

Statement of Consultation



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Statement of Consultation:

- (a) for the development a draft policy to prevent the loss of public houses (Class A4) throughout the Borough and other A Class uses (Class A3 and Class A2) outside of Higher Order Town Centres.**
- (b) for the development of a draft planning policy resisting a change of use of a building where it contributes to the character of an area and its sense of place.**
- (i) Those bodies and persons who were invited to make representations under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012**

All those bodies who appear on the RBKC Local Development Framework database, both specific consultation bodies and general consultation bodies were notified of the consultation, both at Issues and Options stage and at draft planning policy stage. A total of 1199 bodies or persons were notified for each of the consultation stages.

(ii) How were the bodies and persons invited to make representations

The consultees were invited to make representations through a specific consultation portal, in writing to the Executive Director, Planning and Borough Development or by e mail, either as an e mail in its own right or a document attached to an email. Two consultation workshops were also held and the results of these workshops were recorded and taken into account as part of policy development.

(iii) A summary of the main issues raised by the representations

At Issues and Options stage 32 responses (63% of total) agreed that there should be a planning policy for the protection of public houses; 5 disagreed (10% of total); 3 chose 'other' (6% of total) and 11 respondees did not deal with this question (21%).

In terms of the four options available, there was greatest support for Option 4 (25 responses representing 48% of the total). Option 4 was for the Council to resist the loss of all A Class uses where the facility acts as a community facility and/or contributes to the character or appearance of the area. The next most favoured option was Option 3 (6 responses representing 12% of the total). Option 3 was to action, in consultation with residents groups, land owners and other interested stakeholders, the Council drawing up a list of public houses it would like to see protected. The loss of any public houses on this list would be protected.

At draft policy stage the content and thrust of what was proposed was split into two draft planning policies - one dealing with resisting the loss of public houses (Class A4) throughout the Borough and other A Class uses (Class A2 and Class A3) outside of Higher Order Town Centres; and the other a generic policy dealing with use and how this can contribute to the character of an area and its sense of place.

With regard to the public house policy there was a total of 19 responses, of which 16 expressed a view on the draft policy. Of those 16 responses 12 (75% of total) were in support of the policy and 4 responses (25% of total) raised objections.

The main grounds for objection were that there was a need for more flexibility to respond to financial constraints; that the evidence base did not support such a policy; that different criteria including viability should be used; that other A Class uses did not need to be protected; that there were no criteria to protect other A Class uses and such a policy was not in conformity with the National Planning Policy Framework (NPPF).

With regard to the draft policy relating to use and character there was a total of 9 responses of which 6 expressed a view on the draft policy. Of those 6 responses, 2 were in favour of the policy and there were 4 objections.

The main grounds for objection were that the concept of character and proposed text was poorly worded and ill defined. Its remit was too vague and there was no means of assessment proposed against which the acceptability of any scheme could be made.

(iv) How those main issues have been addressed in the DPD

A detailed response to all the representations has been included in a separate document. However, the main issues have been addressed with no proposed changes to the draft text or policy with regard to the draft policy on public houses and other A Class uses. Some minor revisions have been made to the reasoned justification on the basis of a representation which supported the draft policy.

In terms of flexibility to respond to financial constraints these aspects can be addressed by viability and marketing reports which would both be material considerations. However, there is no justification for these to appear in the policy itself. In terms of the evidence base there is ample evidence to demonstrate that the number of public houses lost to other uses, particularly residential is significant and warrants a policy for protection. However, the need for a policy is not based on a number crunching exercise and it misses the main point of the policy which is to protect those uses where people can meet together and contribute to the sustainability of residential neighbourhoods. In a similar vein other A Class uses can fulfil a similar role or provide a community service. The policy is also entirely in conformity with the National Planning Policy Framework (NPPF).

With regard to criteria for such a policy it is not understood how this would fulfil any useful purpose.

With regard to the draft planning policy regarding use and character it is not accepted that the remit is too vague. Whilst a subjective judgment would inevitably be required there are criteria that are identified in the reasoned justification which can be addressed by potential applicants. Clearly the policy would have to be applied in a sensible manner and the local planning authority would need to justify their decision at a subsequent planning appeal if this policy was used as a ground for refusal. However, character does not just relate to physical appearance, it also relates to use. No changes to the draft policy have been made on the grounds of objection received.