

# Schedule of representations and Officer's response at draft policies stage





**Summary of consultation issues raised by the General consultation bodies and the Specific consultation bodies for public house and other A Class uses draft policy consultation and the consultation for a draft policy for use and character and how the Council have responded to the issues**

	Consultee Name	Organisation	Rep Date	Consultation point	Comment	Council response	Change to draft policy
1	Cadogan Estates Ltd	Represented by Gerald Eve	20-07-12	1 <sup>st</sup> para	Implications of draft policy: This draft policy seeks to resist the loss of Class A4 uses throughout the Borough. The Estate seeks to retain public houses where they contribute and add to the vitality and vibrancy of the area; are well used; and provide a valued community facility. However there may be instances where they are not well used, become unviable or to meet modern day requirements, they require configuration. In some instances, the site may be better utilised for other land uses and therefore flexibility needs to remain.	Paragraph 196 of the NPPF states, "Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise." In the instances where a public house may not be well used, unviable or does not meet modern day requirements these can all be material considerations which the local planning authority would have to consider.	No change proposed
				2 <sup>nd</sup> para	Paragraph 3.3 of the Issues and Options (March 2012) document highlights in relation to the loss of public houses that "the rate of loss has not accelerated over the longer timescale". Paragraph 3.2 states that the last five years has seen a slight increase in the loss of public houses compared with the period 2002 to 2007 however the table below this highlights that the increase related to the loss of only 1 public house over this 5 year period. It is therefore considered wholly unnecessary to have a blanket protection on public houses on the basis of this evidence.	<p>The latest evidence demonstrates that the loss of public houses in the Borough is increasing. For example since March of this year there have been 3 planning applications involving the loss of public houses and there are currently 4 applications which are the subject of pre-application inquiries. These are only the public houses which would be the subject of specific planning control - clearly others will change as permitted development through the Use Classes Order and have done. The figures for the loss of public houses under reported the situation because it did not take into account those lost without the need for planning permission.</p> <p>The need for a policy to resist the loss of public houses is not wholly based on a number crunching exercise - there are other factors which are material considerations to justify the need for a public house policy – paragraph 70 of the NPPF states that to deliver social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities such as public houses and other local services to enhance the sustainability of communities and residential environments.</p> <p>It is contended that the adopted RBKC Core Strategy is not in conformity with the NPPF with regard to the approach to a policy for public houses.</p> <p>There has also been increasing concern from individual residents, Councillors and residents' associations about the loss of public houses within conservation areas which contribute to the character and appearance of the area, its vitality, and sense of place. To this end a resolution was passed at a full Council meeting in December 2011 that the loss of public houses should be reviewed with regard to introducing a planning policy to prevent their loss and this is a material consideration as part of an evidence base. The concern was also crystallised in the loss of the 'Prince of Wales' public house in Princedale Road (which contributed for all the factors mentioned above) on appeal last year. The Inspector specifically commented that there was no policy within the Core Strategy that prevented its loss and therefore the appeal was allowed. The Council, have now made it clear that this situation cannot continue and need to take action now to prevent further detriment to the character of the Borough.</p>	No change proposed

			3 <sup>rd</sup> para	<p>The emergence of the Royal Borough's Core Strategy has resulted in very little flexibility on land uses which has significant implications on the Estate's ability to continue to rationalise land uses and maintain a balanced approach to the Estate's overall composition. The blanket restriction on the loss of public houses will only exacerbate the situation. There is also the concern that this onerous and prescriptive restriction will ultimately discourage investment in this land use.</p>	<p>Paragraph 196 of the NPPF states, "Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise." In the instances where a balanced argument can be put forward for the rationalisation of land use this would be a material consideration which would be taken into account. It is not accepted that a policy for the protection of public houses would discourage investment in land use – the land values in Chelsea where Cadogan Estates operate are amongst the highest in the United Kingdom.</p>	No change proposed
			4 <sup>th</sup> para	<p>Furthermore, there are no criteria for exceptional circumstances to the policy where the loss of a Public House may be acceptable. For example, if the permitted change from Use Class A4 (Public House) to Use Class A1 (retail) was prohibited in a town centre where retail uses are encouraged, this is considered to conflict with the aims and objectives of the Core Strategy and is therefore wholly inappropriate.</p>	<p>The Use Classes Order already provides great flexibility in swapping between uses in the same use class. The change from a public house to retail (Class A1) would not require planning permission in any case and there are other policies within the adopted Core Strategy which deal with scenarios within town centres where planning permission is required. Any exceptional circumstance would be material consideration.</p>	No change proposed
			5 <sup>th</sup> and 6 <sup>th</sup> paras	<p>In the first instance, we request the deletion of this draft policy. However, should the Royal Borough consider it appropriate and necessary to have such a policy relating to Public Houses and without prejudice to our principal position that we consider this policy wholly inappropriate, then a number of criteria should be introduced to the policy to allow for circumstances where the loss of a Public House will be acceptable. We suggest the following wording:</p> <p>"The Council will resist the loss of Public Houses and other Drinking Establishments (Class A4) throughout the Borough unless the proposal meets one or more of the following criteria:</p> <ol style="list-style-type: none"> <li>1. The existing use has an unacceptable impact on surrounding amenity;</li> <li>2. The existing use is no longer commercially viable;</li> <li>3. The reuse of the site for an alternative use/s would bring about greater planning benefits to the Borough outweighing its loss;</li> <li>4. The existing use is relocated or replaced elsewhere."</li> </ol>	<p>Notwithstanding the need for a specific policy (which has already been addressed) the suggested criteria will be dealt with in turn:</p> <ul style="list-style-type: none"> <li>• The impact on surrounding amenity can be largely controlled by good management of the facility. In any case the use as public house is a longstanding use and residents will have a choice as to how close they wish to move to such a facility - just about in every case the use will have existed before the resident made the choice to move.</li> <li>• The viability of a public house is a material planning consideration as outlined at paragraphs 160 and 173 of the NPPF. Therefore it does not need to be specifically included in a planning policy.</li> <li>• The reuse of the site for alternative planning uses would also be a material consideration, but if would have to be based on principles enshrined in the NPPF.</li> <li>• By their very nature, it would not be appropriate to relocate or replace a public house in another location – this suggested criteria does not address the reasons for the policy which is the value of a public house in a specific location as a community facility and the contribution such uses can make to the character and appearance of a conservation area, its vitality and sense of place.</li> </ul>	No change proposed
			7 <sup>th</sup> para –9 <sup>th</sup> para	<p>Draft policy wording: "The Council will resist the loss of...Restaurants and Cafes (Class A3) and Financial and Professional Services (Class A2) outside of Higher Order Town Centres".</p> <p>Implications of draft policy: In the first instance we agree that any restriction on the loss of restaurants and cafes should not include those within higher order centres.</p> <p>Notwithstanding this, the restriction on the loss of restaurants/cafes outside of higher order town centres will result in very limited flexibility on land uses within the Estate which has implications on the ability to continue to rationalise land uses and improve the Estate. In some cases, it may be appropriate to allow</p>	<p>Paragraph 196 of the NPPF states, "Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise."</p> <p>The flexibility which is referred to is already permitted by reason of the Use Classes Order where permitted development exists for the swap between A3 uses to A2 and A1 uses. In those cases where it is considered there is not sufficient flexibility a reasoned and balanced argument can be put forward as a material consideration. Policy CF3 (d) of the Core Strategy protects all shops within neighbourhood shopping centres except if they change to a social and community use and 66% of the relevant street frontage remains in A1 shop use. This policy does not</p>	No change proposed

				for the loss of a restaurant/cafe where it has a negative impact on amenity in terms of noise or smells. Importantly, this restriction will stifle flexibility for these areas outside of higher order centres to evolve and develop to meet community needs and objectives and is likely to result in unviable restaurants/cafes becoming, and remaining, vacant. It is in these areas outside of higher order town centres which need greater flexibility to ensure they remain vibrant thriving areas which can attract new investment. The existing Policy CF3 (d) within the Core Strategy recognises the need for greater flexibility outside of higher order centres and therefore it is wholly inappropriate to introduce restrictions which reduce this essential flexibility. This policy should therefore be deleted.	recognise the need for greater flexibility in the manner described.	
			10 <sup>th</sup> para	In terms of the protection of financial and professional services outside of higher order centres, this appears to be at odds with the current objectives of the Core Strategy which do not protect financial and professional services in any location. It appears unnecessary to introduce restrictions and there may be circumstances where it is appropriate to lose an A2 use to another use (for example through permitted development rights from Use Class A2 to Use Class A1) in order to stimulate new investment or meet demand. The draft policy would not allow for this and would create substantial uncertainty for investors. We therefore request that this policy is deleted.	<p>It is not accepted that the protection of Class A2 uses (Financial and Professional Services) is at odds with the strategic objectives of the Core Strategy. It is recognised that such uses can indeed play a valuable supporting role. Indeed paragraph 70 of the NPPF states that planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs. The example quoted, which is the loss of an A2 to an A1 retail use to stimulate new investment would be permitted development within the Use Classes Order in any case.</p> <p>The Core Strategy Objective (C01) 'Keeping Life Local' is for strong effective neighbourhood centres and for social and community facilities to be widely available and for neighbourhood functions, including local shopping facilities, to be inclusive for all so that residential communities can flourish. The retention of Class A2 Financial and Professional Services in neighbourhood centres and outside of higher order town centres would appear to be entirely in conformity with such an objective.</p> <p>Any A2 use which is considered not to fall within the policy or the strategic objective could be considered on its own merits as a material considerations which would have to be balanced against the policy. It should be noted that until the Core Strategy was adopted there was a specific policy preventing the loss of banks and building societies in North Kensington and the south west of the Borough because of the service to the community that they provided.</p>	No change proposed
			11 <sup>th</sup> para	To conclude, we strongly disagree with the principle that the Royal Borough should seek to resist the loss of public houses within the Borough and restaurants/cafes and financial/professional services outside of Higher Order Town Centres. We consider that there is no justification for protecting the loss of public houses in the manner described nor restaurants/cafes and financial/professional services outside of Higher Order Town Centres. Furthermore, it is wholly inappropriate to be introducing further policy restrictions given the current economic climate. The Government is also seeking to encourage commercial investment and there is considerable pressure on landlords to identify appropriate tenants for commercial properties. We therefore request that this policy is deleted.	Noted. The points raised have been addressed elsewhere. With regard to further policy restrictions being introduced in the current economic climate, the test of viability would be a material planning consideration as already outlined. Kensington and Chelsea is fortunate in so far as land values are high and there is a very buoyant local economy with very low vacancy rates. It is the current finely grained mix of uses such as shops; financial and professional services; food and drink uses and public houses which make the Borough distinctive and help support the Borough's residential character. The economic climate is such that 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	No change proposed



					residential area.		
2	Thomas Edmunds.	Planner Savills on behalf of unknown client	23-07-12	1 <sup>st</sup> – 9 <sup>th</sup> paras	<p>Paragraph 1.2 of the Document sets out how "...<i>planning should readily adapt to changing circumstance.</i>" This is a correct sentiment, but flowing from this it is critical to examine how circumstances have changed - if indeed they have changed - based on an up to date evidence base to justify any given position.</p> <p>The Core Strategy was adopted in December 2010 and the initial draft of the Public Houses Issues and Options Document was published for consultation in March 2012, a timeframe of 15 months.</p> <p>Paragraph 30.3.7 of the Core Strategy states "...<i>the Council considers that there is too little evidence to resist their loss at the present time. This will be kept under review.</i>"</p> <p>It could reasonably be assumed from this paragraph and the subsequent production of an Issues and Options policy document that there had been a significant change in the situation with regard to the loss of pubs within the Borough over this 15 month period. As we have previously set out when providing representations in April 2012, there is absolutely no evidence to suggest that a change in policy is justified.</p> <p>The Document provides no further evidence beyond the data previously set out in the March 2012 consultation document.</p> <p>As we have previously highlighted in detail, the trend is of a slowing in the rate of the loss of pubs. This is based on the data provided in the Council's own issues and options policy document. The average loss between 2002 and 2012 is 1.3 pubs per year. This compares to an average of 2 pubs per year from 1980 to 2002.</p> <p>There has been no evidence presented which supports the Council's view that the number of pubs being lost has increased since the adoption of the <i>Core Strategy</i> in December 2010. Indeed, the statistics presented (though limited in their value) in fact show the opposite position, with the loss of pubs having slowed in contrast to previous decades.</p> <p>Viewed more broadly, the general rate at which pubs are being lost has not changed in the periods immediately before and since the adoption of the <i>Core Strategy</i>. Given this, there is no evidence or justification for the alteration of the <i>Core Strategy</i> at this time.</p> <p>There are therefore no grounds to claim that the rate of loss has increased to a point that harm is now being caused to the Borough, and a revision to the Core Strategy is not justified</p>	<p>The latest evidence demonstrates that the loss of public houses in the Borough is increasing. For example since March of this year there have been 3 planning applications involving the loss of public houses and there are currently 4 applications which are the subject of pre-application inquiries. These are only the public houses which would be the subject of specific planning control - clearly others will change as permitted development through the Use Classes Order and have done. The figures for the loss of public houses under reported the situation because it did not take into account those lost without the need for planning permission. The trend is not one of slowing in the loss of public houses, it is the reverse.</p> <p>The need for a policy to resist the loss of public houses is not wholly based on a number crunching exercise - there are other factors which are material considerations to justify the need for a public house policy – indeed paragraph 70 of the NPPF states that to deliver social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities such as public houses and other local services to enhance the sustainability of communities and residential environments.</p> <p>It is contended that the adopted RBKC Core Strategy is not in conformity with the NPPF with regard to the approach to a policy for public houses.</p> <p>Furthermore, there has also been increasing concern from individual residents, Councillors and residents' associations about the loss of public houses within conservation areas which contribute to the character and appearance of the area, its vitality, and sense of place. To this end a resolution was passed at a full Council meeting in December 2011 that the loss of public houses should be reviewed with regard to introducing a planning policy to prevent their loss and this is a material consideration as part of an evidence base. The concern was also crystallised in the loss of the 'Prince of Wales' public house in Princedale Road (which contributed for all the factors mentioned above) on appeal last year. The Inspector specifically commented that there was no policy within the Core Strategy that prevented its loss and therefore the appeal was allowed. The Council, have now made it clear that this situation cannot continue and need to take action now to prevent further detriment to the character of the Borough.</p>	No change proposed
				10 <sup>th</sup> para	We make the following comments on the specific wording of	The evidence points to the fact that public houses continue to be lost to other uses within the Borough at an increasing rate. The	No change proposed

				the proposed policy set out within the Document in the context of the lack of evidence base discussed above. Conclusions have been reached without justification, and policy has been prepared irrespective of the evidence base contained within the previous consultation document.	response to the need for a planning policy has been addressed.	
			11 <sup>th</sup> para	Paragraph 4.1 alleges the erosion of a readily accessible social focus as a result of the loss of public houses over the past 30 years. Notwithstanding the timeframe over which this has happened, how the evidence shows a slowing down in the rate of pub closures in any event (see above), and how restaurants and cafes continue to provide a social and community role as a result of changing social trends, the Core Strategy states how the entire Borough is within a 10 minute walk of a drinking establishment. It does not follow that such facilities are not "readily accessible" as claimed.	The need for a policy to resist the loss of public houses is not based on an evidence base to do with walking distances – this shows a fundamental misunderstanding as to why such a policy has been developed. The fact that public houses at neighbourhood level offer a source of identity, distinctiveness, social interaction and coherence – which are the essential ingredients to a sense of community and place are not addressed by examining the spatial distribution of pubs. Indeed they can often be grouped quite close together but appeal to different clientele.	No change proposed
			12 <sup>th</sup> para	Paragraph 4.1 asserts that "this trend is set to continue", despite no evidence presented in support of this assertion. It is not acceptable to formulate planning policy on unsupported claims.	The full sentence which has been selectively quoted by Savills reads, "well over one third ( <i>of public houses</i> ) have been lost and with escalating residential property prices, this trend is set to continue." This is not an unsupported claim and is based on sound evidence. Indeed evidence from Savill's own property team in 'Spotlight on London's Housing Supply – Summer 2012' states that high demand from equity rich buyers and scarce supply has driven a V-shaped recovery in London, in contrast to the UK average. Savills expect the divergence to continue. In terms of the prime and super prime market which is centred on Westminster and Kensington and Chelsea, these are expanding markets according to Savills. In the super prime market (5 million plus) the annual supply of new residential properties is set to double to over 100 sales in 2014. In 2011 there were twice as many transactions in this market compared to 2006, as a result of strong demand from a growing number of global billionaires and house price inflation in this segment. Clearly non residential uses will continue to be under threat to change to residential use unless the Council intervenes.	No change proposed
			13 <sup>th</sup> para	Whilst we acknowledge the sentiments of paragraph 4.2, since the entire Borough is well-served by public houses - every resident living within a 10-minute walk of such a "facility"- the ability for Borough residents to meet their day to day needs, having regards to the identity, distinctiveness, social interaction and cohesiveness of a community- will not be adversely affected.	As already stated, the need for a policy to resist the loss of public houses is not based on an evidence base to do with walking distances – this shows a fundamental misunderstanding as to why such a policy has been developed. The fact that public houses at neighbourhood level offer a source of identity, distinctiveness, social interaction and coherence – which are the essential ingredients to a sense of community and place are not addressed by examining the spatial distribution of pubs. Indeed they can often be grouped quite close together but appeal to different clientele. Not evidence has been provided as to why the factors mentioned above would not be adversely affected.	No change proposed
			14 <sup>th</sup> para	There are already existing Core Strategy policies (adopted in December 2010) which cover the protection of Class A1, A2 and A3 uses- throughout the Borough, or in identified neighbourhood centres respectively- and it is therefore unnecessary to create further policy. A blanket ban on a form of development is also unreasonable.	The existing policy in the adopted Core Strategy only deals with town centre locations. The majority of public houses in the Borough which warrant protection are not located within town centres, but are dispersed amongst residential accommodation which is part of their appeal. In a similar manner A2 and A3 uses are important components of Neighbourhood Centres and can continue to change to Class A1 retail uses without the need for	No change proposed

					planning permission in any case. The existing policies do not protect these uses and they are especially venerable to change to a residential use outside of the Borough's town centres. A policy to safeguard these uses is therefore required. It is not unreasonable to have a blanket ban as material considerations will always allow individual cases to be assessed on their own merits.	
			15 <sup>th</sup> para	Flowing from this, no form of means testing or case-by-case assessment is identified (as is the case with other forms of protected use). For example, if a property has been vacant for the medium or long-term, viability assessments or marketing reports are a suitable means of demonstrating where a change of use is appropriate.	All the factors mentioned such as a viability report and a proper marketing assessment are material considerations and would be assigned due weight depending on their merit. These considerations should not form a specific part of the planning policy and would only serve to weaken it unnecessarily.	No change proposed
			16 <sup>th</sup> para	<p>Turning to paragraph 4.3, again a series of assertions and claims are made with no evidence or justification provided. It is not clear how a Class A2 estate agency provides a "wider social role" as claimed, or indeed how the loss of an individual premises would harm a given community's ability to meet its day to day needs.</p> <p>It is simply not sufficient to make such a claim without data to support such an assertion.</p>	<p>The justification for the statement, "<i>(Public houses and).. other uses such as shops, financial and professional services uses and restaurants/cafes are also valued, for both the service that they provide, and their wider social role</i>" comes from paragraphs 69 and 70 of the NPPF. Paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 70 states that to deliver social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision of shared space, community facilities (such as local shops, meeting places....public houses...) and other local services to enhance the sustainability of communities and residential environments.</p> <p>It is unclear what data Savills are expecting – quantitative measures of how many facilities exist or their distribution appears to be missing the point of why the policy has been drafted. It should also be noted that until the Core Strategy was adopted there was a specific policy preventing the loss of banks and building societies in North Kensington and the south west of the Borough because of the service to the community that they provided. This approach has not changed.</p>	No change proposed
			17 <sup>th</sup> para	<p>Paragraph 30.3.4 defines social and community facilities as follows:</p> <p><i>"For the purposes of the Core Strategy, Social and Community uses are defined as including: care homes/care facilities and elderly people's homes; community/meeting halls and rooms; doctors, dentists, hospitals and other health facilities; hostels; laundrettes; libraries; Metropolitan Police and other emergency service facilities; petrol filling stations; places of worship; bespoke premises for the voluntary sector; schools and other educational establishments; sport facilities; and youth facilities."</i></p> <p>The wording of the draft policy within the Document refers to "a wider social role", extending the remit of a social and community facility to cover all uses within Class A of the Use Classes Order.</p>	Noted but points covered above.	No change proposed



			18 <sup>th</sup> para	No data or information is provided on why it is necessary to protect Class A3 and Class A2 Uses outside of Higher Order Town Centres, beyond mere assertion that such uses "are valued for both the service they provide and their wider social role." Other policies already concern these use classes in any event.	As previously stated, the justification for the statement, " <i>(Public houses and).. other uses such as shops, financial and professional services uses and restaurants/cafes are also valued, for both the service that they provide, and their wider social role</i> " comes from paragraphs 69 and 70 of the NPPF. Paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 70 states that to deliver social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision of shared space, community facilities (such as local shops, meeting places....public houses...) and other local services to enhance the sustainability of communities and residential environments.  It is unclear what data Savills are expecting – quantitative measures of how many facilities exist or their distribution appears to be missing the point of why the policy has been drafted. Existing adopted policies only cover town centre locations as previously discussed. It should also be noted that until the Core Strategy was adopted there was a specific policy preventing the loss of banks and building societies in North Kensington and the south west of the Borough because of the service to the community that they provided. The approach has not changed.	No change proposed
			19 <sup>th</sup> para	The content of this proposed policy- both the supporting text at paragraphs 5.1 to 5.3 and the policy text itself- is poorly worded and is too vague, and does not define the key characteristics or criteria against which an assessment must be made. It is not sufficient to claim that " <i>the distinctive character of many buildings may come from their use as much as their physical appearance</i> " without first defining a framework against which 'distinctive character' can be qualified.	The framework for judging the whether a building's use contributes to the character and significance of the surrounding area, and its sense of place comes from the criteria mentioned in paragraph 5.2 of the reasoned justification. There are four components specifically mentioned which the local planning authority would be assessing any application against – these are variety; surprise and delight; punctuating the street scene and adding vitality and character to the area. By their very nature, these are subjective judgments, but none the less they could be assessed. Given the latitude of the permitted development within the A Class itself it is more likely that this policy would be used to assess those applications which are likely to involve a change of use to a Class C3 Dwelling house and given the criteria it would not be difficult to assess whether this would contribute to the character and significance of the surrounding area and its sense of place.	No change proposed
			20 <sup>th</sup> para	No framework or means of assessment as to how the Council propose to judge whether " <i>the current use [of a property] contributes to the character and significance of the surrounding area and to its sense of place</i> " has been proposed. Qualifiers such as "surrounding area" and "sense of place" have not been defined, and it is not clear how the Council proposes to consider such proposals and against what policy background.	The response is similar to above in so far as criteria do exist for assessment. It would clearly be inappropriate to select a distance for what "surrounding area" may encompass, this to a degree would be defined by the use itself – a church for example may have a wider area of significance than a public house but each would have to be assessed on a fact and degree basis using rational argument. The use of 'sense of place' can be defined in so far as it would have to be demonstrated that the use is significant as to what makes the area special and different from elsewhere.	No change proposed
			21 <sup>st</sup> para	An assessment of significance of a designated or non-designated heritage asset (as defined by the NPPF) is an example of one such means of assessment, but this means of assessment and subsequent demonstration of policy	The significance of a designated or non – designated heritage asset misses the point of the policy. It is not dealing specifically with built character or visual appearance, rather with vitality and how this contributes to the character of an area. Vitality is	No change proposed

				compliance is already in place. A new policy as proposed is therefore superfluous.	concerned with social interaction – a point this is picked up at paragraph 69 of the NPPF which refers to the planning system playing an important role in facilitating social interaction and creating healthy, inclusive communities.	
			22 <sup>nd</sup> para	There are already policies within the development plan or the NPPF - specifically town centre and neighbourhood centre policies- where character as defined by a specific land use is addressed i.e. protecting a shop within a town centre seeks to protect the character of the centre through promoting town centre activities. Again, the proposed policy is unnecessary and superfluous.	The point of the policy is missed by this comment. It is not aimed at town centre uses, but those incidental uses outside of the higher order town centres, particularly within residential neighbourhoods which offer variety and vitality. It is not primarily concerned with appearance.	No change proposed
			23 <sup>rd</sup> para	In any event, defining changing patterns of use is part of the history of the Borough, or a conservation area. The Borough will continue to evolve as it has always done in response to shifting economic, social and environmental pressures. It is common to find physical evidence of past uses which have changed over time in the appearance of buildings, and given that the appearance of a building is of greater importance than its use (in the context of <i>"the character and significance of the surrounding area"</i> ) There is already policy framework in place at both the local and national level to ensure the heritage, character and significance of buildings and localities are not diminished.	The economic climate is such that 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. The Borough will only evolve in one direction and that is towards a homogenous and sterile high class residential area. Assessing the visual contribution of a building towards the character of an area again misses the purpose of the policy as this one component does not deal with variety and vitality which contribute to the character and sense of place.	No change proposed
			24 <sup>th</sup> para	Indeed, over time land uses have responded to changing social attitudes - time pressure of individuals, availability of public transport and car ownership for example - and that it is common to find a gradual shift in commercial and social activity towards main thoroughfares, neighbourhood centres and larger town centres and away from isolated locations.	The purpose of the policy is to protect the fine grain mix of uses within residential areas which are a defining feature of the Borough and add to its desirability as a residential location. A shift towards town centres would erode this essential character and would mean that outside town centre locations effectively sterile residential areas would be created.	No change proposed
			25 <sup>th</sup> para	It is not the role of the planning system to protect unviable, unused, and vacant premises for which there is no future prospect of reuse by a similar activity. Vacant buildings are blight, and adversely affect the character and significance of the surrounding area.	Savills have provided no evidence regarding vacancy rates within the Borough for commercial properties and this is an assertion or claim without evidence. As previously mentioned viability, vacancy and the extent to which a property has been marketed for an alternative use are material considerations which would be examined on their own merits and weighed against the policy.	No change proposed
			26 <sup>th</sup> para – 31 <sup>st</sup> para	<p>We do not necessarily disagree with the sentiment behind this proposed 'character and use' policy, but at this present time we consider the policy and supporting text to be poorly worded and ill-defined. Its remit is far too vague and no means of assessment is proposed against which the acceptability of any given scheme could be made.</p> <p>The Council's current policy, adopted as recently as December 2010, states with regards to public houses that <i>"there is too little evidence to resist their loss at the present time."</i></p> <p>This position has not changed, and from the evidence base on which the Council are attempting to justify a change in policy the following statements can be made:</p> <ul style="list-style-type: none"> <li>• The rate at which pubs are being lost is lower today than in the period from 1980-</li> </ul>	<p>The first paragraph regarding evidence has already been addressed. A proper evidence base for the policy has been addressed and indeed conducting a number crunching exercise to justify the need for a policy is only one component – there are others as already outlined. The numbers referred to specifically dealt with applications that had been granted, but it did not deal with those premises that were lost without the need for planning permission. Given the flexibility of the Use Classes Order is arguably even more important to protect those public houses which remain.</p> <p>The policy is not one that is based on a spatial approach to public houses for the reasons already outlined. It has been justified and is effective, and is legally compliant which would make such an approach sound and in accordance with the NPPF.</p>	No change proposed

					<p>2002</p> <ul style="list-style-type: none"> <li>• There has been no significant change in the rate at which pubs are being lost during the past 10 years</li> <li>• There is no evidence that the loss of a limited number of pubs has resulted in parts of the Borough being deprived of a community function within easy reach</li> <li>• There is no evidence that alternative uses such as restaurants and cafes are not also contributing a community function, either instead of or in addition to pubs within the Borough</li> <li>• There is an adequate number of pubs across the Borough to meet the needs of residents, whereby the entire Borough is located within a 10 minute walk of one of the 110 drinking establishments</li> </ul> <p>Following on from this, no evidence has been presented on why the Council considers it is necessary to protect Class A3 and Class A2 Uses.</p> <p>This is an unsound approach to formulating a planning policy. It is essential that any development plan has a sound evidence base and a robust justification for the policies which flow from this.</p> <p>The "options" presented by the Council in their March 2012 'Issues and Options' consultation document had already assumed that a change in policy was needed in the first place when clearly the evidence shows otherwise.</p>		
				32 <sup>nd</sup> para	With regards to the more nebulous wording of the proposed policy concerning character and use, no framework or means of assessment has been defined against which proposals can be assessed and the policy as proposed is simply too vague to work properly.	This point has been addressed above.	No change proposed
				33 <sup>rd</sup> para	<p>For the reasons set out above, <b>we reject the policies proposed by the consultation document</b></p> <p>We would therefore urge the Council to resist making unnecessary alterations to the <i>Core Strategy</i> and trust that these representations will be considered in full as part of the consultation process.</p>	Clearly the current policy has not worked as public houses would not continue to change to residential uses – a change in policy direction is required, not least because of the contents of the NPPF.	No change proposed
3	RAB Pension Trust	Represented by Simon Avery-Bell Cornwall Partnership	23-07-12	Section 5 (Character and use)	<p>1) <i>Public Houses and other uses which provide a wider social role:</i></p> <p>i) As paragraph 3.2 of our 25.4.2012 letter demonstrates, there is no up-to-date evidence of increased public house loss to other uses since the Core Strategy Policy was adopted, since which time only 3 pubs across the whole Royal Borough range of 113 pubs have changed their use. That is the up-to-date evidence for assessing the effectiveness of the currently adopted Core Strategy policy. To seek to rely on data from 1980, as does paragraph 4.1 of this draft planning policy document both fails the test of applying up-to-date evidence and is in any event reusing the</p>	<p>The latest evidence demonstrates that the loss of public houses in the Borough is increasing. For example since March of this year there have been 3 planning applications involving the loss of public houses and there are currently 4 applications which are the subject of pre-application inquiries. These are only the public houses which would be the subject of specific planning control - clearly others will change as permitted development through the Use Classes Order and have done. The figures for the loss of public houses under reported the situation because it did not take into account those lost without the need for planning permission.</p> <p>The need for a policy to resist the loss of public houses is not wholly based on a number crunching exercise - there are other factors which are material considerations to justify the need for a public house policy – paragraph 70 of the NPPF states that to</p>	No change proposed

				<p>same evidence base which provided the justification for the current policy two years ago. The evidential basis for this proposed change thereby fails to comply with the National Planning Policy Framework (<b>NPPF</b>) requirements of paragraph 154, which requires local plans to be realistic and paragraph 158 which requires the local plan to be based on adequate, up-to-date and relevant evidence.</p>	<p>deliver social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities such as public houses and other local services to enhance the sustainability of communities and residential environments.</p> <p>It is contended that the adopted RBKC Core Strategy is not in conformity with the NPPF with regard to the approach to a policy for public houses.</p> <p>There has also been increasing concern from individual residents, Councillors and residents' associations about the loss of public houses within conservation areas which contribute to the character and appearance of the area, its vitality, and sense of place. To this end a resolution was passed at a full Council meeting in December 2011 that the loss of public houses should be reviewed with regard to introducing a planning policy to prevent their loss and this is a material consideration as part of an evidence base. The concern was also crystallised in the loss of the 'Prince of Wales' public house in Princesdale Road (which contributed for all the factors mentioned above) on appeal last year. The Inspector specifically commented that there was no policy within the Core Strategy that prevented its loss and therefore the appeal was allowed. The Council, have now made it clear that this situation cannot continue and need to take action now to prevent further detriment to the character of the Borough.</p>	
				<p>On that basis the proposed draft policy is not "consistent with national policy" as expressed in those two NPPF paragraphs and it therefore fails that fourth test of "soundness", as expressed in <b>NPPF</b> paragraph 182. Neither can the Draft planning policy be said to be "objectively assessed" when faced with the evidence of very little change in the number of public houses since the Core Strategy was adopted. It thereby fails the first test of Soundness by failing to be "positively prepared".</p>	<p>The proposed policy is "consistent with national policy" as already outlined. Paragraph 70 of the NPPF specifically deals with planning positively for the provision and use of shared space, community facilities such as public houses and other local services which enhance the sustainability of communities and residential environments. It also advises to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. It is not clear why it would fail the tests of soundness on this basis. The point about the number of public houses that have been lost has already been addressed.</p>	No change proposed
				<p>With such limited change on the ground since the Core Strategy policy was adopted, the Draft planning policy fails the third test of "soundness", since it fails to be "justified".</p>	<p>The figures quoted for the loss of public houses have already been discussed – they provide an incomplete picture of the situation and indeed the number of applications or inquires that involve the change of use of public houses has increased since these figures were published. The need for a policy could be based on the NPPF alone. It is not clear why the policy has not been justified.</p>	No change proposed
				<p>ii) Furthermore, the draft policy fails to take account of the prevailing "permitted development rights" for any Class A4 use, including pubs, to change to Class A3, Class A2 and Class A1 uses without the need for planning permission. There is no mention made of this in the Draft policy document. The impact of those "permitted development rights" is to subject the policy to being ineffective and not</p>	<p>There seems to be a misunderstanding of how a policy and reasoned justification should be drafted. The impact of permitted development rights is a separate issue and would not affect the drafting of the policy. It is not clear what point is being made here. It is acknowledged that a public house can change to another A Class use (except to an A5 use) but that is preferable than its loss to residential use. Other uses within the A class either provide a service or an opportunity to meet and they contribute to the character of an area and its sense of place.</p>	No change proposed

					<p>deliverable. As a result it fails the "soundness" test of being "effective" -and again thereby fails the "soundness" test of being <b>"consistent with national policy"</b>. <b>The "Draft planning policy for the protection of public houses" is not "sound "and should not be pursued further.</b></p>	<p>It is not at all clear why such a policy is inconsistent with national policy. Conversely it is entirely consistent.</p>	
					<p>The wording of this draft policy is vague and open therefore to wide variation and a lack of clarity. Nowhere does it define what <i>"contributes to the character and significance of the surrounding area, and to its sense of place"</i> means, or what criteria or evidence-base should be applied to assess whether that applies in any individual circumstance across the length and breadth of the Royal Borough and the variety which is experienced there. It consequently fails the <b>NPPF paragraph 154</b> requirement for every policy to provide a clear indication of how a decision-maker should react to a development proposal. It thereby fails the <b>"soundness"</b> test of not being <b>"consistent"</b> with national policy.</p>	<p>As already stated, the framework for judging whether a building's use contributes to the character and significance of the surrounding area, and its sense of place comes from the criteria mentioned in paragraph 5.2 of the reasoned justification. There are four components specifically mentioned which the local planning authority would be assessing any application against – these are variety; surprise and delight; punctuating the street scene and adding vitality and character to the area. By their very nature, these are subjective judgments, but none the less they could be assessed in a rational and logical manner. Given the latitude of the permitted development within the A Class itself it is more likely that this policy would be used to assess those applications which are likely to involve a change of use to a Class C3 Dwelling house and given the criteria it would not be difficult to assess whether this change of use would contribute to the character and significance of the surrounding area and its sense of place.</p>	<p>No change proposed</p>
					<p>Once again, no account has been taken of prevailing national "permitted development rights" which allow a wide range of changes of use to be exercised without the need for planning permission. "Uses which contribute to the character and significance of the surrounding area" can be said to exist in Use Classes A, B, C and D. As a result, this draft planning policy is again rendered <b>"undeliverable"</b> it fails the "soundness" test of not being <b>"effective"</b>.</p>	<p>The existence of permitted development within the Use Classes Order cannot be a justification as to why such a policy approach is not justified. Indeed it may be justification for the need for a policy where control exists. Given the latitude of the permitted development within the A Class itself it is more likely that this policy would be used to assess those applications which are likely to involve a change of use to a Class C3 Dwelling house and given the criteria it would not be difficult to assess whether this change of use would contribute to the character and significance of the surrounding area and its sense of place. It is not clear why, where control exists, it could not be effective.</p>	<p>No change proposed</p>
					<p>With regard to the evidence-base for this proposed policy, there is none provided. It thereby wholly fails the <b>NPPF paragraph 158</b> requirement to be based on adequate, up-to-date and relevant evidence. Consequently it is <b>"unsound"</b>, both in terms of not being <b>"justified"</b> and in terms of not being <b>"consistent with national policy"</b>.  <b>The "draft planning policy relating to use and character" is wholly "unsound" and should not be pursued further.</b></p>	<p>A sound evidence base exists for the policy and it is in accordance with national policy.</p>	<p>No change proposed</p>
4	Daisy Blench	British Beer and Pub Association	23-07-12	Section 4 (Wider social use)	<p><u>Pubs are businesses</u>  As we previously commented in our response to the Pub Options paper, we are pleased that the Council recognises the value of public houses. We would agree that alongside their value in</p>	<p>It is noted that the British Beer and Pub Association recognise the value of public houses.  The issue of viability is a material consideration and one that would be taken into account and weighed against the policy. A</p>	<p>No change proposed</p>

				<p>terms of economic contribution and job provision, public houses also fulfil an important social function as community hubs and enhance the diversity and character of areas.</p> <p>However, despite the temptation to attempt to control the mix of business uses that make up different areas including Kensington &amp; Chelsea, it is crucial that there is recognition that pubs are still businesses and must remain viable to survive. Resisting change of use away from A4 will do nothing to prevent pubs failing if there is a lack of demand locally.</p> <p>It is in the interests of pub companies for pubs to remain successful as their business model is based on this. However, when demand is no longer there and a pub ceases to be viable it is equally important for companies to be able to either re-position the pub business or dispose of it so they can reinvest to ensure the continued success of other sites in the area.</p>	<p>proper marketing report could also deal with this concern and would also be a material consideration. The flexibility within the A Class of the Use Classes Order allows for imaginative changes to permit a business to flourish. The viability of a public house, especially with a large catchment area to hand often depends on the way in which it is managed.</p>	
				<p><u>The Localism Bill</u></p> <p>BBPA is also concerned that the restrictions that the Council are seeking to place on change of use will in fact cut across the 'Community Right to Bid' provisions in the Localism Act which are due to come in later this year. This will give community groups the ability to list a pub on an 'assets of community value' register meaning they will have the opportunity to raise the funds to buy and run the pub if it is closed or sold with a changed use.</p> <p>This gives communities the power to protect community pubs that in rare cases may be under threat of closure. However, it also ensures that there is genuine community support behind a pub as without it in the long run the pub will still close.</p> <p>In our view the Council would do better to wait until the Localism Act provisions come in as these should be the mechanism if any to protect local pubs that genuinely have local support.</p>	<p>The 'Community Right to Bid' provisions would not be affected by a planning policy resisting the loss of public houses. This is an additional safeguard for the community. However, given the very high cost of land and buildings in Kensington and Chelsea the provisions of the Localism Bill may be an unrealistic proposition. The provisions would not provide sufficient protection on their own to prevent the further loss of public houses in the Borough.</p>	No change proposed
				<p><u>The National Planning Policy Framework</u></p> <p>Further planning restrictions on change of use will be counterproductive and in our view will actually go against the spirit of the National Planning Policy Framework (NPPF) which has sought to reduce red tape and delays around planning to allow business to more easily adapt to changing markets.</p> <p>The consultation quotes the Local Development Framework in stating that 'planning should readily adapt to changing circumstance' a sentiment which is also expressed throughout the NPPF.</p> <p>In our view the policy to 'resist the loss of Public Houses and other Drinking Establishments' is the opposite of this, as pubs are having to adapt to a landscape of changing consumer habits away from pub going and planning restrictions will not help them to remain viable and successful in this situation.</p>	<p>As discussed the issue of viability which is mentioned in the NPPF is a material consideration and would be taken into account in the determination of a planning application involving the change of a public house to another use.</p> <p>The draft policy is actually considered to be in accordance with the NPPF. Paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 70 states that to deliver social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision of shared space, community facilities (such as local shops, meeting places....public houses...) and other local services to enhance the sustainability of communities and residential environments.</p>	No change proposed



					<p><u>Local Authority support for pubs</u></p> <p>In our previous response, we emphasized that whilst we are not in favour of additional planning restrictions there is a significant amount that Local Authorities can do in order to help pubs survive and flourish in challenging circumstances.</p> <p>As previously stated, pubs are under a great deal of pressure from tax and regulatory burdens and the situation has not changed in this respect. The best way to support small businesses such as pubs is to look at the burdens affecting them and seek to alleviate them where possible and where under the control of the Council. This obviously requires a joined up approach by Local Authorities as this will go beyond the remit of the planning department alone.</p>	Noted.	No change proposed
					<p>A few areas that the Council might consider looking at are:</p> <ul style="list-style-type: none"> <li>• Looking at offering additional discretionary business rates relief to small businesses and those offering additional community services and value to the community.</li> <li>• Taking a more positive approach to regulatory enforcement, particularly with regard to licensing as this can be one of the biggest burdens on business.</li> <li>• Taking a positive and flexible attitude to planning and licensing to allow new pub businesses to start up and succeed if and where there is demand.</li> </ul> <p>We have not repeated all of our previous response on the Pub Options paper but we stand by our comments and remain of the view that the Council's intention to resist change of use away from A4 will be both ineffective in preventing pub closures and counterproductive in placing additional cost and burden on business.</p> <p>We would suggest that the Council looks to promote the powers in the Localism Act when they come in and seeks to look holistically at what additional steps it can take to support pub businesses and help them to remain viable.</p>	The additional measures that can be taken in support of public houses are noted. However, it is not considered that these measures alone will provide sufficient protection for public houses in the Borough and that a policy dealing with land use is required. This would be in line with the contents of the NPPF.	No change proposed
5	London Fire and Emergency Planning Authority (LFEPa)	Represented by Dron & Wright	13-07-12	Section 5 (Character and Use)	<p>We write on order to make comment on the above named document. Please note that we act on behalf of the London Fire And Emergency Planning Authority (LFEPa) and that this representation is made on their behalf. For your information, the following LFEPa sites are within the borough:-</p> <ul style="list-style-type: none"> <li>• Chelsea Fire Station- 264 Kings Road, SW3 5 UF</li> <li>• Kensington Fire Station- 13 Old Court, Kensington High Street, W8 4PL.</li> <li>• Knightsbridge Fire Station- 16 Basil Street, SW3 1AL.</li> <li>• North Kensington Fire Station - 242 Ladbroke Grove, W10 SLP.</li> </ul> <p>We note that the policy states that 'The Council will resist the change of use of any building where the current use contributes to the character and significance of the surrounding area...' It is not clear to us whether this policy is aimed at function or character, or both. In any event, we consider that the character of a property</p>	<p>The policy is aimed at use and how this can contribute to the character of an area and its sense of place – the function of a building could be part of this. The reasoned justification to the policy has identified specific criteria against which the value of the use could be judged. It is not accepted that a property's character can necessarily be maintained when the original use is lost. This will inevitably lead to a dilution of the significance and character of the building and its contribution to a sense of place. However, each case would have to be treated on its own merits.</p> <p>The loss or relocation of fire stations could sensibly be appraised against the policy taking into account other health and safety considerations and the needs of the wider area which would all be material considerations. It is considered that a sensible decision could be reached on this basis.</p>	No changes proposed

					<p>should be considered separately from the actual use, as it is possible to retain a property's character, without maintaining the original use.</p> <p>Reference to LFEPA's Asset Management Plan (2011) shows that the borough contains some of the least suitable for purpose stations, two of which (Knightsbridge and Chelsea) are categorised as requiring redevelopment within a short timescale.</p> <p>In the future, LFEPA may have to consider alternative locations for such stations. The location of stations is determined by response times, fire cover and other operational matters. In such a scenario, it would be detrimental to the local community to insist on retaining the use on site, in addition to protecting the building.</p> <p>We request that we be kept informed of progress with this plus further LDF documents. In addition we wish to reserve our client's position to submit further representation on subsequent <b>LDF</b> consultations.</p>		
6	David Lindsay		29-06-2012	Introduction	<p>Public houses are a public amenity, and their loss diminishes overall public realm amenity. While it is the case that drinking and socialising habits have changed markedly over the last two generations and more, the continued existence should be encouraged. If they are not viable, I would in general wish to see an equivalent sort of building – say a wine bar or restaurant – rather than yet another residential property</p>	<p>The proposed policy would allow this to happen because it resists not only the loss of public houses, but cafes and restaurants and financial and professional service uses outside of town centres and would prevent their loss to residential.</p>	No change proposed
7	Georgiana Lebus	Norland Conservation Society	02-07-12	Introduction	<p>I write on behalf of the Norland Conservation Society with reference to the public consultation currently underway concerning the Protection of Public Houses.</p> <p>Our comments are very closely aligned albeit more recently expressed than those of the Kensington Society. We have been pressing for recognition of certain public houses as a social amenity since the threatened loss of the Prince of Wales became an issue. We were aware of the demise of a number of local pubs prior to that but had not made our concerns known formally in objection to change of use and our belief in the contribution of such places as integral part of the neighbourhood in a conservation area.</p> <p>In The Core Strategy the Council noted the need to retain a 'watching brief on the loss of such amenities in future but not in time to prevent the loss of the Prince of Wales – and the explicit absence of a policy to resist the loss of pubs to other uses has resulted in the current spate of applications and appeals.</p> <p>We are pleased that the revised "context" presented in paragraph 4.1 of the consultation, now acknowledges the scale of losses.</p> <p>The issue now is how to introduce a greater degree of control to resist the loss of A Use Class Uses, including pubs, from being lost to housing and other uses outside the A Use Class.</p> <p>We strongly support this move .</p>	<p>The support for the policy is noted. With regard to how the policy would be applied and to how it relates to other policies in the Core Strategy it would not be appropriate to include this kind of information in the reasoned justification. It has never been the intention of the Council to include Hot food takeaways as part of the policy, but it would not be appropriate within the Core Strategy to explain the reasons for not doing so.</p> <p>Some of the comments appear to relate to the covering report sent to the Public Realm Overview and Scrutiny Committee and are therefore not relevant in the consideration of the policy itself.</p>	No change proposed

					<p>Like the Kensington Society we do, however, consider that the current paper is not clear enough about the purpose of the new policy/Option 4; its scope and how it would work.</p> <p>The purpose of this policy is not specifically about the loss of pubs, but about resisting the loss of A Use Class uses to other Use Classes, such as housing. This is because pubs can turn into other types of “drinking establishments” (A4), restaurants and cafes (A3), professional financial services (A2) and shops (A1) without requiring consent.</p> <p>Whilst the policy based on Option 4 is quoted at the end of the report, the scope is not fully explained – in particular that A1 (shops) are already covered by existing policy and are, there not covered by this policy.</p> <p>This means that proposals to change from A4 and A3 uses throughout the Borough and A2 uses in higher-order town centres to uses outside the A Use Class will be resisted – it is not clear how hot take-way food shops (A5) are affected, although are not included in the final policy.</p> <p>We strongly support this proposed policy change, but are concerned that the paper requires clearer explanation</p>		
					<p>I am a resident and just wish to endorse and support all of the comments made by the Kensington Society regarding this important issue. We desperately need to identify and protect those public houses still in operation which provide a real local social amenity before they too are lost forever. We have lost too many in the area already and they cannot be replaced. Moreover to lose them by virtue of change of use to private residential dwelling as so many are cannot be justified as providing vital new housing and upsets the valuable mix of use between commercial, residential, social and amenity that contributes to the neighbourhood's vitality.</p>	Support for the policy noted	No change proposed
8	Clive Wilson		21-07-12	Introduction	<p>I support the Kensington Society's response in entirety. Change of use of pubs should be resisted.</p> <p><b>Character and Use</b></p> <p><b>The Council will resist the change of use of any building where the current use contributes to the character and significance of the surrounding area, the activities that it supports and to its sense of place.</b></p>	Support for the policy noted	No change proposed
9	David Hammond	Natural England	03-07-12	Introduction	Natural England must be consulted by the Local Planning	Noted	No response required

					<p>Authority on planning applications that may impact on nationally protected nature conservation sites, and applications that require an Environmental Impact Assessment.</p> <p>We can see nothing within the above document that is likely to affect any of Natural England's concerns and we therefore we do not wish to offer any substantive comments, nor does this policy appear to pose any likely or significant risk to those features of the natural environment for which NE would otherwise provide a more detailed consultation response.</p> <p>We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.</p> <p>For clarification of any points in this letter, please contact David Hammond on 0300 060 1373. For any new consultations or issues, please consultations@naturalengland.org.uk</p>		
10	Claire McLean	Canal & River Trust	23-07-12	Introduction	The Canal & River Trust have no comments to make on this consultation.	Noted	No response required
11	Patrick Blake		20-07-12	Introduction	<p>Thank you for your email on 11 June 2012 inviting the Highways Agency (HA) to comment on consultations regarding a Core Strategy draft policy for the protection of public houses and other uses and one relating to character and use; the draft Surface Water Management Plan; and Issues and Options paper for Kensal Gasworks; and a draft document setting out how the Council proposes to 'Involve People in Planning'.</p> <p>The HA is an executive agency of the Department for Transport (DfT). We are responsible for operating, maintaining and improving England's strategic road network (SRN) on behalf of the Secretary of State for Transport.</p> <p>The HA will be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN. We have reviewed the consultations and do not have any comment at this time.</p>	Noted	No response required
12	Chris Kohut		17-07-12	Section 4 (Wider social use)	I would just like to add my support for the policy of resisting change of use of Public Houses. I know of two changes - pub to residence - in the recent past in my neighbourhood and this is detrimental to life in RBK&C. Developers will put pressure on the Council - they must indeed be resisted. All the best to you. Chris Kohut SW7 5NX	Support for the policy noted	No change proposed
13	Brompton Association		22-06-12	Section 4 (Wider social use)	This may be lack of clarity in the drafting, but we would not support this recommendation that " <b>The Council will resist the</b>	To pick and choose in policy terms as to whether certain public houses or other A Class uses of restaurants and cafes or Financial and Professional uses fulfilled a community role would be virtually impossible to implement. This cannot be automatically	No changes proposed

				<p><b>loss of Public Houses and other Drinking Establishments (Class A4) throughout the Borough".</b> We also would not support a recommendation that " [The Council will resist the loss of] <b>Restaurants and Cafes (Class A3) and Financial and Professional Services (Class A2) outside of Higher Order Town Centres"</b></p> <p>This consultation pointed to the wider social and community role SOME drinking establishments can have and the importance this role can have in an area where such resources are SCARCE.</p> <p>We would very much support the idea that where a drinking establishment or cafe/restaurant can be shown to have an important role in a community (eg. fostering positive community outcomes an/or community cohesion) and where the availability of such a community asset is scarce, its loss should be resisted.</p> <p>However, there are areas of the Borough where the availability of drinking establishments and cafe/restaurants is already at excessive levels and actually damages local community life eg. by attracting late night street drinking, noise and litter and where the actions of visitors to the area make residents afraid to walk the streets late at night. Moreover, there are areas in the Borough where excessive numbers of drinking establishments and cafe/restaurants have driven out local retail shops, again damaging the diversity of community life. (It is notable that the Council's recommendation does not mention the need to preserve shops, although the text above stresses their importance to communities).</p> <p>We would ask that this recommendation be amended to make clear that the Council will resist the loss of pubs and other drinking establishments a) where they operate in an area where there is a scarcity of such resources and b) where they can be shown to provide an important community resource. Similar qualifications should be added to the need to resist the loss of Restaurants and Cafes (Class A3) and Financial and Professional Services (Class A2) outside of Higher Order Town Centres and to this list should be added the need to resist the loss of shops. There are areas in the Borough where the replacement of a drinking establishment with a shop would be actively welcomed by the community and where such a replacement would improve the diversity, social interaction and vitality of our residential communities</p>	<p>linked with the number of establishments in any one area and it is not considered appropriate to operate a policy on the number of public houses or other establishments in an area – this misses the point of the policy. It is not one based on spatial distribution of facilities.</p> <p>If the clientele using a public house are having a detrimental effect on residential amenity then there are other powers available to control this and it is often the product of good management. It is not accepted that the proximity of a public house can lead to safety concerns or damage to community life; on the contrary a sterile residential area is more likely to attract crime.</p> <p>It is not recognised that there are areas of the Borough where an excessive number of drinking establishments and cafes/restaurants have driven out local shops - there are adopted policies which control the percentage of non retail uses within the Borough's town centres.</p>	
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14	Terence Bendixson	The Chelsea Society	10-07-12	Section 4 (Wider social use)	<p>I attach the Chelsea Society's survey of pub users at the Coopers Arms which we are using in our evidence for the Cross Keys and Phene Arms inquiries. I think it helps to throw light on the social role of pubs in a wealthy neighbourhood.</p> <p>In connection with the draft policies which you presented last night, may I make the following point. It seems to me that there is a case for including, in the second policy, wording saying that pubs and other such uses 'add to the social and economic variety of residential neighbourhoods'.</p> <p>I was impressed too by the idea that such back street commercial uses, by attracting people, added to footfall and surveillance and so contributed to public safety. This point about the importance of people in the streets was, of course, made years ago in a slightly different way by Jane Jacobs in her seminal work 'The Life and Death of Great American Cities'.</p> <p>Finally may I repeat the point that in a society with falling household sizes and, in the case of K&amp;C, a high proportion of one person households, pubs provide a special valuable social service. They offer somewhere for residents, whether working from home or retired, to go out and mingle with others and so escape the isolation of their homes.</p> <p><b>THE COOPERS ARMS, 87 FLOOD STREET, SW3 5TB – SURVEY OF PEOPLE IN THE PUB ON 25TH APRIL, 2012 AT 7 PM.</b></p> <p>The survey and report were undertaken by Terence Bendixson, Senior Visiting Research Fellow, University of Southampton and Hon. Sec. Planning of the Chelsea Society.</p> <p><b>1. Background</b></p> <p>The Coopers Arms is a Victorian public house on the corner of Flood and Redesdale Streets in Chelsea. Like the Phene Arms and The Cross Keys, now at risk of being converted into houses, it is located in a back street between the King's Road and the Embankment. The Coopers is owned by Fuller's and serves beer on the ground floor and food upstairs. A half pint of Fuller's' bitter costs £1.80.</p> <p>On the evening when the survey was undertaken there were 21 people present (3 women) at 7.10 pm with three staff behind the bar. At 7.25 pm the number had risen to 35. Most of the clients were middle class and aged from 35 up to about 60 but two young men (one with a scooter) and two young women – all aged 18 or 19 – came in at about 7.15pm.</p>	<p>The Comments are noted.</p> <p>With regard to the character and use policy it is acknowledged that they can add to the social and economic variety of neighbourhoods. The social role has been acknowledged, but the economic role has not been. Making reference to the economic role would also be in alignment with the NPPF by the emphasis on economic growth. On this basis the economic role of commercial uses in neighbourhood areas will be acknowledged.</p>	<p>Amend the reasoned justification to make reference to the economic role.</p>
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				<p><b>2. The interviews</b></p> <p>Eleven individuals were interviewed and, once they had been told that applications were pending to convert two pubs in the vicinity into houses, all were told that the purpose of the session was find out why they were in the Coopers Arms and how often they came. It was explained that the purpose was to obtain evidence about pub customers to put before a public inquiry.</p> <p><b>3. Conclusions</b></p> <p>Foreign visitors know about England’s characterful pubs and like to visit them. (Interview 1.) Pubs in a place like Chelsea, which is a popular tourist destination, accordingly make a contribution to the tourist economy.</p> <p>Quieter back streets pubs are valued for what they are – places for comfortable conversation. (Interview 2.)</p> <p>Pubs add street-life and vitality to the quiet residential character of Chelsea’s side streets. (Interview 3)</p> <p>With working partly from home being increasingly common amongst senior professionals, pubs offer a chance for them to work out of the house and avoid isolation. (Interview 4.)</p> <p>Different pubs offer different opportunities. Customers may go to one for a drink and another for football. This observation invalidates the view that it is sufficient to have one pub per neighbourhood or within a specified walking distance of a given address. As with other things, so with pubs, people like choice. (Interviews 5 &amp; 6.)</p> <p>In Chelsea, residents with high level professional qualifications meet relatives and drink in pubs. Some have been doing so for decades. (Interview 7.)</p> <p>Pubs are a rite of passage to adulthood for young people. This is an important social function. (Last interview.)</p> <p>In a society where people of different ages often go in different directions, pubs continue to be places where the young meet the old. This too is an important social function. (Last interview.)</p> <p><b>4. Detailed report on interviews</b></p> <p>a) Interviewee one, who spoke good English with a foreign accent, lives in Chelsea in the World’s End Estate and was in the Coopers Arms with his six-year-old daughter. He was drinking; she was having supper. He said: ‘It is my first time in this pub. I</p>	
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				<p>like it a lot and am glad it is here. Whenever I have visitors from my country, they always want to go to a pub. They want to see this famous part of the English way of life.</p> <p>b) Interviewees two and three were attractive women in their thirties. They said that, although they had lived in Chelsea, they now lived in Brighton where they had left their children. 'We are having an evening out and were walking down the King's Road and wanted to find somewhere quiet to have a drink. Sarah saw the sign so we came here. It is a really nice place to be in.'</p> <p>c) The fourth interviewee was alone with his Apple Mac waiting for a friend. He said he used to live in Chelsea and had had his stag night in The Cross Keys. The Coopers Arms and the two pubs under threat of vanishing 'were all off the beaten track. You needed to know they are here. They are expensive but still have good beer.'</p> <p>He went on: 'It is very important for residential areas to have pubs if they are to have life in them. If there are only houses, nothing ever happens in the streets and they are dead.' Furthermore: 'Because so many people in a place like Chelsea now work from home, pubs are more important than ever. They enable people to get out of the house and do their work in a semi-public place. They save people from isolation.'</p> <p>d) The fifth &amp; sixth interviewees were an Englishman and a woman and he said that, although he now lives in Hong Kong, he is in Chelsea every other month. 'This is an institution,' he said, referring to the Coopers Arms. He went on: 'They cannot close the Phoenix, we went there yesterday to see the football (Chelsea v. Barcelona): it is a beautiful place.'</p> <p>e) The seventh interviewee was a lawyer who lives in Redesdale Street. 'Why do I come here? - for the beer. Why else? I have been coming for thirty years.' He was sitting at a table with his brother who had come up to see him from Canterbury. The brother said: 'This place is a social necessity.'</p> <p>The lawyer added that he was so pleased that The Surprise (another pub in ??? street) had reopened and observed that the pubs in Chelsea are mostly full most of the time. 'I love my pub,' he went on. 'Where do you go to meet your friends if there are no pubs?'</p> <p>f) The final interviewees were four men and women aged 18 and 19. One said, 'A lot of our friends come here. We come a lot. But I</p>	
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					don't like the Phene it has been turned into a trendy brothel. (They all laughed.) It is not a pub any longer.' Another of the group added, 'This place has a friendly atmosphere. You can always chat to strangers and the old geezer who is often here is really nice.		
15	Michael Bach	Kensington Society	18-07-12	Section 4 (Wider social use)	<p>This is the Kensington Society's submission on the consultation on public houses, which is offered as a contribution to the review of the Core Strategy.</p> <p><b>Draft Policy and Reasoned Justification for Public Houses and other uses which provide a wider social role</b></p> <p><i>4.1 The continued loss of the Borough's stock of public houses over the past 30 years has eroded <b>an easily</b> accessible social focus for the community. From 181 premises in 1980 to 110 in 2012, well over one third have been lost <b>to other uses, including other A Use Class uses and housing</b>, and, with escalating residential property prices, this trend is set to continue.</i></p> <p><i>4.2 Public houses not only make a valuable contribution to the community and cultural life of the Borough, but at neighbourhood level they offer a source of identity <b>and</b> distinctiveness, <b>provide opportunities for social interaction and provide places to meet which support community cohesion</b> – in short the essential ingredients of a sense of community and place. They are part of that fine grain mix of uses, which provide not only historical continuity, but contribute to the vitality of our residential communities and the character of an area. <b>They are an essential ingredient for promoting healthy communities and maintaining diverse, strong, secure and accessible neighbourhoods.</b></i></p> <p><i>4.3 However, it is not only public houses that display these distinctive characteristics. Other uses such as shops, financial and professional services uses and restaurants/cafes are also valued, for both the service that they provide and their wider social role. This essential mix of uses in the Borough's predominantly residential areas, not only makes these areas highly desirable places in which to live, helping to provide services locally for the community and beyond, but adds to the character and distinctiveness of the <b>Borough as a whole</b>. The approach of <b>maintaining and</b> protecting a broader range of uses also brings greater benefit to the wider community, rather than favouring a particular group within it.</i></p> <p><b>Public Houses and other uses which provide a wider social role</b></p> <p><b>The Council will resist the loss of Public Houses and other Drinking Establishments (Class A4) throughout the Borough; and Restaurants and Cafes (Class A3) and Financial and Professional Services (Class A2) outside of Higher Order</b></p>	<p>The proposed revisions to the reasoned justification for the public houses and other uses policies have been noted. The changes that are proposed generally provide a more comprehensive reasoned justification for the policy and are supported. They are also in line with the NPPF.</p> <p>The proposed amendment regarding the of number of public houses which have been lost to other A Class uses is not accepted because the figures quoted could be misinterpreted. The figures refer to where specific planning permission was required. The actual figure lost to other A Class uses and housing will in reality be higher than that quoted which reinforces the need for a policy to retain what remains. However, a policy for the retention of public houses is not based on a simple number crunching exercise.</p>	Draft policy to be amended in line with the suggested re-wording.

					<b>Town Centres.</b>		
				Section 5 (Character and use)	<p>This is the Kensington Society's submission on the consultation on public houses, which is offered as a contribution to the review of the Core Strategy.</p> <p><b>Draft Policy and Reasoned Justification for Character and Use</b></p> <p>5.1 <i>The distinctive character of many buildings may come from their use, <b>their role in the community, the facilities they provide and the activity they generate</b> as much as their physical appearance. Their use may also contribute to the character of an area and to a sense of place.</i></p> <p>5.2 <i>The Borough contains a <b>[scatter of incidental uses]</b> within its residential neighborhoods which offer variety, surprise and delight, punctuate the street scene and add to the vitality and character of the area.</i></p> <p>5.3 <i>Strong residential land values have led to pressure for the change of such incidental uses to residential use. However, their loss diminishes the character of the townscape, the cherished local scene and the vitality <b>and diversity</b> of the area, <b>the opportunities for people to meet and the supply of essential local facilities.</b></i></p> <p><b>Character and Use</b></p> <p><b>The Council will resist the change of use of any building where the current use contributes to the character and significance of the surrounding area, <b>the activities that it supports</b> and to its sense of place.</b></p>	Some elements of the revised wording are considered to contribute to the reasoned justification, but some of it is adding superfluous wording. The reference to opportunities for people to meet is covered by vitality and supply is not integral to the policy. On this basis these references have not been included. Neither is the reference to 'activities' in the draft policy itself as it is considered that this does not add anything to the policy.	
16	Anthony Walker	Edwardes Square Scarsdale and Abingdon Assoc. (ESSA)	19-07-12	Section 4 (Wider social use)	<p>I am writing on behalf of ESSA with regard to the above consultation. We welcome the strengthening of the policy to provide further protection for public houses.</p> <p>We are aware that the validation requirements under marketing information do require 'Written statement demonstrating market and other economic information alongside environmental and social information, any longer term benefits, as well as the costs of development, such as job creation or improved productivity including any wider benefits to national, regional or local economies' However despite this being already in existence the information being provided, for example with regard to the Britannia Tap, is often totally inadequate and relies on a simple statement that a pub was not making sufficient money in its last year of operation. In this particular example there is no attempt to take account of the changing population in the area with the prospect of an enormous growth due to the development on the</p>	<p>With regard to viability it is a material planning consideration and it is specifically referred to in the NPPF. However, the Council do not want to be put in a position that they are inviting applicant's to submit viability reports to support their application. If applicants decide to do so, the Council will deal with such reports on their own merits and they will be material planning considerations. If an applicant simply states that a public house is not viable, but does no proper analysis including a proper marketing report then the Council could only give this aspect little weight in any case</p> <p>It is considered that introducing viability into the policy itself would only weaken the policy and as it is a material consideration this would be unnecessary in any case.</p>	No changes proposed

					<p>other side of Warwick Road where there has been no specific allowance for a public house.</p> <p>We therefore ask first that a more robust approach is adopted to the validation of any applications for the loss of a public house and an insistence that a full and complete justification of the financial argument including forecasts of future potential and demonstration of any attempts to ensure the viability of the pub are provided with the application. We think that this is simply a matter of applying the existing requirements but if it is considered that the validation requirements need to be strengthened or that some supplementary statement is required with the above policy we ask that this is included.</p>		
				Section 5	<p>With regard to the Character and Use clause we welcome its introduction. For undesignated heritage assets or where an undesignated heritage asset is outside a conservation area will there be a requirement that the applicant provides a statement of significance?</p>	<p>A statement of significance will not be a requirement of the policy. However, the applicant would be expected to provide justification as to why the change of use would not materially affect the character of an area or its sense of place.</p>	<p>No changes proposed.</p>
17	Mrs Marion H Gettleson	Delehar	23-07-12	Section 4	<p>The Council is demanding simultaneous responses from the public on no fewer than 4 planning issues. This is an unreasonable imposition on the public's time - particularly since there is a widely held belief that in practice, the Council is uninterested in the public's views..</p> <p>1. Pubs. Not being a 'pub' person, I am rather restricted in my comments.</p> <p>However, it is clear that pubs are rapidly being turned into private houses; just as shops are being turned into rows of estate agents' offices. The historical roots of public houses lay in the discomfort of most 19th century housing. Modernized and now grossly over-developed Victorian housing have reduced the need for pubs as places of refuge. However, the catastrophic loss of licenced premises is a disaster for all communities.</p> <p>This Borough is rapidly becoming a vast open-air museum of a perceived style of 19th century townscape - bereft of life and true social interaction. The recent BBC television programme on Portland Road showed something of this process. During the day it's impossible to buy a loaf or a pint of milk in the area. After dark the place is desolate and quite sinister. Existing social divisions are heightened by the lack of spaces where bankers and a shop workers can stand in the same place at the same time drinking a pint of beer. Having spent some time in the area last year, I expect further trouble on local streets. The more communal places such as pubs are destroyed, the more likely is a further breakdown of social cohesion. This is very dangerous. Planning must do all it can to prevent this.</p> <p>The same is true of other Class A uses. Unless something drastic</p>	<p>The first comment is noted but not accepted. The Council will sometimes have no choice, but to consult on various planning documents at the same time. The 'widely held belief' view is not substantiated or justified.</p> <p>The views regarding the value of public houses and other uses are noted. It is not clear how estate agents sit within the context of the comments that have been made. Clearly if an argument could be put forward which justifies why a particular estate agents does not meet the criteria mentioned as part of the policy then this would be treated as a material consideration and would be considered on its own merits. However, this would not merit the alteration of the draft policy.</p>	<p>No changes proposed.</p>

					<p>is done before it's too late, K &amp; C will consist of nothing but the empty homes of absent oligarchs and professional dog walkers - who have to live elsewhere.</p> <p>These comments relate to endless estate agents where there should be small shops serving local residents.</p>		
18	Paul Charlton	CAMRA West London branch	23-07-12	Section 4	<p>CAMRA West London Branch welcomes the initiative by the Council to revise the Core Strategy by strengthening planning policy to try and stem the loss of pubs to other uses. However it is disappointing that the proposed policy fails to concentrate on the main issue which inspired the review (i.e. resisting the loss of A4 use - pubs) and is weakened by the inclusion of other uses; A3 - restaurants and cafes, and A2 - financial &amp; professional services.</p> <p>Paras 4.1 and 4.2 clearly set out the justification for protecting pubs but would be improved by specific reference to the NPPF, particularly Section 70, pg.17. The extent of pub losses; 40% in 30 years is spelt out as is the wider community and social value of pubs.</p> <p>Para 4.3., although rightly pointing out that A2 and A3 uses including shops are 'valued', fails to provide any evidence that A2 and A3 uses are under threat from change of use and redevelopment in the same way as pubs are. Such uses tend to be located in relatively small ground floor leased units, often with residential use on upper floors, with little development value individually. Change of use of these units between A2 and A3 uses is generally relatively uncontroversial.</p> <p>Traditionally however pubs occupy more spacious, often self contained premises, and have become the target of developers, particularly for residential conversion or demolition and redevelopment.</p> <p>Pub company owners are often complicit in this process by deliberately running down pubs by poor management and then claiming 'unviability'.</p> <p>Their agents then market them as development opportunities at values way beyond those which could sustain continued pub use. Evidence elsewhere in London shows that where development aspirations have been thwarted, pubs can often reopen under more inspired management and become popular community resources once again.</p> <p>It is also disappointing that the option of using Article 4 Directions to remove permitted development rights, which currently allows the conversion of pubs to other A class uses (but not vice versa), for example to chain convenience stores, betting shops and celebrity restaurants without planning approval, has been rejected. These uses may be valued but they do not provide the community focus and level of social interaction available in pubs. In discussions with Government CAMRA has been advised to encourage local planning authorities to use Article Directions to protect pubs. Our understanding is that Regulations introduced in 2010 enable Council's to give 12 months notice of Article 4 Directions taking effect, following which there would be no liability to pay compensation.</p>	<p>It is not accepted that a policy to protect public houses is weakened by the inclusion of other A Class uses ie cafe/ restaurant and Financial and Professional. These uses either provide a useful service to support the community or they are uses which bring people together and strengthen community life. On this basis evidence for their loss in terms of numbers lost is not considered to be required – the fact is that with escalating residential property prices in the Borough any non residential uses are threatened, particularly those outside a town centre location. Furthermore, the protection of uses which provide a service or provide a meeting point is in line with the NPPF and further justification is not required.</p> <p>In terms of weakening the policy for the loss of public houses, the Use Classes Order permits change to A1/A2 or A3 uses without the need for planning permission and the policy would help prevent the change to another A Class use simply to circumnavigate the policy. The use of Article 4 directions as suggested by CAMRA is an unrealistic proposition given property prices in the Borough and the possible need to pay compensation.</p>	No changes proposed.



					<p>We make the following suggestions:</p> <p>(1) If the Council wishes also to protect restaurants and cafes and financial and professional services outside town centres, then these should be the subject of a separate policy with its own justification supported by relevant evidence. The policy to resist the loss of pubs and other drinking establishments across the Borough should be self contained. It would be easier to defend, there is plenty of evidence available to back it up and it would reflect government policy.</p> <p>(2) The Council should take further advice on the liability for compensation in the event of utilizing an Article 4 Direction and take action accordingly.</p>		
19	Edward Davies-Gilbert	The Knightsbridge Association	20-07-12	Section 4	<p>The Knightsbridge Association, as the Royal Borough will be aware, made representations as part of the core strategy consultations to the effect that there was inadequate policy guidance on drinking and eating places. To quote from those representations, the Association took the view that:</p> <p>“The Strategy has a major deficiency in that it fails to provide policy guidance on bars, restaurants and night-clubs to those seeking to locate within the Royal Borough and those who must decide on planning applications for these uses.”</p> <p>As a result we made the following recommendation</p> <p>“That we believe that the Strategy should include a policy dealing specifically with bars, restaurants and other entertainment activities and that the location specific chapters should be reviewed in the light of the policy chosen.”</p> <p>We therefore welcome the Royal Borough’s recognition that greater policy guidance is required. We also agree that public houses have a special place in British life and should be protected from arbitrary threats. We are also prepared to agree that there will be occasions when restaurant premises should be protected from change of use. We still feel, however, that the proposed policies fall short of the comprehensive guidance that we had hoped for. The proposals put forward, which deal with circumstances in which change of use out of pub and restaurant use should be refused, should in our view be matched by guidance as to where new restaurants etc can be satisfactorily located.</p>	<p>It is noted that there is support for a policy resisting the loss of public houses and also for restaurants in certain circumstances. The thrust of the comment appears to be connected with safeguarding residential amenity. However, the policies were not devised on this basis and other policies already deal with this aspect, notably Policies CL5 and CE6.</p> <p>With regard to the number of such uses in town centre locations these are already controlled by existing policies and it is considered that there is no further need for guidance in this respect.</p>	No changes proposed
20	Dale L Ingram	CAMRA	24-07-12	Section 4	<p>CAMRA has been pressing local planning authorities for a number of years to implement Pubs Protection Policies. The recent</p>	<p>The need for marketing, viability and availability of alternative premises are possibly all material considerations, but their</p>	No changes proposed.

				<p>implementation of the National Planning Policy framework in March has led to many reviewing their Local Plans to ensure that these are updated to reflect the new NPPF.</p> <p>We are presently engaging with Merton, Ealing, Wandsworth, Lewisham and Hackney on appropriate policies, or to assist with strengthening existing policies. Both Merton and Lambeth have had PPP for some years, of variable effectiveness, and these are being reviewed in the light of the outcome of recent cases, some still under consideration by the Planning Inspectorate, most notably the Morden Tavern in Merton (Appeal ref /2172973).</p> <p>Please see attached a pdf document produced recently for Lewisham's Select Committee on 12th July, containing the current PPP for Lambeth and Merton for your reference at pp 9-14.</p> <p>These policies include a number of stipulations not present in the draft RBKC policy. These relate to marketing, viability and the availability of alternative and equivalent provision.</p> <p>Marketing: Both LPAs require that applicants for consent provide evidence that the premises have been marketed widely and appropriately in the specialist trade press and online and at a price that reflects the true value of the premises at their Current Use Value (CUV) as pubs. Merton's existing L16 PPP requires 2 years marketing before a planning application can be made. the draft replacement policy DM R5 (b) extends this to 2.5 years.</p> <p>Viability: clear evidence of commercial non-viability of the pub business must be given as part of the planning application. Reference has been made to CAMRA's Public House Viability Test. This is currently being reviewed by the writer and strengthened and a copy of the revised test will be circulated to all LPAs with PPP in due course. It will require an analysis of three years trading figures, and take full account of factors such as the Beer Tie which limit financial success. CAMRA are aware of many examples of pubs unviable under 'the Tie' which can be made perfectly sound by operating as Free Houses, for example. One other factor which has been used to demonstrate non-viability is applicants not adopting the correct valuation procedure require by RICS Valuation Guidance.</p> <p>Alternative and Equivalent Provision: Pubs come in all shapes and sizes, and have clienteles to match. Some have private function rooms, large gardens, or sporting facilities (skittle alleys etc). Pubs with private rooms provide facilities for sporting, social, charitable and meeting activities. The loss of a large pub or one with such provision cannot be substituted by one which does not. A wet-led or informal community pub with a darts team and weekly salsa classes cannot be substituted by a gastro-pub with tablecloths and candles, no matter how close by it may be. CAMRA promotes diversity and does not buy into a 'one size fits all' mantra for pubs. Different customers require different services.</p> <p>Distance: Merton's draft policy requires that there be alternative and equivalent provision not more than 800m (half a mile) away. Lambeth's stipulation is 400m. The latter would seem preferable</p>	<p>inclusion within a policy would only serve to weaken it.</p> <p>Each of these aspects would be treated on their own merits. The idea of a spatial approach misses the point of the policy – public houses do not operate in this manner and their contribution as a community focus does not arise through spatial distribution. Their contribution to the character of an area or its sense of place is also not addressed through a spatial distribution policy.</p> <p>The idea of what is 'valued' in terms of a public house, and what is not would be very difficult to implement in practice. What is valued to one person may be very different from what is valued to someone else.</p>	
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				<p>in a borough as densely populated as RBKC with a relatively high proportion of residents able to support a wide variety of pubs.</p> <p>In one of your documents (I am sorry I cannot at present quote the reference) you make a comment about distinguishing between pubs which are wanted and those which are not. There is a clue in NPPF P70, which states "the unnecessary loss of <b>valued</b> facilities and services" (my emphasis). There may be consideration given to establishing a system of informal consultation with your local CAMRA branch on any proposal resulting in a pub loss, or alterations to listed pubs. CAMRA's London Pubs Group already performs this role informally with several London boroughs, including Southwark, Lambeth and Wandsworth. Even CAMRA accepts that there are areas which are still over-provided and that some losses are inevitable. It is the loss of valued community pubs, where local people have expressed, perhaps in reaction to a planning application, their objections, or to proposed unsympathetic alterations to listed pubs where CAMRA is likely to be heavily involved.</p> <p>CAMRA's national Pubs Heritage Group welcomes consultative approaches from the owners or operators of Statutorily Listed pubs during the early stages of any planned alterations or works and in fact writes to new owners when such premises change hands to let them know this.</p> <p>I trust that this feedback is helpful to you and we look forward to seeing the finished article in due course. Please do not hesitate to contact the undersigned if you require further feedback or input at any time.</p>		
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