

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

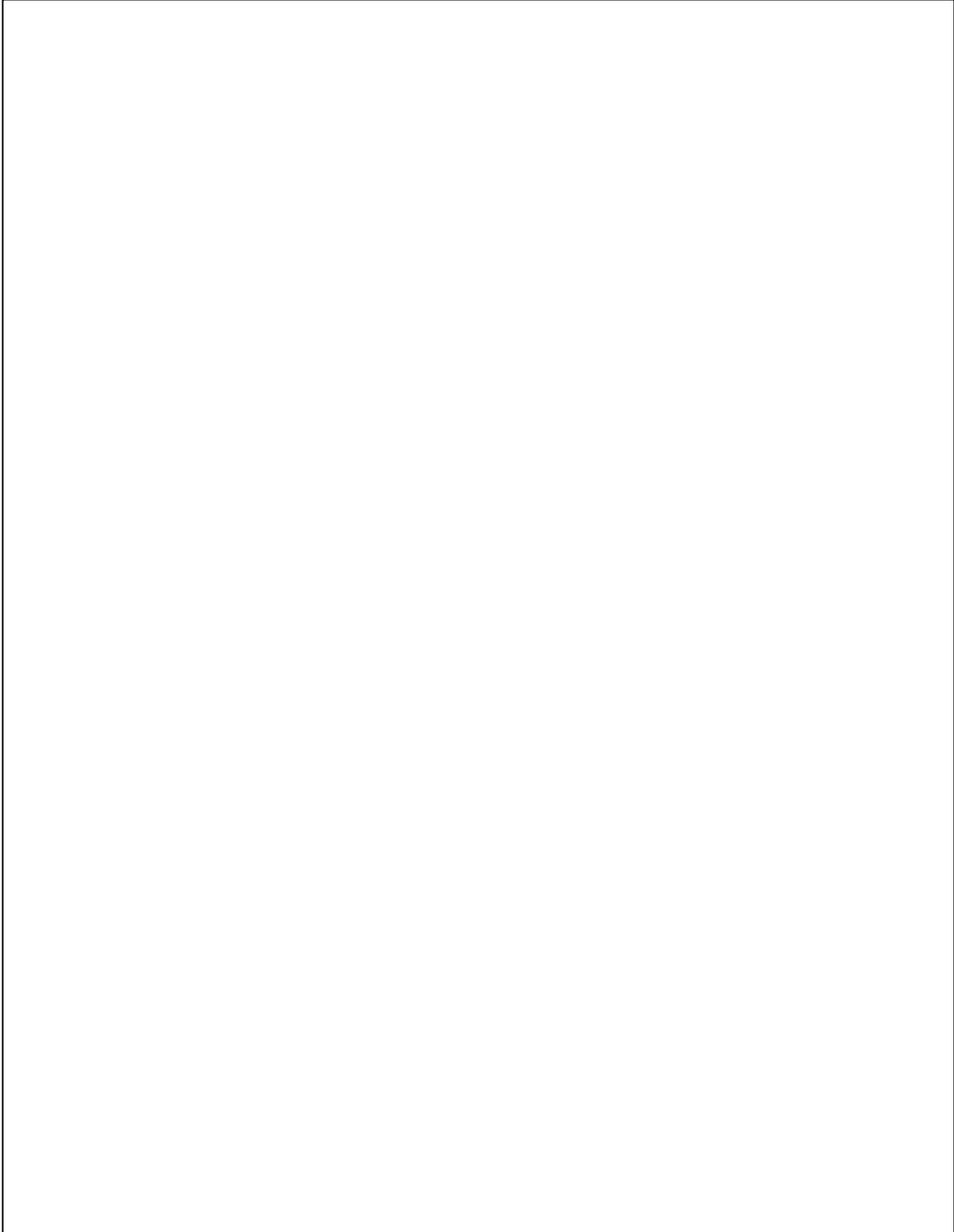
Option Four

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.

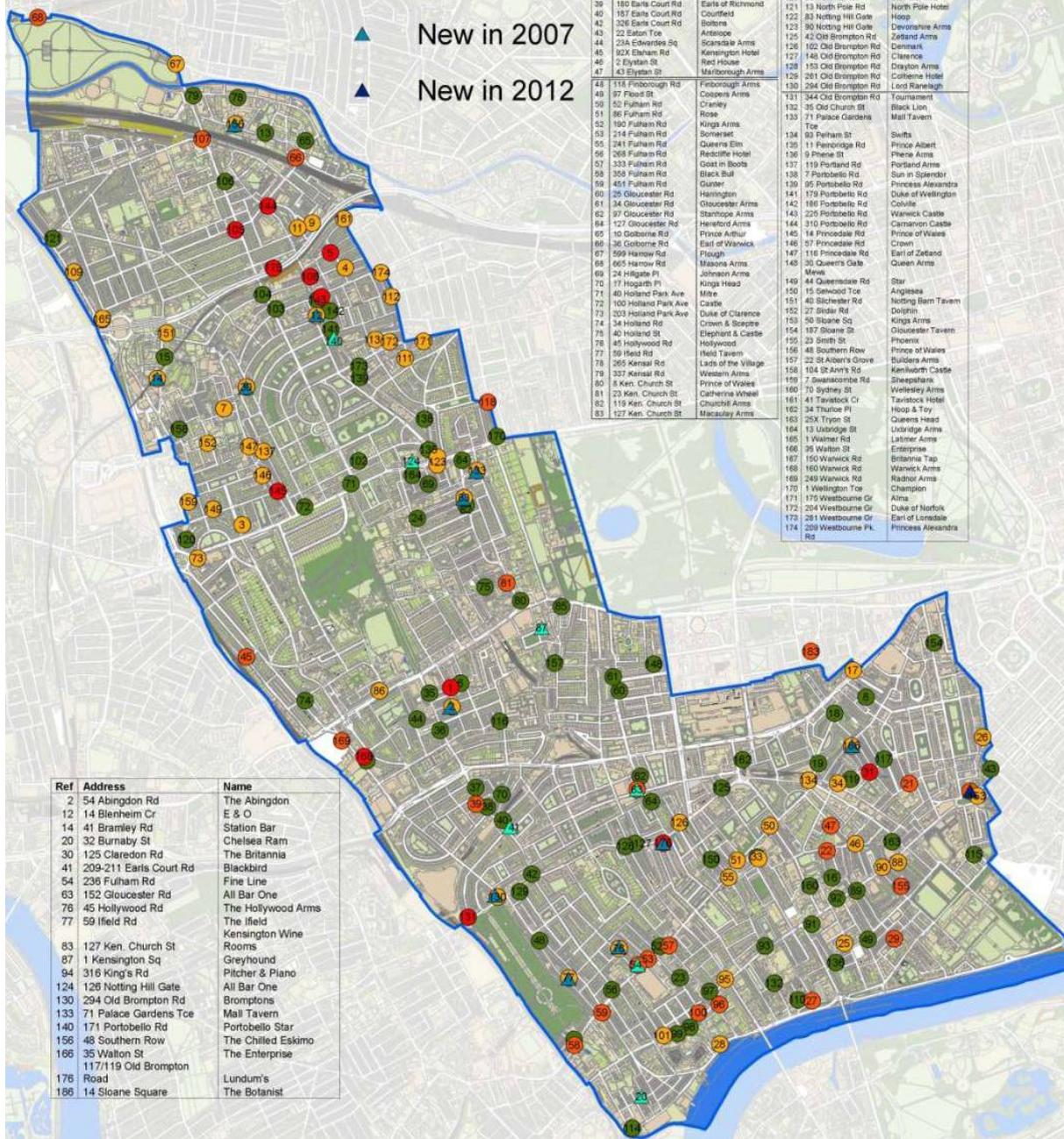
Suggestions

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	Ref	Address	Pub Name
1	41 Abingdon Rd	Kensington Arms	84	204 Ken. Church St	Old Swan
2	54 Abingdon Rd	Abingdon Tavern	85	3A Kensington High St	Goat
3	12 Addison Ave	Norland Arms	86	264 Kensington High St	Holland Arms
4	18 St Swithin's Rd	Apple	87	1 Ken. Church St	Goat
5	45 St Swithin's Rd	Pelican	88	49 King's Rd	Chelsea Crug Stone
6	1 Allen St	Britannia	89	118 King's Rd	Chelsea Potter
7	12 Avonbury Park Rd	Brook Arms	90	158A King's Rd	Markham Arms
8	43 Beaumont Pl	Grove Tavern	91	196 King's Rd	Blk Belts
9	4 Berrington Rd	Malvern	92	200 King's Rd	Trafalgar
10	1 Billing Rd	Fox & Pheasant	93	238 King's Rd	Cadogan Arms
11	7 Blingrove Rd	Bevington Arms	95	354 King's Rd	Roebeck
12	14 Blenheim Cr	Blenheim Arms	96	383A King's Rd	Markham Arms
13	80 Bowwell Rd	Earl Derby	97	392 King's Rd	Man in the Moon
14	41 Bramley Rd	Station Hotel	98	450 King's Rd	Riley Arms
15	84 Bramley Rd	Pig & Whistle	99	450 King's Rd	Worles End
16	13 Britten St	Bulldozers Arms	100	442 King's Rd	Magpie & Blump
17	132 Brompton Rd	Crown & Sceptre	101	500 King's Rd	Dean Swift
18	207 Brompton Rd	Bunch of Grapes	102	54 Ludbroke Rd	Ludbroke Arms
19	279 Brompton Rd	Hour Glass	103	56 Ludbroke Grove	Elgin
20	41 Cadogan St	Moore Arms	104	139 Ludbroke Grove	Kensington Park Hotel
21	27 Cale St	Blenheim Arms	105	226 Ludbroke Grove	Earl Percy
22	6 Calvea Pl	Red Anchor	106	250 Ludbroke Grove	Edge
23	114 Candover Hill Rd	Windsor Castle	107	350 Ludbroke Grove	Admiral Bixie
24	60 Chelsea Manor St	Bee Hive	108	74 Lancaster Rd	Golden Cross
25	27 Chesham St	Lowndes Arms	109	274 Latimer Rd	British Volunteer
26	59 Cheyne Walk	King's Head & 3 Belts	110	7 Lawrence St	Cross Keys
27	114 Cheyne Walk	King's Arms	111	45 Ledbury Rd	Penridge Castle
28	6 Chratchurch Toe	Surprise	112	127 Ledbury Rd	Duke of Cornwall
29	125 Clarendon Rd	Britania	113	140 Lonsdale Rd	Bullock & Wilby
30	47 Clarendon Rd	Shuckburgh Arms	114	114 Lott Rd	Balloon Tavern
31	111 Clarendon Rd	Princess of Wales	115	92 Lower Sloane St	Rose & Crown
32	145 Doverhouse St	Crown	116	31 Malpas Rd	Devonshire Arms
33	153 Doverhouse St	Queens Arms	117	119 Minter St	Australian
34	98 Drygost Ave	Princess Victoria	118	87 Moscow Rd	Levinster Hotel
35	25 Earls Court Rd	Hanson Cab	119	117 Moscop St	Admiral Codrington
36	84 Earls Court Rd	Earls Court Tavern	120	26 Notland Rd	North Pole Hotel
37	181 Earls Court Rd	Prince of Teck	121	13 North Pole Rd	Hoop
38	180 Earls Court Rd	Earls of Richmond	122	83 Notting Hill Gate	Devonshire Arms
39	187 Earls Court Rd	Courtyard	123	90 Notting Hill Gate	Welford Arms
40	226 Earls Court Rd	Bolton	124	42 Old Brompton Rd	Denmark
41	22 Earton Top	Antelope	125	102 Old Brompton Rd	Clarence
42	23A Edwards Sq	Scarsdale Hotel	127	142 Old Brompton Rd	Red House
43	82X Edwards Rd	Kensington Hotel	128	153 Old Brompton Rd	Mariborough Arms
44	2 Elystan St	Red House	129	201 Old Brompton Rd	Log Ranelagh
45	2 Elystan St	Mariborough Arms	130	264 Old Brompton Rd	Tournament
46	116 Finborough Rd	Finborough Arms	131	342 Old Brompton Rd	Black Lion
47	87 Froud St	Coppers Arms	132	35 Old Church St	Mall Tavern
48	52 Fulham Rd	Dramley	133	71 Palace Gardens	Top
49	86 Fulham Rd	Rose	134	63 Perham St	Swifts
50	100 Fulham Rd	King's Arms	135	11 Pennington Rd	Prince Albert
51	214 Fulham Rd	Somerlet	136	9 Phenix St	Phenix Arms
52	241 Fulham Rd	Queens Elm	137	119 Portland Rd	Portland Arms
53	268 Fulham Rd	Redcliffe Hotel	138	7 Portobello Rd	Sun in Splendor
54	333 Fulham Rd	Coat in Boots	139	95 Portobello Rd	Princess Alexandra
55	358 Fulham Rd	Black Bull	140	129 Portobello Rd	Duke of Wellington
56	451 Fulham Rd	Gunter	141	160 Portobello Rd	Colville
57	28 Gloucester Rd	Herrington	142	225 Portobello Rd	Warwick Castle
58	34 Gloucester Rd	Gloucester Arms	143	310 Portobello Rd	Carnarvon Castle
59	97 Gloucester Rd	Starhope Arms	144	16 Princeside Rd	Prince of Wales
60	127 Gloucester Rd	Hareford Arms	145	57 Princeside Rd	Crown
61	80 Gorbame Rd	Prince Arthur	146	116 Princeside Rd	Earl of Zealand
62	36 Gorbame Rd	Earl of Warwick	147	35 Queen's Gate	Queen's Arms
63	599 Hamow Rd	Plough	148	44 Queensway Rd	Star
64	465 Hamow Rd	Masons Arms	149	15 Seewood St	Angels
65	24 Hilgate Pl	Johnson Arms	150	40 Sichester Rd	Notting Barn Tavern
66	17 Hogarth Pl	King's Head	151	27 Sizar Rd	Dolphin
67	17 Hogarth Pl	King's Head	152	59 Sloane St	Kings Arms
68	40 Holland Park Ave	Mile	153	104 Sloane St	Gloucester Tavern
69	100 Holland Park Ave	Castle	154	187 Sloane St	Phoenix
70	303 Holland Park Ave	Duke of Clarence	155	23 Smith St	Prince of Wales
71	34 Holland Rd	Crown & Sceptre	156	48 Southern Row	Bulldozers Arms
72	40 Holland St	Elephant & Castle	157	22 St Anne's Grove	Kensington Castle
73	45 Hollywood Rd	Hollywood	158	104 St Ann's Rd	Sheepshank
74	59 Hield Rd	Hield Tavern	159	7 Swantonville Rd	Wellesley Arms
75	265 Kensal Rd	Lads of the Village	160	70 Sydney St	Tarvisock Hotel
76	337 Kensal Rd	Western Arms	161	41 Tavistock Cr	Hoop & Toy
77	8 Ken. Church St	Prince of Wales	162	34 Thuloe Pl	Queen's Head
78	23 Ken. Church St	Catherine Wheel	163	253 Tynon St	Ludbroke Arms
79	119 Ken. Church St	Chesham Arms	164	13 Unwin St	Latimer Arms
80	127 Ken. Church St	Macaulay Arms	165	1 Walmer Rd	Enterprise
81	204 Ken. Church St	Old Swan	166	95 Walton St	Britannia Tap
82	3A Kensington High St	Goat	167	160 Warwick Rd	Warwick Arms
83	264 Kensington High St	Holland Arms	168	249 Warwick Rd	Radnor Arms
84	49 King's Rd	Chelsea Crug Stone	169	1 Wellington Top	Champion
85	118 King's Rd	Chelsea Potter	170	175 Westbourne Gr	Alma
86	158A King's Rd	Markham Arms	171	204 Westbourne Gr	Duke of Norfolk
87	196 King's Rd	Blk Belts	172	283 Westbourne Gr	Earl of Lonsdale
88	200 King's Rd	Trafalgar	173	283 Westbourne Gr	Princess Alexandra
89	238 King's Rd	Cadogan Arms	174	283 Westbourne Gr	Princess Alexandra
90	354 King's Rd	Roebeck			
91	383A King's Rd	Markham Arms			
92	392 King's Rd	Man in the Moon			
93	450 King's Rd	Riley Arms			
94	450 King's Rd	Worles End			
95	442 King's Rd	Magpie & Blump			
96	500 King's Rd	Dean Swift			
97	54 Ludbroke Rd	Ludbroke Arms			
98	56 Ludbroke Grove	Elgin			
99	139 Ludbroke Grove	Kensington Park Hotel			
100	226 Ludbroke Grove	Earl Percy			
101	250 Ludbroke Grove	Edge			
102	350 Ludbroke Grove	Admiral Bixie			
103	74 Lancaster Rd	Golden Cross			
104	274 Latimer Rd	British Volunteer			
105	7 Lawrence St	Cross Keys			
106	45 Ledbury Rd	Penridge Castle			
107	127 Ledbury Rd	Duke of Cornwall			
108	140 Lonsdale Rd	Bullock & Wilby			
109	114 Lott Rd	Balloon Tavern			
110	92 Lower Sloane St	Rose & Crown			
111	31 Malpas Rd	Devonshire Arms			
112	119 Minter St	Australian			
113	87 Moscow Rd	Levinster Hotel			
114	117 Moscop St	Admiral Codrington			
115	26 Notland Rd	North Pole Hotel			
116	13 North Pole Rd	Hoop			
117	83 Notting Hill Gate	Devonshire Arms			
118	90 Notting Hill Gate	Welford Arms			
119	42 Old Brompton Rd	Denmark			
120	102 Old Brompton Rd	Clarence			
121	142 Old Brompton Rd	Red House			
122	153 Old Brompton Rd	Mariborough Arms			
123	201 Old Brompton Rd	Log Ranelagh			
124	264 Old Brompton Rd	Tournament			
125	342 Old Brompton Rd	Black Lion			
126	35 Old Church St	Mall Tavern			
127	71 Palace Gardens	Top			
128	63 Perham St	Swifts			
129	11 Pennington Rd	Prince Albert			
130	9 Phenix St	Phenix Arms			
131	119 Portland Rd	Portland Arms			
132	7 Portobello Rd	Sun in Splendor			
133	95 Portobello Rd	Princess Alexandra			
134	129 Portobello Rd	Duke of Wellington			
135	160 Portobello Rd	Colville			
136	225 Portobello Rd	Warwick Castle			
137	310 Portobello Rd	Carnarvon Castle			
138	16 Princeside Rd	Prince of Wales			
139	57 Princeside Rd	Crown			
140	116 Princeside Rd	Earl of Zealand			
141	35 Queen's Gate	Queen's Arms			
142	44 Queensway Rd	Star			
143	15 Seewood St	Angels			
144	40 Sichester Rd	Notting Barn Tavern			
145	27 Sizar Rd	Dolphin			
146	59 Sloane St	Kings Arms			
147	104 Sloane St	Gloucester Tavern			
148	187 Sloane St	Phoenix			
149	23 Smith St	Prince of Wales			
150	48 Southern Row	Bulldozers Arms			
151	22 St Anne's Grove	Kensington Castle			
152	104 St Ann's Rd	Sheepshank			
153	7 Swantonville Rd	Wellesley Arms			
154	70 Sydney St	Tarvisock Hotel			
155	41 Tavistock Cr	Hoop & Toy			
156	34 Thuloe Pl	Queen's Head			
157	253 Tynon St	Ludbroke Arms			
158	13 Unwin St	Latimer Arms			
159	1 Walmer Rd	Enterprise			
160	95 Walton St	Britannia Tap			
161	160 Warwick Rd	Warwick Arms			
162	249 Warwick Rd	Radnor Arms			
163	1 Wellington Top	Champion			
164	175 Westbourne Gr	Alma			
165	204 Westbourne Gr	Duke of Norfolk			
166	283 Westbourne Gr	Earl of Lonsdale			
167	283 Westbourne Gr	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 Ifield Rd	The Ifield
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