



**Campaign  
for Real Ale**

Greater London Region  
[www.london.camra.org.uk](http://www.london.camra.org.uk)

## **RESPONSE TO PROPOSED AMENDMENTS TO LONDON PLAN 2011**

### **SUMMARY**

CAMRA London Region welcomes the specific recognition of the importance of London's public houses within the proposed paragraph 4.48A. However, in practical terms the new clause merely reproduces some aspects of the requirements of the National Policy Planning Framework and does not interpret it in ways which reflect region-specific issues facing the capital city.

The proposed amendments do not contain any substance on London specific issues such as the very high residential land values. We would propose a rewording of part of the paragraph 4.48A as part of the reasoned justification for policy 4.8, to which we recommend an amendment that specifically addresses pubs and other community facilities.

This document outlines our formal response to the proposed amendments as part of the public consultation. Readers should be aware that we are the largest consumer rights organisation in Britain with over 160,000 members and we are established experts on the subject of pubs and breweries, real ale, cider and perry.

### **1.0 INTRODUCTION**

The *Keeping Local* report documents at pp5-7 the reasons given for pub closures and their subsequent loss of pub use but does not sufficiently highlight that these are in many cases groundless excuses given for redeveloping or converting pub premises to more lucrative purposes such as retail or residential. Many of these are, perforce, community locals in residential areas which appeal to residential developers and retailers alike. However, in some cases, pubs have outlived their usefulness, for example in areas where there is a new sociological context of communities for whom pub culture is not important and where redevelopment would be the appropriate response. The key objective of planning policy should be to identify clearly between the two to enable objective and commensurate development control decisions.

The chief driver behind pub losses in London is the exceptionally high relative value of land, especially for residential schemes and retail uses. This creates a huge financial interest for developers who then feel justified in expending substantial resources in pursuing their proposals through the planning system, including at appeal and in challenging communities' Asset of Community Value (ACV) registrations.

This creates two problems for those facing the loss of their local pub. The first is the necessity to create and then sustain a David v Goliath campaign for the pub's protection, almost without exception without the benefit of properly informed professional support, generating in many instances an unsustainable level of work for the campaign group. They simply do not have the financial resources available to them to counter each of the developer's expensive 'expert reports' with expert reports of their own. They occasionally benefit from limited 'pro bono' support which may address parts of the application but not all of it.

The second is, having gained ACV status or successfully 'seen off' a development proposal, how to secure a sustainable future for the pub itself. For the most part, communities, especially in urban areas, do not actually want to own and run their local pub through a community co-op buyout or similar. Many benighted residential areas, where it is community pubs which are most at risk, do not have the wherewithal simply to buy the pub themselves. Eighteen months after the implementation of the Community Right to Bid element of the Localism Act, only one (middle-class) London community has successfully achieved this. On their board they have a property lawyer, an accountant and a qualified heritage and town planning professional. Between them they were able to supply, free of charge, a lot of the professional advice they would otherwise have had to pay for. The building is also statutorily listed, much reducing its value as a redevelopment target.

During those 18 months, 135 pubs in London have closed and no others have been redeemed by this route. The question has to be asked whether the great intention of the Localism Act's right to bid is effective. In London, it is not. Consequently, there is a greater need here than elsewhere to tighten up planning policy to protect pubs and enable their continued survival in the hands of professional publicans. This can be achieved by ensuring that pub premises are openly and fairly marketed to the licensed trade at prices reflecting only their use as pubs and not at a 'hope value' for conversion or redevelopment. All of the commercial trade agents are reporting a surge in demand for pubs in the capital from small to medium sized pub operators, breweries and owner-operators. Saving London's pubs is therefore not a quixotic ambition.

London is currently experiencing a net annual loss of around 90 pubs. We believe that powers are available to the Mayor and the GLA and the proposed revision of the London Plan presents an opportunity to adopt greater measures of protection for the capital's pubs. Such measures are desperately needed and long overdue.

## **2.0 DISCUSSION OF THE PROPOSED PARAGRAPH 4.48A**

***“4.48A The Mayor recognises the important role that London's public houses can play in the social fabric of communities and recent research highlights the rapid rate of closures over the past decade and the factors behind these. To address these concerns, where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to maintain, manage and enhance public houses.”***

We welcome and support the first sentence; though 'can' is redundant: they do! The research published by Steve O'Connell AM was based on detailed and accurate figures provided by CAMRA London Region.

The second sentence does not address the concerns effectively. Public houses are already recognised as social community facilities in the National Planning Policy Framework (NPPF). Local planning authorities are already encouraged to bring forward appropriate pub protection policies within their local plans, in line with the NPPF. Several London boroughs already have pub protection policies. This clause therefore reinforces and restates what is already in place, or should be.

Moreover there is a big problem with the way this sentence is currently structured. It seems in effect to be encouraging boroughs to think about whether or not THEY have a problem with pubs losses and, *if they do*, to bring in pub protection policies. It is not clear whether this is what the Mayor intended to say, but this is fundamentally wrong. The Framework requires ALL planning authorities, including the Mayor, local authorities and the Planning Inspectorate, to give greater protection to public houses under P70. This is not optional!

We would propose amendment of the second sentence to reverse the emphasis and meaning thus:

***'To address these concerns and thus meet the requirement of the Framework, London boroughs must implement policies to maintain, manage and enhance public houses in order to give protection through the development control process for those where there is sufficient evidence of need, community asset value and viability in pub use.'***

Furthermore, the qualifications added for 'evidence of need', 'community asset value' and 'viability in pub use' are all subjective and open to interpretation.

Developers routinely argue that there are plenty of other facilities nearby and hence there is no need for the pub that they wish to convert. Such an argument fails to recognise the need for diversity of offer in food and drink, different tones of public house ambience and architecture and denies consumer choice. Instead, developers should be required to supply evidence that there is no need for a particular pub. They could do this by providing a map of the area centred on the pub and showing accurately the distribution, capacity, status and nature of other pubs within a 400m and 800m radius. They should also be required to canvass the local area – all households and employment sites within the 400m and 800m catchment areas – to assess need.

Planners are also key to the definition of 'need'. They will be aware of current and future housing and commercial development targets for their borough, of the contents of the Site Specific Allocations Documents which earmark sites for redevelopment and of the density of such uses at present and anticipated over the next 5-10 years. Where the developer can demonstrate that there is adequate provision on the face of it for the present community, planners must take account of the increasing needs of future residents, workers and visitors. They must, in short 'plan positively', in the words of the Framework. This means encouraging the provision of new pubs as well as protecting existing ones, either by requiring pub provision on a per-unit or per capita basis in brand new developments, or by protecting pub uses in mixed use schemes of partial conversion by removal of permitted development rights.

'Community asset value' is problematic. This would on the face of it give better protection to ACV listed pubs, but the ACV system is still so new that it is imperfectly understood, if at all, in socio-economic CDE neighbourhoods. It is not well understood in AB1/2 neighbourhoods either. 90% of pub campaigns begin when there is a planning application. The target time to decide planning applications is 8 weeks, not enough to compile an ACV application and have it accepted. It would be helpful to ask for applications for ACV status, as well as actual registrations, to be given weight during the development control process. Apart from ACV listing, a substantial weight of valid planning objections should also provide evidence of 'community asset value'.

Developers routinely argue that pubs are not viable. More often, it is the pub's current management regime that is not viable. Many successful pubs have been reborn under new ownership and/or management but once a pub is lost to demolition or change of use, such opportunities are extinguished. One example of best practice on non-viability of pub use would be marketing evidence that the pub was placed for sale through all available sources at a fair price, free of tie and restrictive covenant, for a period of three years.

### **3.0 THE NEED FOR MORE ROBUST PROTECTION**

The main threat to pubs in London is an alternative use of the land which is financially more profitable in the short term than the continued use of the public house.

#### **3.1 RESIDENTIAL CONVERSION**

Change of use to residential requires planning consent. In spite of pub protection policies across many London boroughs, local planning authorities (LPAs) are still granting consent for residential conversion. This highlights the weakness in effectiveness of their plans against a determined developer. Additionally the Planning Inspectorate can overturn LPA decisions on appeal.

LPAs need stronger policies to resist the change of use to residential, taking into account the various techniques which developers will exploit to persuade them to grant planning consent. Policies also need to stand up to scrutiny at appeal. A strong steer from the London Assembly through the London Plan would encourage and support the boroughs to be more vociferous in the enforcement and application of their policies.

#### **3.2 PERMITTED DEVELOPMENT**

Change of use that is permitted development has seen many of London's pubs turn into supermarkets, estate agents, betting shops and pay-day loan shops without the LPA or the community having a say. CAMRA has campaigned for central government to close this loophole. At present no action to amend the General Permitted Development Order has been forthcoming. London now has an opportunity to introduce special measures which would remove such permitted development. Conversions to shops could still take place, but such development would be subject to planning consent, allowing the community to have a say and the LPA to implement their local plans. Although LPAs already have the ability to restrict permitted development via Article 4 Directions, hardly any London boroughs have applied these due to concerns over costs. This approach is not effective.

### 3.3 ASSETS OF COMMUNITY VALUE AND LOCALISM

Over 300 pubs in the UK are registered as ACVs, allowing community groups to bid to purchase the pub if the freehold is offered for sale, except as a going concern for which there is an exemption. Here the Ivy House at Nunhead has been the one community purchase success story in London. There are many examples which demonstrate the imperfections of the provisions. ACVs were designed to empower local communities, but land prices in London mean community bids for pubs will always fall short of the sums that a developer would pay and hence disposals to property speculators and supermarkets are commonplace. ACV registration also fails to safeguard the current vital use that a community so values for which the asset was registered in the first place.

The Castle at Battersea was demolished in spite of its ACV listing. Another ACV, the George IV on Brixton Hill, could not be saved from conversion to a Tesco Express. There is no requirement for the owner to sell to a community group, or indeed to sell at all. Hence The Chesham Arms at Hackney has been deliberately kept closed by the owner, depriving the community of a cherished social facility.

In just three recent key cases, one of them in Greater London (the Porcupine, Mottingham), ACV listing has had a material positive effect on the outcome of a planning decision, applications for redevelopment being refused partly on ACV grounds. Signally though, two of those cases were the subject of questions being asked in Parliament and all three were robustly supported by the local MP.

### 4.0 FURTHER ALTERATIONS TO THE LONDON PLAN (FALP)

Notwithstanding the welcome specific mention of pubs within paragraph 4.48A, this is in effect merely reasoned justification for the high level policy 4.8 and we would suggest that pubs should be recognised and protected there, in the high level policy statement. Significantly, FALP includes additional text in 4.8, section B in the form of 'and related facilities and services' and further at sub paragraph c with 'or valued local community assets justified by robust evidence'. We would suggest further guidance is required here to identify pubs specifically. To that end we would propose splitting sub paragraph c as follows with part i) following the existing text:

*'c i) provide a policy framework for maintaining, managing and enhancing local and neighbourhood shopping and facilities which provide local goods and services, and develop policies to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping.'*

and a new part ii) to deal specifically with pubs and other community facilities, e.g. meeting places and sports facilities as set out in paragraph 70 of the NPPF. The suggested wording is as follows:

***c ii) provide a policy framework for providing, maintaining, managing and enhancing valued local community facilities and services including public houses, meeting places, leisure and sports venues, cultural buildings and places of worship and develop policies to resist their loss by change of use or demolition unless robust evidence is provided, including***

- proof of marketing at a price reflecting its current use as a public house, established by an independent licensed leisure surveyor not tasked with disposal on behalf of the seller; and***

- **submission of unedited written evidence of the findings of a consultation with all members of the neighbouring community within 400/800m to demonstrate that the community no longer requires the facility.**

As part of the reasoned justification for such amended policy, we would also propose amended wording to the draft section 4.48A:

***'4.48A The Mayor recognises the important role that London's public houses play in the social fabric of communities and recent research highlights the rapid rate of closures over the past decade and the factors behind these. To address these concerns and thus meet the requirement of the National Policy Planning Framework, London boroughs must implement policies to maintain, manage and enhance public houses in order to give protection through the development control process for those where there is sufficient evidence of need, community asset value and viability in pub use. To approve the change of use of a public house, it must be demonstrated that the community no longer requires that facility and, via marketing evidence, that there is no demand to continue to operate the facility. Community requirement and demand may be demonstrated, for example, by registration as an Asset of Community Value or by a concerted and significant campaign for the pub's retention.'***

## **5.0 ADDITIONAL MEASURES**

We would further ask the Mayor to give consideration to the feasibility and legality of the following measures and how they might be incorporated into the plan or part of its supplementary material:

1. removal of permitted development rights across all London pubs such that any change of use away from a pub would be subject to planning consent;
2. the option for boroughs automatically to refuse change of use of any pub that is registered as an Asset of Community Value unless and until the community has had the opportunity to exercise their right to bid;
3. where a proposal for a mixed use scheme is made, whether for partial development of the existing premises or for wholesale redevelopment of the site, that the A4 pub use (trade and supply areas) will be protected by a condition on any consent removing permitted development rights so that any subsequent change of use would require a planning application under Article 4 of the General Permitted Development Order (as amended).

Lead Author – James Watson  
[jwatson@iee.org](mailto:jwatson@iee.org)  
 07818 421475

**CAMRA Greater London Region,  
 28<sup>th</sup> March 2014**

**Contributors: John Cryne, Jane Jephcote, Geoff Strawbridge, Roger Warhurst, James Watson**