

PUBLIC HOUSES POLICY

1.0 INTRODUCTION

- 1.1 This report is being submitted by the Royal Borough of Kensington and Chelsea as an addendum to the Sustainability Appraisal (SA) Scoping Report for the Royal Borough of Kensington and Chelsea's Local Development Framework (LDF). It is for consultation in line with the requirements of the SEA Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004. The LDF SA Scoping Report was the subject of community engagement in early 2005 and has subsequently been adopted. The LDF SA Scoping Report comprises of three volumes, namely the Scoping Report (Sept 05), Baseline Characterisation Figures (Aug 05), and Context Review (Sept 05), which are all available on the Council's website¹.
- 1.2 The LDF Interim Sustainability Appraisal report was produced in November 2005 and, together with the LDF Core Strategy Issues and Options report, was the subject of community engagement during November and December 2005. However, in accordance with advice from the Government Office for London, the Council revised the Core Strategy Issues and Options report and, together with a revised Sustainability Appraisal Update Report, was re-issued for further stages of community engagement throughout 2008 and 2009. The Core Strategy was finally adopted in December 2010.
- 1.3 This Addendum report extends the LDF SA / SEA Scoping Report to include the emerging issues and options around a future policy on preventing the loss of public houses.

2.0 BACKGROUND

Legislative Background

- 2.1 In the summer of 2001, the European Union legislated for Strategic Environmental Assessment (SEA) with the adoption of Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment (the 'SEA Directive'). The Directive was incorporated into UK law with the Environmental Assessment of Plans and Programmes Regulations 2004 and applies to a range of UK plans and programmes whose preparation began after 21st July 2004, or whose formal adoption is not complete by 21st July 2006.
- 2.2 The SEA/SA report supports public consultations as required by Regulation 25 of the Town and Country Planning (Local Development) (England) Regulations 2004. Furthermore, issuing the SEA/SA Report alongside the Public Houses Issues and Options (which will move to a specific draft policy)

¹ Available from:

<http://www.rbkc.gov.uk/planningandconservation/planningpolicy/localdevelopmentframework/sustainabilityappraisal.aspx>

will help to provide objective information for consultees, so that responses can take full account of the predicted sustainability impacts of different 'options'. It will also identify the information being fed into the decision making process and how this has informed the decisions.

Contents of this report

2.3 Figure 1 below sets out the outputs at each stage of the SA/SEA process. This Addendum report documents the Scoping (or Stage A) of the process, setting out the context and objectives of the SA / SEA. It also establishes the baseline and decides on the scope of the SA/SEA.

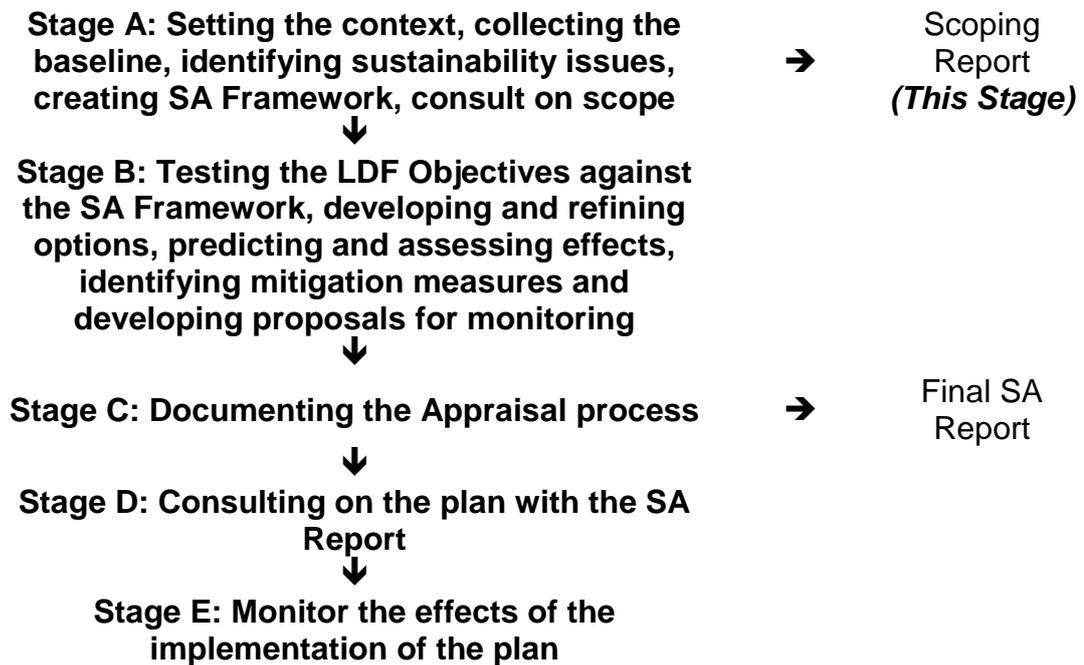


Figure 1. Outputs from the SA process

2.4 Stage A from figure 1 (as set out in subsequent sections of this report) is divided into the following 5 key tasks:

- A1 – Context;
- A2 – Baseline;
- A3 – Sustainability issues;
- A4 – SA Framework; and
- A5 – Consult on scope.

2.5 This report seeks to supplement the LDF SA Scoping Report which was adopted by the Council in November 2005.

2.6 The main body of this report is divided into sections which document Stage A of the SEA process and, in particular, tasks A1 to A5.

3.0 PUBLIC HOUSES POLICY: Background

3.1 The Royal Borough of Kensington and Chelsea adopted its Core Strategy in December 2010. One of our strategic objectives in the Core Strategy is for *Keeping Life Local* so that residential communities can flourish. This means protecting uses that have lower land values, but remain of high value to the community.

3.2 Policy CK1 sets out to protect a wide range of social and community uses, uses which include medical facilities and care homes; hostels; laundrettes; libraries; petrol filling stations; places of worship; places of education and sports facilities. The full list can be found at paragraph 30.3.4 of the Core Strategy.

3.3 In the Core Strategy particular reference is made to the Borough's public houses. Whilst these are considered to be a form of social and community facility, the Council concluded that given that so few public houses had been lost in the decade previous to the writing of the policy, "there is too little evidence to rest 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". The latest Annual Monitoring Report (AMR) confirms information provided by some of our residents - that public houses continue to be lost to other uses. Therefore, the Council has decided to review its policies with regard to the protection of public houses.

3.4 The purpose of the policy review is to develop a planning policy to prevent the loss of public houses. Two main issues are considered: the loss of a social and community facility and the loss of a heritage asset.

4.0 STAGE A: Tasks A1 to A4

Task A1 – Identifying other relevant plans, programmes and sustainability objectives

4.1 An initial review of policies, plans, programmes, strategies and initiatives (PPPSIs) was carried out as part of the LDF Scoping Report. This section outlines those PPPSIs which are considered to be of particular relevance to the emerging policy regarding the protection of public houses. These are set out in Table 1 below which includes also additional policies, plans, programmes, strategies and initiatives not included in the LDF Scoping Report but relevant to the formulation of a public houses policy.

4.2 The key messages from these PPPSIs which need to be taken into account are set out in Volume 3 of the main LDF SA / SEA Scoping Report and in the October 2009 updated Sustainability Appraisal Report.

Table 1: List of relevant policies, plans, programmes, strategies and initiatives

National
PPS 1: Delivering sustainable development
PPS4: Economic Growth
PPS12: Local Spatial Planning
Draft National Planning Policy Framework (NPPF - July 2011). NPPF to be published on the 21 March 2012
London
The London Plan (adopted July 2011)
Local
Local Development Scheme 2005 (revised 2007)
Core Strategy for the Royal Borough with a Focus on North Kensington Development Plan Document (adopted December 2010)

Task A2 – Collecting Baseline data

4.3 The LDF SA / SEA Scoping Report identifies the key characteristics of the Royal Borough of Kensington and Chelsea. Below is a summary of the baseline information which directly relates to Public Houses within the context of the borough.

Characterisation

4.4 Surveys of all the public houses in the Borough were carried out in 1980, 2002, 2007 and 2012. These surveys show that the number of pubs has decreased from 168 in 1980 to 110 in 2012. It shows a net loss of 58 public houses since 1980. See figure 1 below, “Pubs lost and opened since 1980”.

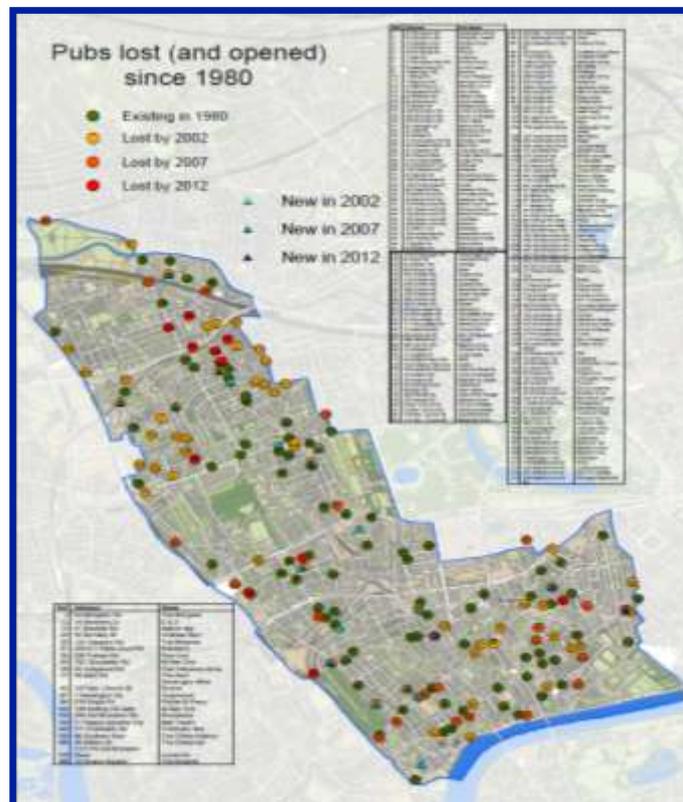


Figure 1: Pubs lost and opened since 1980.

4.5 Table 2 below shows the uses to which the public houses were lost :

Table 2: Uses to which the pubs were lost (reflecting the nomenclature of the 1987 Use Classes Order - as amended).

Residential (C3)	Residential/Offices (C3/B1)	Offices (B1)	Take away/Shop (A5/A1)	Drinking Establishment/Sui Generis (A4/SG)	Sui Generis (SG)
13	2	1	1	1	1
Shop (A1)	Financial and Professional Services (A2)	Restaurant (A3)	Demolished	Vacant	Other
3	4	32	2	10	2

4.6 Whilst the net loss of public houses over the period stands at 58, the actual pub premises lost is higher at 71. This reflects the fact that a small number of new public houses have been created. Of these 71 lost 39 were changed to another use through Permitted Development Rights (i.e. without the need for planning permission). See figure 2 below.

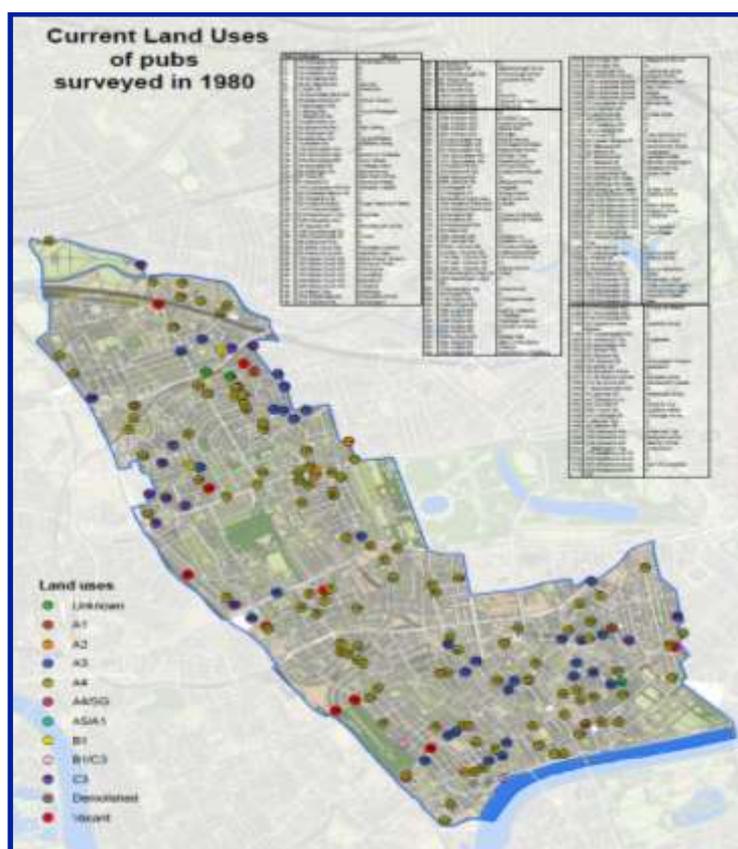


Figure 2: Land Uses 2012

4.7 In the last five years (i.e. from the 2007 survey to the 2012 survey), permission was granted to convert four public houses into residential

accommodation, and there are currently two planning applications awaiting determination. Permission was also granted to convert one public house into office/residential use. Through ‘permitted development’ four public houses were converted into eating establishments (Class A3) and one to a shop (Class A1). Another four public houses are vacant.

Task A3 - Main social, environmental and economic issues and problems identified

- 4.8 Section 4.3 of the original Scoping Report, along with the Sustainability Appraisal iterations and the Core Strategy provides a summary of the key social, environmental and economic issues that have been identified as of the most importance to the Royal Borough. The most relevant of these are listed below:

Sustainability problem	Supporting Evidence
Economic	
Average house prices	Average house prices the highest in the UK at over £850,000 in 2008, creating a barrier to entry for low and medium level earners. (July 2009 update)
Value of land and property	Stimulated by the insatiable appetite for residential accommodation. Protecting other land uses on a finely grained basis is thus a vital issue to be addressed by the strategy (par. 2.3.5 Core Strategy)
Environmental	
Noise and Vibration – complaints have been rising since 2004	RBKC Inception Meeting (10/02/05) Public concern over noise (July 2009 update)
Social	
Community Facilities – lack of elderly person homes (Care Homes).	RBKC Inception Meeting (10/02/05) (September 2006)
Heritage asset	The preservation and enhancement of the historic environment, achieving high quality new developments and having a high quality streetscape are all very high priorities for our residents (par. 2.3.16 Core Strategy).

Data ‘gaps’ and availability

- 4.9 No data gaps have been identified.

Future trends under the ‘business-as-usual’ option

- 4.10 Predicting the nature of future trends is fraught with difficulty. These depend on a wide range of factors including the global and national economic climate and decisions made at the national, regional and local level. It is likely, given the current information, that public houses will continue to be lost. It is important to note that mitigation measures will be recommended in the SEA/SA, which could address any potential impacts of a future policy.

STAGE A: Task A4 - Sustainability Appraisal Framework

- 4.11 The Council’s 16 SA objectives set out in the LDF SA / SEA Scoping Report are shown in Table 3 below. Changes may be made to these in light of the consultation on this Scoping Report Addendum.

Table 3: Sustainability Appraisal Framework: SA objectives

SA objectives
1. To conserve and enhance the natural environment and biodiversity
2. To reduce crime and anti-social behaviour and the fear of crime
3. To support a diverse and vibrant local economy to foster sustainable economic growth
4. To encourage social inclusion (<i>including access</i>), equity, the promotion of equality and a respect for diversity
5. To minimise effects on climate change through reduction in emissions, energy efficiency and use of renewables and adopt measures to adapt to climate change
6. To reduce the risk of flooding to current and future residents
7. To improve air quality in the Royal Borough
8. To protect and enhance the Royal Borough’s parks and open spaces
9. To reduce pollution of air, water and land
9a. To prioritise development on previously developed land
10. To promote traffic reduction and encourage more sustainable alternative forms of transport to reduce energy consumption and emissions from vehicular traffic
11. To reduce the amount of waste produced and maximise the amount of waste that is recycled
12. To ensure that social and community uses and facilities which serve a local need are enhanced, protected, and to encourage the provision of new community facilities
13. To aim that the housing needs of the Royal Borough’s residents are met
14. To encourage energy efficiency through building design; maximise the re-use of

building's and the recycling of building materials
15. To ensure the provision of accessible health care for all Borough residents
16. To reinforce local distinctiveness, local environmental quality and amenity through the conservation and enhancement of cultural heritage

4.12 It is not proposed to change or add any further Objectives or sub-Objectives to the existing SA Framework as these Objectives, and in particular Objectives 2,3,9a,12,13 and 16 are considered appropriate in terms of assessing the implications of an emerging public houses policy.

5.0 CONSULTATION

STAGE A – Task A5: Consultation on the Scope of the SA/SEA

5.1 In accordance with the regulations implementing the SEA Directive, the Council has a statutory duty to consult the three statutory SEA Consultation Bodies, namely English Heritage, English Nature and the Environment Agency, on the scope of the assessment contained in this Addendum Scoping Report. In accordance with these regulations, the period of consultation is 6 weeks, from the **13 March** until the **24 April 2012**.

5.2 This report focuses primarily on tasks A1 – A4 and when commenting on this report, respondents are asked to consider four key questions:

- Are the policies / plans / programmes / strategies / initiatives that have been highlighted as being of relevance to a future public houses policy appropriate?
- Do you know of any further baseline indicators that might provide useful information? If so, please provide the information or a source for the data.
- Are the sustainability problems identified for RBKC the correct ones?
- Do the SA objectives encompass all the necessary issues?
- Do you have any further comments on the Issues and Options paper?

6.0 NEXT STEPS

6.1 Following consultation on this Addendum Scoping Report, the Council will carry out a sustainability appraisal on an emerging public houses draft policy. The SA / SEA report (or 'Stage B' of the SA process) involves assessing the various options put forward against the Borough's relevant SA objectives.

6.2 In addition, this 'Stage B' assessment will include:

- Testing the policy objectives against the SA Framework;
- Developing and refining options;
- Predicting and assessing effects;
- Identification of mitigation measures; and

- Developing monitoring proposals

6.3 The draft policy will be put out for public consultation in accordance with the adopted Statement of Community Involvement. The Council is required to notify stakeholders when the Council is likely to consult, which in this instance will be March - April 2012. The Sustainability Appraisal (SA) of the draft policy will be published alongside the policy document. These documents will be available on the Council's website.

Further Information

Further information on the development of a draft policy to resist the loss of public houses in the Borough and the accompanying SA process can be obtained from:

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