

Public Houses Issues and Options

March - 2012

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1. Introduction

Review of the Core Strategy

1.1 The Council adopted its Core Strategy in December 2010, a document which looks ahead to 2028 setting a clear policy framework with regard to where new development should be located, the nature of this development and what uses should be protected.

1.2 Central to the Local Development Framework system is the recognition that planning should readily adapt to changing circumstance. So some eighteen months on, the Council has in monitoring the effectiveness of its newly adopted policies asked two questions: are the Council's ambitions articulated by the policies within the Core Strategy still appropriate; and secondly if they are, are the policies within the Core Strategy working as expected?

2. The issue

The current policy position

2.1 A central tenet of the Core Strategy, a theme running strongly within the Keeping Life Local and Fostering Vitality Chapters, is that of 'diversity'. What makes the Borough the special place that it is? The Core Strategy sets out that central to our distinctiveness is the finely grained mix of uses such as shops, businesses and arts and cultural facilities, and what the Core Strategy termed, 'local borough functions', or the local shops and community facilities which support the Borough's residential character.

2.2 The Council cannot simply let the market decide what uses go where, for despite the current period of austerity residential land values will continue to out compete nearly any other use. Left to its own devices the market will preside over increasing homogenisation of Kensington and Chelsea as a high quality residential area.

2.3 One of our strategic objectives in the Core Strategy is for Keeping Life Local so that residential communities can flourish. In effect this means curbing the excesses of the market, and protecting uses that have lower land values, but remain of high value to the community. As such, Policy CK1 sets out to protect a wide range of social and community uses, uses which include medical facilities and care homes; hostels; launderettes; libraries; petrol filling stations; places of worship; places of education and sports facilities. The full list is set out in paragraph 30.3.5 of the Core Strategy.

2.4 Particular reference was made to the Borough's public houses. Whilst these were considered to be a form of social and community facility, the Council concluded that given so few public houses had been lost in the last decade, there is too little evidence to resist their loss at the present time. The Core Strategy did, however, recognise that any loss is of concern and that this position would be "kept under review".

3. The Evidence

3.1 The function of the Council's Annual Monitoring Report (AMR) is, as the name would suggest, to monitor net changes of land use within the Borough. The AMR confirmed information provided by some of our residents - that public houses continue to be lost to other uses.

3.2 It would not be appropriate to suggest that the Borough has experienced such a decline in public houses as to threaten their very existence. However, a Council survey undertaken this year, indicates -that 110 public houses remain or one per 1,600 people living in the Borough. However, as the table below shows, after a period of relative stability, the last five years has seen a slight increase in their loss compared with the period 2002 to 2007.

Period	Net Loss	Average per year
1980 to 2012	58	1.8
1980 and 2002	45	2
2002 to 2007	6	1.2
2007 to 2012	7	1.4

3.3 It should also be noted that whilst the rate of loss has not accelerated over the longer timescale, there has been a steady decline in the number of premises from 168 in 1980 to 110 today, a net decline of 35%. The appended map shows the distribution of existing public houses and those that have been lost since 1980.

4. Why is the loss of public houses of concern to the Council?

The loss of public houses raises two main issues:

A. The loss of a social and community function

Public houses are in an unusual, although not unique, position in that they are commercial operations that can serve a valuable community function, providing a foci which can help bind the community together. This 'community function' can be direct in the form of the provision of function rooms and the like, but is more often than not provided in a more nebulous, but no less valuable, manner. They are places where people meet. However, when considering the options there may be other uses which are considered valued meeting points and this should be borne in mind.

B. The loss of a heritage asset

The Borough has inherited a remarkable historic townscape and a large number of historic buildings, which contribute immensely to local distinctiveness both within the Borough and to London as a whole. The Borough's townscape is unique in its high quality, finely grained, historic built environment with a strong context and character. A large proportion of the pubs in the Borough contribute positively, either through their architectural merit or use, to the character and appearance of the area. The loss of these heritage assets could therefore cause irreversible damage to the character and appearance of our high quality townscape.

The Council is of the view that the policies within the Core Strategy need to be revised in an attempt to arrest this decline in public houses.

Issue

Do you agree that the Council should amend policies within the Core Strategy to try to resist the loss of public houses within the Borough?

Please select one option from the list:

Agree

Disagree

Other (please
specify)

Please type your answer here if you selected 'Other' (please specify) above or have another comment to make.

4.1 The Council recognises that the planning system, and in particular the intricacies of the Planning Use Classes Order, can make the protection of public houses difficult.

4.2 The Use Classes Order 1987 (as amended) is a Government statutory instrument which puts uses into various categories known as 'Use Classes'. Broadly the A Class includes different types of 'retail' use; the B Class, offices and industry; the C Class various types of residential uses; and the D Class non residential institutions and leisure uses. The A Class is then subdivided into the following:

Class A1 -Shops

Class A2 -Financial and Professional Services (including estate agents and banks)

Class A3 -Restaurants and Cafes

Class A4 -Drinking Establishments (including public houses)

Class A5 -Hot Food Takeaways

4.3 Planning permission is not required to change to another use that falls into the same Use Class. Such a change is not considered to be 'development'. Changes of use that move 'up' the Use Class, for example from an A5 use to an A3 use is considered to be development, but it is development that is permitted by Government legislation.

4.4 This is significant with regard the protection of public houses as planning permission is not required for the change of use of a public house to a bar (another Class A4 use), or to a restaurant, estate agent or to a shop.

4.5 There is a mechanism to resist the normal provisions of permitted development, the Article 4 direction. Where the Local Planning Authority considers that the "exercise of permitted development rights would harm local amenity or the proper planning of the area" it can make an Article 4 direction, curtailing those rights.

4.6 It must, however, be noted that the Council is liable to pay compensation where it refuses planning permission which would have been permitted development if an Article 4 direction was not in place.

4.7 This compensation could be considerable, as it would not merely relate to the cost of making the application, but also to the difference in value between the public house and the refused use.

4.8 As part of this Issues and Options process the Council must consider whether the costs which are likely to be associated with the use of Article 4 directions are a proper use of Council funds.

5. THE OPTIONS

5.1 This section of the document seeks your views on possible options as to how the Council can protect public houses.

5.2 These options are not intended to be exhaustive, and the Council would be keen to hear about any other possibilities. No inference is intended, or should be made, as to the order of the options or the case for and against each option, they are simply there as an aid for making an informed decision.

Option One

The Council should resist the loss of Class A4 uses (drinking establishments including public houses) across the Borough where a public house acts as a community facility and/or contributes to the character or appearance of the area.

Pros

This would allow the Council to protect those public houses that are considered to contribute positively, in one way or another, to the area, but release those that do not to other suitable uses outside of the A Class of the Use Classes Order.

It should be noted that, as with all other options, changes of use within the A4 Class (drinking establishments), and to Class A1, A2 or A3 uses could not be protected as they would not require planning permission, unless the Council were to decide to make use of Article 4 directions.

Cons

It would not offer protection for other A Class uses, such as cafes and restaurants which may be considered as fulfilling a valuable community role and/or contributing to the character and appearance of the area. Planning enforcement is also problematic in so far as it is difficult to distinguish between a predominantly drinking use (Class A4) and a food use (Class A3) -it also raises the question as to whether it would be expedient to enforce in any case.

Option Two

The Council should resist the loss of loss of Class A4 uses (drinking establishments including public houses) and Class A3 uses (restaurants and cafes) across the Borough where the facility acts as a community facility and/or contributes to the character or appearance of the area.

Pros

This option would protect most A Class uses that can be considered as community facilities. Different types of drinking and eating establishments would be given the same importance and it would avoid the difficulty of choosing between them for planning enforcement purposes, this presuming that it would be expedient to take action in the first place.

Cons

Shops (Class A1) uses are largely protected by existing Core Strategy policies. However, financial and professional uses (Class A2) would not be protected and unless an Article 4 direction was used public houses and eating establishments could still change to a Financial and Professional Services use (Class A2) without the need for planning permission. It would then be easier to change a Class A2 use to another non A Class use as the loss of Class A2 uses would not be resisted by choosing this option.

Option Three

In consultation with residents groups, land owners and other interested stakeholders, the Council will draw up a list of public houses which it would like to see protected. The loss of any public houses on this list will be resisted.

Pros

This would remove the uncertainty of having to apply a-criterion to determine whether or not a particular drinking establishment is recognised as a social and community asset and/or contributes to the character and appearance of the area.

Cons

It may have a negative effect on the land value of the public houses included on the list. At the same time, such public houses could be converted into a different type of drinking establishment which could not be controlled through the planning system. It would also not protect those non -drinking establishments which may also fulfil a valuable community role and/or contribute to the character and appearance of the area.

Option Four

The Council should resist the loss of all A Class uses where the facility acts as a community facility and/or contributes to the character or appearance of the area.

Pros

Some A Class uses are not considered as desirable as drinking and eating establishments, and a policy to protect these uses would not normally be considered necessary. However, by protecting all A Class uses, the risk of public houses being converted into another A Class use and then into a residential or another non A Class use may be reduced. Another advantage may be that in the case of Financial and Professional Services (Class A2), there are occasions where such services can provide a valued community facility and this option would allow them to be determined on their own merits.

Cons

There is still a possibility that a public house could change to a Financial or Professional use (Class A2) outside of a town centre in order to then change to a non A Class use. However, the business would have to be set up and operate as a Class A2 use before this could happen and it is considered such a scenario would be rare.

Your preferred option

Please select your preferred option from the list:

Option One

Option Two

Option Three

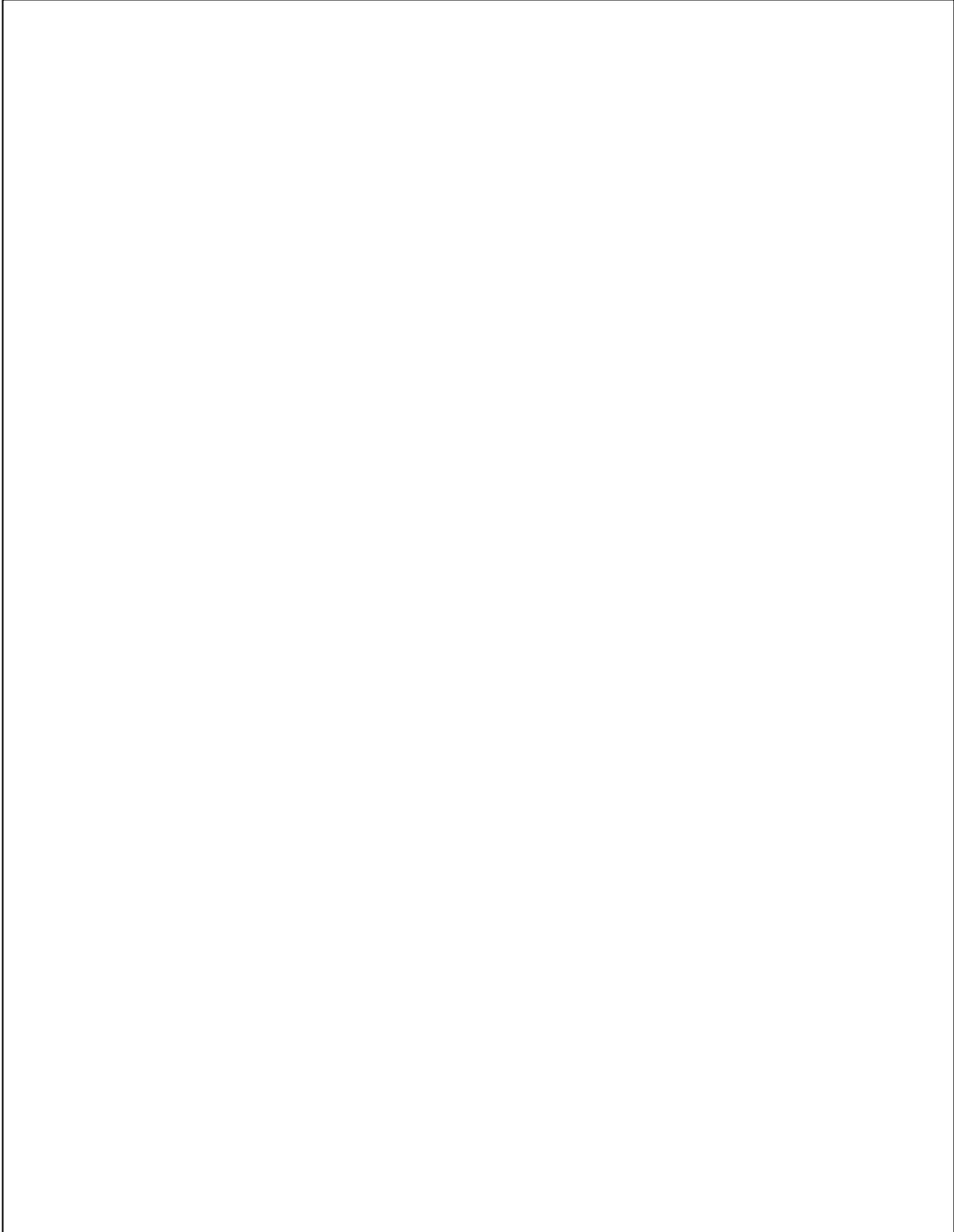
Option Four

Other (please specify)

Please type your answer here if you selected 'Other (please specify)' above or have another comment to make in relation to the options on offer.

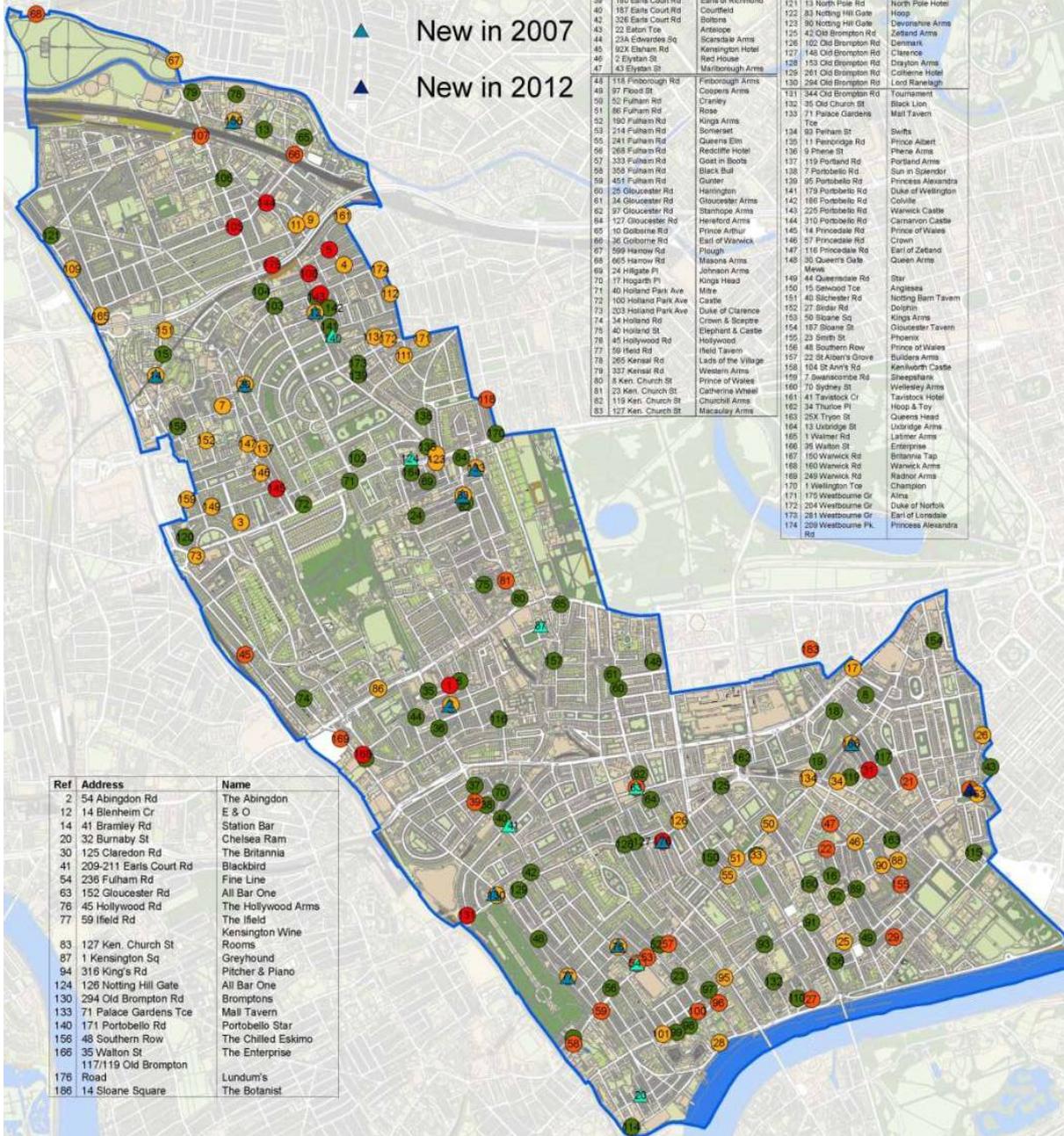
Suggestions

Please let us have other suggestions as to how we can best protect public houses

A large, empty rectangular box with a thin black border, intended for users to provide their suggestions on how to best protect public houses.

Pubs lost (and opened) since 1980

- Existing in 1980
- Lost by 2002
- Lost by 2007
- Lost by 2012
- ▲ New in 2002
- ▲ New in 2007
- ▲ New in 2012



Ref	Address	Pub Name
1	41 Abingdon Rd	Kensington Arms
2	54 Abingdon Rd	Abingdon Tavern
3	12 Addison Ave	Norland Arms
4	15 St Swithin's Rd	Apple
5	45 St Swithin's Rd	Pelican
6	1 Aiken St	Britannia
7	12 Avonlea Park Rd	Brook Arms
8	43 Beaumont Pl	Grove Tavern
9	4 Berrington Rd	Malvern
10	1 Billing Rd	Fox & Pheasant
11	7 Blingrove Rd	Bevington Arms
12	14 Blenheim Cr	Blenheim Arms
13	50 Bowwell Rd	Earl Derby
14	41 Bramley Rd	Station Hotel
15	84 Bramley Rd	Pig & Whistle
16	13 Britten St	Butlers Arms
17	132 Brompton Rd	Crown & Sceptre
18	207 Brompton Rd	Bunch of Grapes
19	279 Brompton Rd	Hour Glass
20	41 Cadogan St	Moore Arms
21	27 Cale St	Blenheim Arms
22	27 Cale St	Red Anchor
23	6 Calvea Pl	Windsor Castle
24	114 Canynon Hill Rd	Bee Hive
25	60 Chelsea Manor St	Lowndes Arms
26	27 Chesham St	King's Head & 3 Bells
27	59 Cheyne Walk	King's Arms
28	114 Cheyne Walk	Surprise
29	6 Chratchurch Toe	Britania
30	125 Clarendon Rd	Shrubbery Arms
31	47 Clarendon Rd	Princess of Wales
32	145 Doverhouse St	Crown
33	153 Doverhouse St	Queens Arms
34	98 Drygost Ave	117 Minter St
35	25 Earls Court Rd	Princess Victoria
36	84 Earls Court Rd	Hanson Cab
37	181 Earls Court Rd	Earls Court Tavern
38	180 Earls Court Rd	Prince of Teck
39	180 Earls Court Rd	Earls of Richmond
40	187 Earls Court Rd	Courtyard
41	226 Earls Court Rd	Bolton
42	22 Sutton Top	Antelope
43	22 Sutton Top	Scarsdale Hotel
44	23A Edwardsia Sq	Kensington Arms
45	82X Ebbam Rd	Red House
46	2 Elystan St	Marlbrough Arms
47	43 Elystan St	Marlbrough Arms
48	116 Finborough Rd	Finborough Arms
49	87 Froud St	Coppers Arms
50	52 Fulham Rd	Dranley
51	86 Fulham Rd	Rose
52	100 Fulham Rd	King's Arms
53	214 Fulham Rd	Somerlet
54	241 Fulham Rd	Queens Elm
55	268 Fulham Rd	Redcliffe Hotel
56	268 Fulham Rd	Coat in Boots
57	333 Fulham Rd	Black Bull
58	358 Fulham Rd	Gunter
59	451 Fulham Rd	Harrington
60	28 Gloucester Rd	Gloucester Arms
61	34 Gloucester Rd	Starhope Arms
62	97 Gloucester Rd	Hareford Arms
63	127 Gloucester Rd	Prince Arthur
64	127 Gloucester Rd	Earl of Warwick
65	50 Gorbam Rd	Plough
66	36 Gorbam Rd	Masons Arms
67	599 Hamow Rd	Johnson Arms
68	465 Hamow Rd	King's Head
69	24 Hilgate Pl	Mile
70	17 Hogarth Pl	Mile
71	40 Holland Park Ave	Duke of Clarence
72	100 Holland Park Ave	Crown & Sceptre
73	303 Holland Park Ave	Elephant & Castle
74	34 Holland Rd	Hollywood
75	40 Holland St	Held Tavern
76	45 Hollywood Rd	Lads of the Village
77	59 Hield Rd	Western Arms
78	265 Kensal Rd	Prince of Wales
79	337 Kensal Rd	Catherine Wheel
80	8 Ken. Church St	Chesham Arms
81	23 Ken. Church St	Macaulay Arms
82	119 Ken. Church St	
83	127 Ken. Church St	
84	204 Ken. Church St	Old Swan
85	3A Kensington High St	Goat
86	264 Kensington High St	Holland Arms
87	150 King's Rd	Chelsea Crug Stone
88	49 King's Rd	Chelsea Potter
89	118 King's Rd	Markham Arms
90	158A King's Rd	Blk Bells
91	196 King's Rd	Trafalgar
92	200 King's Rd	Cadogan Arms
93	298 King's Rd	Roebeck
94	354 King's Rd	Markham Arms
95	383A King's Rd	Man in the Moon
96	392 King's Rd	Riley Arms
97	450 King's Rd	Words End
98	450 King's Rd	Magpie & Blump
99	450 King's Rd	Dean Swift
100	442 King's Rd	Ladbroke Arms
101	500 King's Rd	Elgin
102	54 Ladbroke Rd	Kensington Park Hotel
103	98 Ladbroke Grove	Earl Percy
104	139 Ladbroke Grove	Edge
105	226 Ladbroke Grove	Admiral Bixie
106	250 Ladbroke Grove	Golden Cross
107	350 Ladbroke Grove	British Volunteer
108	74 Lancaster Rd	Cross Keys
109	274 Latimer Rd	Penridge Castle
110	127 Lawrence St	Duke of Cornwall
111	45 Ledbury Rd	Butler's Arms
112	127 Ledbury Rd	Balloon Tavern
113	126 Lonsdale Rd	Rose & Crown
114	114 Lott Rd	Devonshire Arms
115	92 Lower Sloane St	Australian
116	31 Malpas Rd	Leinster Hotel
117	117 Minter St	Admiral Codrington
118	87 Moscow Rd	North Pole Hotel
119	117 Moscop St	Hoop
120	26 Notland Rd	Devonshire Arms
121	13 North Pole Rd	Widford Arms
122	83 Notting Hill Gate	Denmark
123	30 Notting Hill Gate	Clarence
124	42 Old Brompton Rd	Clarence
125	102 Old Brompton Rd	Clarence
126	142 Old Brompton Rd	Clarence
127	142 Old Brompton Rd	Clarence
128	153 Old Brompton Rd	Clarence
129	281 Old Brompton Rd	Clarence
130	281 Old Brompton Rd	Clarence
131	342 Old Brompton Rd	Tournament
132	35 Old Church St	Black Lion
133	71 Palace Gardens	Mall Tavern
134	63 Parkham St	Swifts
135	11 Pennington Rd	Prince Albert
136	9 Phene St	Phene Arms
137	119 Portland Rd	Portland Arms
138	7 Portobello Rd	Sun in Splendor
139	95 Portobello Rd	Princess Alexandra
140	119 Portobello Rd	Duke of Wellington
141	161 Portobello Rd	Colville
142	161 Portobello Rd	Warwick Castle
143	225 Portobello Rd	Carnarvon Castle
144	310 Portobello Rd	Prince of Wales
145	16 Princeside Rd	Crown
146	57 Princeside Rd	Earl of Zealand
147	116 Princeside Rd	Queen's Oak
148	35 Queen's Oak	Mews
149	44 Queen's Oak	Star
150	15 Seewood St	Angela's
151	40 Sichester Rd	Notting Barn Tavern
152	27 Sizar Rd	Dolphin
153	50 Skane St	Kings Arms
154	157 Sloane St	Gloucester Tavern
155	23 Smith St	Phoenix
156	48 Southern Row	Prince of Wales
157	22 St John's Grove	Butlers Arms
158	104 St Ann's Rd	Kenilworth Castle
159	7 Swantonville Rd	Sheepshank
160	70 Sydney St	Wellesley Arms
161	41 Tavistock Cr	Tavistock Hotel
162	34 Thuloe Pl	Hoop & Toy
163	253 Tynon St	Queen's Head
164	13 Uxbridge Arms	Ladbroke Arms
165	1 Walmer Rd	Latimer Arms
166	95 Walton St	Enterprise
167	160 Warwick Rd	Britania Tap
168	160 Warwick Rd	Warwick Arms
169	249 Warwick Rd	Radnor Arms
170	1 Wellington Top	Champion
171	175 Westbourne Gr	Alma
172	204 Westbourne Gr	Duke of Norfolk
173	28 Westbourne Gr	Earl of Lonsdale
174	208 Westbourne Pl	Princess Alexandra

Ref	Address	Name
2	54 Abingdon Rd	The Abingdon
12	14 Blenheim Cr	E & O
14	41 Bramley Rd	Station Bar
20	32 Burnaby St	Chelsea Ram
30	125 Clarendon Rd	The Britannia
41	209-211 Earls Court Rd	Blackbird
54	236 Fulham Rd	Fine Line
63	152 Gloucester Rd	All Bar One
76	45 Hollywood Rd	The Hollywod Arms
77	59 Hield Rd	The Hield
83	127 Ken. Church St	Kensington Wine Rooms
87	1 Kensington Sq	Greyhound
94	316 King's Rd	Pitcher & Piano
124	126 Notting Hill Gate	All Bar One
130	294 Old Brompton Rd	Bromptons
133	71 Palace Gardens Tce	Mall Tavern
140	171 Portobello Rd	Portobello Star
156	48 Southern Row	The Chilled Eskimo
166	35 Walton St	The Enterprise
176	117/119 Old Brompton Road	Lundum's
186	14 Sloane Square	The Botanist