

CABINET

18 December 2013

Title: Draft Supplementary Planning Document (SPD) 'Last Orders? Preserving Public Houses'	
Report of the Cabinet Member for Regeneration	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
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Accountable Divisional Director: Jeremy Grint, Divisional Director Regeneration	
Accountable Director: Graham Farrant, Chief Executive	
Summary: <p>The number of public houses (pubs) in the borough has reduced from 48 to 28 in the last 26 years. The rate of loss is accelerating; in the last six years 13 pubs have closed. With the loss of a local pub comes the loss of a community facility, the loss of a business and in some cases the loss of an important historical building of architectural and civic interest.</p> <p>This report proposes a draft Supplementary Planning Document (SPD) to give the Council more control over the loss of pubs. The guidance draws upon national and regional planning policy guidance and expands on local policies set out in the Local Plan. The SPD will be used to help determine planning applications relating to the loss of a pub whether open or closed. A copy of the guidance is provided at Appendix 1.</p> <p>It is proposed to consult on the draft SPD for six weeks in line with the Council's Statement of Community Involvement.</p>	
Recommendation(s) <p>The Cabinet is asked to:</p> <ul style="list-style-type: none">(i) Approve the Draft Supplementary Planning Document (SPD) 'Last Orders? Preserving Public Houses' at Appendix 1, for public consultation and as a material consideration by Development Management;(ii) Note that, following the outcome of consultation, a report will be presented to the Assembly seeking approval of the final Public Houses Supplementary Planning Document (SPD), and(iii) Support the Kirklees Council submission to Government to protect local pubs under the Sustainable Communities Act.	

Reason(s)

In order to assist the Council to achieve its vision to 'Encourage growth and unlock the potential of Barking and Dagenham and its residents' and the priorities 'Reduce crime and the fear of crime', 'Maximise growth opportunities and increase household income of borough residents' and 'Creating thriving communities';.

1. Introduction and Background

- 1.1 This report proposes a draft Supplementary Planning Document (SPD) in response to the loss of pubs in the borough.
- 1.2 It seeks to protect pubs not just for their value as community assets but also for the contribution these buildings often make to the character and economy of the borough. The guidance seeks to encourage a diverse and active pubs sector in Barking and Dagenham and draws upon national and regional planning policy guidance and expands on local policies set out in the Local Plan. In doing so, the SPD will help to deliver the Council's Community Strategy, in particular the priorities 'Reduce crime and the fear of crime', 'Maximise growth opportunities and increase household income of borough residents' and 'Creating thriving communities. The SPD will be used to help determine planning applications relating to the loss of a pub whether open or closed. A copy of the guidance is provided at Appendix 1.
- 1.3 The Borough has experienced a 42 percent decline in the pub stock in the last 26 years. The majority of this loss has taken place over the last 10 years. Between 2007 and 2011 the rate of pubs decline in the Borough was over twice as high as the decline in the national pubs stock with 11 pubs closing. Currently 28 pubs remain open in the Borough.
- 1.4 With the loss of a local pub comes the loss of a community facility, the loss of a business and in some cases the loss of an important historical building of architectural and civic interest.
- 1.5 Pubs are valued meeting spaces for the local community. The importance of the pub as a community asset has been acknowledged by a range of organisations. In particular, the Institute for Public Policy Research (IPPR) which published 'The Social Value of Community Pubs' in 2012. The report outlines the importance of pubs as hubs for the development of social networks between local people. The borough's pubs offer a social space for people to meet. A decline in social infrastructure, such as the loss of the pub, is not just an inconvenience for residents but can have long-term consequences, and associated costs, for the wellbeing of communities.
- 1.6 The draft SPD is also intended to protect pubs for the contribution they make to the character of the borough. There are currently 20 pubs in Barking and Dagenham which are locally listed. Of these, 12 are currently open, three have closed and the remaining five have changed use but the building and its features have been retained in some form. It is important that the Council ensures that these local assets are viewable to the public for generations to come, so they can be appreciated for their historic, cultural and architectural value or if their loss is unavoidable that the history of the pub is recorded and artefacts archived.

Furthermore, two of the borough's pubs, both of which are operational, are statutorily listed; the Grade II Cross Keys Inn and the Grade II* Eastbrook which is one of the most architecturally important pubs in the country.

2. Proposal and Issues

- 2.1 The proposed draft SPD explains that the Council supports the retention of pubs and will resist their change of use, redevelopment or demolition. For proposals involving a change of use the guidance explains that the pub should first be marketed for 12 months as a pub, at a price agreed by the Council and clarifies that the preferred approach is for the pub to be marketed without a tie. If this has been done to the Council's satisfaction the applicant then needs to demonstrate that there are no reasonable prospects of reuse by an alternative community use despite attempts over 12 months to market it. Officers recognise that in total this involves 24 months of effort to prove the pub is not viable either as a pub or for an alternative community use. However, the guidance encourages applicants to speak to the Council at the earliest opportunity before they commence their marketing exercise since some pub sites may have development potential which can complement rather than threaten the pub building and use. Equally, the guidance recognises that not all pubs will lend themselves to alternative community uses since they may give rise to unacceptable impacts on residential amenity, parking and road safety. So it will not always be appropriate to seek an alternative community use.
- 2.2 The guidance also recognises that there may be some instances where a pub is located in close proximity to another which is significantly more valued by the local community and of far greater interest architecturally and historically. In these instances the Council concedes that it may not be appropriate to market the pub for a pub use or to secure an alternative community use and this illustrates the importance of the applicant speaking to the Council at the earliest opportunity.
- 2.3 Where the marketing has been done to the Council's satisfaction the guidance then turns to consider the quality of the building. Where the pub building is assessed as making a contribution to either architectural heritage, local character or appearance of the streetscape the guidance requires the ground floor of the building to be retained for a publicly accessible use which maintains an active frontage. Many such uses can actually be done through permitted development rights as for example at the Railway Tavern and Beacon which have been converted into metro supermarkets.
- 2.4 For those pubs which are demolished the guidance expects the replacement development to make an equal or greater contribution to the street scene and the community. This can be done by either incorporating a community use in the redevelopment or by the applicant making a contribution towards enhancing community facilities in the locality where appropriate.
- 2.5 Finally in those cases where pubs are demolished the applicant will where appropriate be required to work with the Council to safeguard any historically important artefacts for archiving or public display.
- 2.6 The Council recently received a letter from Kirklees Council who have passed a motion to submit a proposal to Government under the Sustainable Communities Act

to protect local pubs. Under the Act Kirklees Council is requesting that the Secretary of State help protect community pubs in England by ensuring that planning permission and community consultation are required before they are converted to other uses or demolished. Kirklees Council is inviting Councils across the country to join the submission so their name can be added to the list of supportive councils when the proposal is submitted to Government. It is recommended that Barking and Dagenham join this submission as it is consistent with the purpose of this SPD.

3. Options Appraisal

- 3.1 Failure to adopt the SPD would reduce the ability of the Council to control the change of use of pubs to other uses and prevent the loss of historically important buildings. As discussed in this report, the borough is losing its pubs at an increasingly fast rate. The SPD is considered to be a proportionate response to the threat to local pubs and to embody sufficient flexibility to allow the Council to respond appropriately in each instance.

4. Consultation

- 4.1 No consultation on the SPD has taken place to date. To bring forward the SPD, consultation with the statutory consultees, identified in accordance with the Government's National Planning Policy Framework, will be undertaken for a period of 6 weeks and the remainder of the local consultation will be undertaken in line with the Council's Statement of Community Involvement. All matters regarding the SPD will be in line with all legal requirements, plus secondary legislation regarding plan making set out in The Town and Country Planning (Local Planning) (England) Regulations 2012. Officers will address the comments received and bring a final copy of the SPD to the Assembly for approval.

5. Financial Implications

Implications completed by: Horner, Principal Accountant

- 5.1 The cost of the proposed public consultation can be met from existing Regeneration and Economic Development budgets.
- 5.2 The only financial impact could be on levels of Planning Application income received and, due to the small number of pubs now located in the Borough, the financial implications for this report are not significant.

6. Legal Implications

Implications completed by: Paul Feild, Corporate Governance Lawyer

- 6.1 The Planning and Compulsory Purchase Act 2004 required the Council to replace its Unitary Development Plan (UDP) with a Local Development Framework (LDF) now known as the Local Plan. The SPD will inform the Local Plan
- 6.2 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) provides that adoption of Local Plan documents are not solely to be an executive function, so the resolution to adopt SPD documents must be carried out by the Assembly.

7. Other Implications

7.1 Risk Management - Officers consider that there is a sound policy basis for producing this Draft Supplementary Planning Document.

Risk	Probability	Impact	Priority	Action
Failure to meet legal requirements.	Low	High	High	Relevant Act and Regulations will be followed in preparing and adopting SPD.
Policy not applied successfully	Low	High	High	Development Management staff will be fully briefed.
Failure to integrate fully with other Council policies and strategies	Low	High	High	The Draft SPD is consistent with the National Planning Policy Framework and the Council's Community Strategy, Local Plan and Heritage Strategy.
Guidance is not upheld at appeal	Medium	High	High	This SPD is in line with the National Planning Policy Framework. Its purpose is to provide detailed guidance to developers on the implementation of LDF policy set out in the Borough Wide Development Policies DPD and the Core Strategy which has now been adopted.
Policy is challenged by developers.	Low	High	High	Other local authorities have issued similar guidance. Whilst Cambridge's guidance was the subject of a legal challenge this was not upheld.

7.2 Customer Impact - Pubs form important community assets providing a space for communities to meet. Many of our pubs are important cultural, historical and architectural buildings and therefore give much value to the population they serve. There are 28 pubs currently open in the borough (Summer 2013) but all indications show that this number will fall given past trends. The guidance outlined, if adopted, will give pubs a greater level of protection, ensuring that people living, working in and visiting the borough can continue to enjoy these vital institutions whilst protecting them for future generations. The entire borough will benefit from the impact of the guidance. It will help to retain important community facilities and in those cases where pubs are listed (either statutory or locally listed) it will help to maintain important architectural, historical and cultural assets.

- 7.3 **Safeguarding Children** - Pubs traditionally are considered the domain of adults. However, in a changing industry many pubs have opened themselves up and diversified. One such trend has been emergence of family pubs. Often such pubs have play areas for children or shared community facilities. Such pubs can, where managed appropriately, help to create a healthy social environment for children as well as adults.

Although the primary motive for the guidance is aimed at the protection of pubs, the guidance also states that where the pub operation is not economically viable then the building should be retained as a community facility of some kind. This offers the opportunity for these sites as community facilities which could include facilities which would be of benefit to children.

- 7.4 **Health Issues** - The health problems and financial impact on public health services created by increased alcohol consumption need to be considered against the positive effects of local pubs. Alcohol misuse is a significant problem both for society and for the NHS in England. It is estimated that a quarter of adults in England drink a hazardous or harmful amount of alcohol. Alcohol has an effect on judgement, concentration, reaction time, balance and vision and hence it is a major cause of accidents and crime. Some religions forbid the use of alcohol and others commonly abstain from drinking. The 2012 Joint Strategic Needs Assessment highlights that alcohol-related disorder has been identified as a concern by residents of Barking and Dagenham through local and national surveys. Such disorder has the potential to generate violent crime, but also has an adverse effect on the local environment through the careless disposal of cans and bottles and the detrimental effect this has on the environment and on residents feelings of safety. However, it is important to stress that the negative impacts outlined above relate to alcohol consumption rather than the pub itself although there is naturally a relationship.

- 7.5 **Crime and Disorder Issues** – Section 17 of the Crime and Disorder Act 1998 places a responsibility on local authorities to consider the crime and disorder implications of any proposals. A locally listed building that is well cared for can contribute to the local identity of an area and encourage a sense of pride in and respect for the local environment and therefore may help to reduce vandalism. Equally disused and vacant buildings can become eyesore sites and attract anti-social behaviour. Officers consider that the guidance strikes the right balance in this regard.

- 7.6 **Property / Asset Issues** - It should be noted that restrictions on any type of development may affect the volume of private sector interest in development, the level of investment and/or the viability of business. The financial impact on the Council of this cannot be estimated.

Background Papers Used in the Preparation of the Report: None

List of appendices:

Appendix 1 - Draft Supplementary Planning Document (SPD) 'Last Orders? Preserving Public Houses'