3.2 The site is within close proximity to the Oxford Gardens Conservation Area.

4. The proposal and any relevant planning history

- 4.1 The proposals seek to increase the height of the side entrance door fronting Bevington Road on the north east side elevation to provide direct access up to the restaurant located on the first floor of the Public House. Glass awnings originally proposed have now been removed from the current proposals.
- 4.2 The case officer used the submitted information, photographs, Google, and Bing Maps to assess the application.
- 4.3 The relevant planning history is set out below:

Reference	Description	Decision
PP/11/00622	External alterations to extend existing ground floor window openings and install new painted timber framed folding windows and glazed doors.	Granted – 26/04/2011
PP/13/03186	Use of an area of public footway fronting Bevington Road for placement of 4 tables and 16 chairs	Granted – 08/08/2013

5. Main policies and strategies relevant to the decision

The development plan

- 5.1 The main planning considerations applying to the site and the associated policies are:

	Local Plan
General townscape	CL1, CL2, CL3, CL6
Living conditions	CL5

- 5.2 These policies can be read online at:

- Local Plan:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>

- 5.3 The Council started a New Local Plan Review (“NLPR”) and consultation on Publication Policies (Regulation 19) closed on 22 December 2022. The Council submitted the NLPR for examination (Regulation 22) on 8 February 2023. Examination hearings were held in June and July 2023. The Council received a Post Hearings letter from the Inspector requesting the Council prepare a schedule of Main Modifications and the public consultation on these ended on 12 March 2024. The representations received are being considered by the Inspector. The final stage of the examination is for the Council to receive the Inspector’s report but there is no published date for this. The Council hopes to adopt the Plan in May/June 2024, but this depends on when we receive the Inspector’s report and may change.
- 5.4 The statutory starting point for determining this proposal remains the adopted policies in the development plan, including the RBKC Local Plan 2019, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, paragraph 47 of the National Planning Policy Framework, and paragraph 001 of the National Planning Practice

Guidance on Plan-making. Paragraph 48 of the NPPF outlines the weight local authorities may give to relevant policies in emerging plans. The Council hopes to adopt the Plan in May/June 2024, but this depends on when we receive the Inspector's report and may change. The emerging policies in the NLPR are a material consideration afforded moderate weight at this stage however, where specific emerging policies are of particular relevance to the assessment, individual weightings have been given and expressed.

6. Evaluation

6.1 The decisive issues are:

- i Whether the proposals would continue to preserve or take opportunities to enhance the character and appearance of the building and nearby Oxford Gardens Conservation Area; and
- ii Whether the proposals would continue to ensure good living conditions for all neighbouring occupiers.

Character and Appearance

6.2 Primary access to the ground floor of the Public House is provided via the corner of the site from Golborne Road. Internally, the building comprises a set of stairs from the ground floor to the first floor within the floor space of the pub and also has a stairwell at the rear of the site which extends from the ground floor to the second floor of the building and exits out onto Bevington Road. The existing side entrance door from Bevington Road has been used as a fire access door and is associated with the stair case at the rear which provides access to all floors of the building. The proposals seek to increase the head height of this side entrance door to create a secondary patron access point from Bevington Road up to the first and second floor of the building so that patrons may directly access the restaurant which occupies these floors. The Bevington Road side elevation of the building is characterised by a row of arches infilled as windows, except for the rear arch which comprises the subject access door. An increase to the head height of this door would not alter the form of the arch in which it sits and would therefore not alter the character of the building or its contribution to the street and the nearby Oxford Gardens Conservation Area. The scale of the works proposed are minor and are in accordance with Policies CL1, CL2, CL3 and CL6 of the Local Plan. No further demolition works are proposed as part of this application.

Living Conditions

6.3 The proposals seek to alter the dimensions of an existing side access door to allow patrons to enter the restaurant on the first and second floors of the building without needing to go through the ground floor pub. The site was previously approved for tables and chairs on the footpath on this side elevation so patrons are able to use this area near the subject door. The use of this door for patrons would not exacerbate any acoustic impacts to nearby properties other than what has been previously considered acceptable and approved for the site. The proposals are acceptable with regard to Policy CL5 of the Local Plan.

Issues and balancing

6.4 The proposals would not result in any harm to the character and appearance of the existing building and would not impact on the living conditions of surrounding properties. The proposals would have a private benefit by allowing direct access for patrons from Bevington Road up to the restaurant on the first and second floor of the building which would alleviate traffic on the main ground floor of the pub and is therefore supported.

6.5 Considerable importance and weight has been attached to and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the

nearby conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

7. Community Infrastructure Levy

- 7.1 If permitted and built, the proposal would not require a payment towards funding additional infrastructure under the Borough's Community Infrastructure Levy and a payment towards funding Crossrail under the Mayor of London's Community Infrastructure Levy.

8. Consultations carried out

Comments from interested parties

- 8.1 Eight (8) nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 15/03/2024. A statutory notice advertising the application was posted near the site on 15/03/2024.
- 8.2 Three (3) letters were received objecting to the application, summarised as:

	Comment	Response
1	Fixed Awnings are not appropriate for the character of the site or in the context.	During the assessment of the application, Council raised concern with regard to the proposed fixed awnings which have been subsequently omitted from the application and the existing retractable awnings are being retained.
2	Noise and Nuisance	The objections raised concerns that the fixed awnings would increase the usable drinking space for customers on the footpath which would negatively impact nearby residents and the congestion of the footpath. It is noted that the fixed awnings have been omitted from the proposal and no additional tables and chairs, other than what has been previously approved for the site are sought as part of this application. The new patron entrance via Bevington Road is to provide access to the upstairs restaurant only and the existing situation of the ground floor pub is not altered.

9. Recommended conditions if the application is granted / Recommended reasons if the application is refused (delete as appropriate)

1. **Time Limit**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.

2. **Compliance with approved drawings**
The development shall not be carried out except in complete accordance with the details shown on submitted plans *Location Plan dated 05/03/2024, PL001 Rev A*
Reason - *The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.*

INFORMATIVES

- 1 Your attention is drawn to the Conditions of this Permission 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. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
- 2 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Place, before work commences, if you are thinking of introducing any variations to the approved development.

Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible. Use the following link to see how advice can be obtained: [Planning Advice Service](#)

- 3 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website, and which has been followed in this instance.
- 4 This development has been categorised as Category 3 for the purposes of the Council's Code of Construction Practice, so does not require a condition securing a Checklist or Site Construction Management Plan (SCMP). You are reminded that the Code still applies to building works at the site with regard to working hours and other site practices, and you are advised to review the Code to be aware of its objectives <https://www.rbkc.gov.uk/environment/code-construction-practice>

You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website:

www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx. From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).

Construction and demolition work is controlled by the Council under sections 60 and 61 of the Control of Pollution Act 1974. The Council has adopted a Code of Construction Practice which sets out best practice standards expected in the borough and applies to new development projects from April 2019. Under the

terms of the Code, works heard at the boundary of the site are restricted to:

Monday to Friday 8am – 6pm

Saturday, Sunday and public holidays – none permitted

The code also introduces a further set of restricted hours for high impact activities such as demolition and concrete breaking. Undertaking noisy works outside of the Code hours may be liable for prosecution and a fine of up to £5000 where a notice has been served under the Control of Pollution Act 1974.

If you are required to submit a Code of Construction Checklist and Site Construction Management Plan (SCMP), please contact the Construction Management Team on 020 7361 3002 or by email at dehcmt@rbkc.gov.uk

Your attention is drawn to Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'prior consent' for noise generating activities during building works. This proactive approach involves assessment of construction working methods to be used and prediction of likely construction noise levels at sensitive positions, with the aim of managing the generation of construction noise using the 'best practicable means' available. You are advised to engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your S.61 application. Relevant information can be found here [S.61 Control of Pollution Act 1974](#)

Background papers:

Documents associated with the application (except exempt or confidential information) may be viewed at www.rbkc.gov.uk/PP/24/01458. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Ms. M. Quigg

Telephone: 07977-756-268