



### **3.0 Background**

- 3.1 The closure of public houses has been raised by Members as an issue that requires planning policy guidance in order to protect against the loss of these facilities.
- 3.2 The National Planning Policy Framework and the Submission Version of the Joint Core Strategy consider public houses to be community facilities. As such protection against their unnecessary loss is considered to be of importance in the creation of sustainable communities.
- 3.3 This issue will be dealt with fully as part of the ongoing City Plan process. A draft of the City Plan policies is due to undergo public consultation in the autumn of this year.
- 3.4 In the meantime an Interim Policy Statement has been produced in order to open up a conversation with regard to the direction and content of the policy, and to scope out the evidence base required to support any policy which will eventually form part of the City Plan.

### **4.0 Consultation Responses**

- 4.1 The draft Interim Policy Statement was subject to a four week consultation period between 5<sup>th</sup> January and 3<sup>rd</sup> February 2015. A copy of this document can be found in Appendix 1 of this report.
- 4.2 A total of 13 responses were received (2 objections, 5 supports, 6 comments). These responses are attached in appendix 2 of this report.

### **5.0 Final Draft Interim Policy Statement**

- 5.1 *Public houses are considered to be a valuable social and community facility. As such the Council will seek to protect against the loss of public houses. Planning permission for the redevelopment or change of use of a public house will be permitted only when the following can be clearly demonstrated:*
- i. It is no longer viable to run the property as a public house, and;*
  - ii. The public house has been appropriately and positively marketed for a reasonable period and no reasonable offers have been received, and;*
  - iii. Any proposed development would not have a detrimental effect on the design, character and heritage of the existing public house and/or the wider street scene, and;*
  - iv. There is an alternative public house within walking distance, or;*
  - v. A replacement community facility will be provided on part or all of the site, or within walking distance of the site. The size and nature of this facility will be determined through evidence of extensive engagement with the community and the Council's Partnership and Engagement team to ensure that the*

*replacement facility meets the needs of the community that it will serve and is fit for purpose.*

*In the case of historic pubs, where permission is granted for redevelopment the applicant shall be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in accordance with the Council's emerging heritage policy and in line with best practice guidance published by English Heritage.*

### Supporting Text

#### *Viability and Marketing*

*Where applications for a change of use or redevelopment of a public house are received, the Council will require evidence that:*

- a. a comprehensive sustained marketing campaign (agreed in advance by the Council) has been undertaken, offering the public house for sale as a going concern and using an agreed realistic valuation of the premises;*
- b. the marketing campaign has run for a period of at least twelve months before the planning application is submitted;*
- c. if marketing has been based wholly or partly on an alternative community or employment use, there has been prior discussion with the Council on the principle of the proposal;*
- d. the public house has been offered for sale locally, and in the region, in appropriate publications and through specialised licensed trade agents;*
- e. it can be demonstrated that the public house is not financially viable; in order to determine if this is the case, the Council will require submission of trading accounts for the last three full years in which the pub was operating as a full-time business;*
- f. the CAMRA Public House Viability Test, or a similar objective evaluation method, has been employed to assess the viability of the business and the outcomes (to be shared with the Council) have demonstrated that the public house is no longer economically viable.*

## **6.0 Future work**

- 6.1 In order to take this Interim Policy Statement forward as part of the City Plan the following work will need to be undertaken:
  - a. Survey work to establish the extent of the issues facing Gloucester's pubs. The number of pubs the City currently has along with the number of losses and gains over recent years will need to be examined.
  - b. Mapping work to visually map the existing and closed pubs to establish the spread and therefore any concentrations or gaps in the provision of facilities.

- c. Establish a suitable 'walking distance' as referred to in the policy in order that the policy may be used in the assessment of planning applications.

## **7.0 Conclusion**

- 7.1 The Planning Policy Sub Committee are asked to endorse this Interim Policy Statement, the Response Report, and the future work as outlined above, in order that this policy may be developed further and progressed to adoption through the City Plan process.

## APPENDIX 1 – Consultation Document

### DRAFT FOR PUBLIC CONSULTATION INTERIM POLICY STATEMENT ON PUBLIC HOUSES - 5<sup>TH</sup> January 2015

1. Introduction
- 1.1 This interim planning policy statement has been compiled to address issues and concerns raised by Members in relation to the potential loss of pubs in the City.
- 1.2 In recent times there have been a number of planning applications for the conversion or demolition of pubs to provide mainly residential or retail schemes. Pubs of a certain size can also be converted to some other uses through Permitted Development Rights.
- 1.3 Whilst the loss of public houses may appear to be concerning, many of our pubs have managed to stay in business despite testing economic times, proving that the right management and offer can be successful. Three of the City's historic pubs have been successfully refurbished in recent times (The Pelican, Robert Raikes and the Northend Vaults) and new opportunities have been created within the Gloucester Quays development.
- 1.4 This policy statement also confirms the Council's view that pubs are more than just private businesses. Local pubs provide an opportunity to bring people together and support community function. As such the Council wishes to afford pubs greater protection to reflect this 'community role', bringing the status of pubs in the City in line with advice contained within the National Planning Policy Framework (NPPF).
- 1.5 It is also acknowledged that many of the City's historic pubs also play an important role in the character and appearance of the City.
- 1.6 This policy statement sets out the policy approach that will be taken forward in the development of the City Plan. The statement takes into account the following key principles:
  - a. The importance of pubs as community gathering spaces which reinforce the importance of community and social interaction.
  - b. A need to preserve the important economic functions of pubs which provide a substantial amount of local employment, providing job opportunities to local people.
  - c. The need to preserve pubs which have an important historical and architectural function, contributing to the local townscape.
  - d. A need to be flexible enough to respond to the changes and realities of the local economy and the wider economic environment.
- 1.7 It should also be noted that the guidance is not proposing the use of an Article 4 Direction to remove permitted development rights for pubs to change to cafes and restaurants (A3), financial and professional services (A2) or shops (A1).
- 1.8 However, the Council may use an immediate Article 4 Direction on a case by case basis should it be deemed by the Council to be appropriate. Immediate Article 4 Directions can be imposed on specific buildings or land when there is a justified and urgent requirement for the land or buildings protection. The Council as the planning authority would therefore have the right to stop permitted development changes relating to a pub if required.

### 1.9 Public houses - a definition

In planning terms a pub is designated as Use Class A4 Drinking Establishments under the Town & Country Planning Use Classes Order (1987) as amended. Pubs require a premises licence under the Licensing Act 2003 which is administered by the Council. Under their licence terms, the definition of a 'public house' is framed so as to include all premises licensed for the supply of alcohol for consumption on the premises, including bars and restaurants. The licence is valid for an indefinite period once granted and can only be repealed if the proprietor breaks the terms and conditions of their licence, or fails to pay their annual fee.

## 2. Status

- 2.1 This interim policy statement has been compiled in accordance with the guidance set out in the National Planning Policy Framework (2012) (NPPF), the Joint Core Strategy Submission Version (2014) (JCS), and the Second Stage Deposit City of Gloucester Local Plan (2002).
- 2.2 It is the Council's intention that this statement will be taken forward to be further developed as planning policy through the City Plan preparation process.
- 2.3 This interim policy statement will be subject to a public consultation that will run for 4 weeks from 5<sup>th</sup> January 2015. All comments must be received before 3<sup>rd</sup> February 2015. Comments can be submitted online at:  
<http://consult.gloucester.gov.uk/consult.ti/InterimPubPolicyConsultation/consultationHome>  
or in writing to Planning Policy Team, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester, Gloucestershire, GL1 2EQ
- 2.4 Any representations made to the consultation will be reported to the Planning Policy Sub Committee on the 12<sup>th</sup> February 2015. The committee will then decide whether or not to approve the interim policy statement.
- 2.5 Should the statement be approved it will clearly highlight the Council's policy intention going forward which will subsequently be taken forward more formally through the City Plan process.
- 2.6 In order to develop this statement into an adoptable planning policy further work will need to be undertaken. This work is outlined in section 5 of this draft.

## 3. Policy framework

- 3.1 The NPPF provides a wealth of general support for those community facilities which can promote social inclusion whilst supporting the economy. In particular paragraph 70 defines pubs as community facilities. The Council's current local development plan does not definitively include pubs as a community facility.
- 3.2 In order to align the local plan with the NPPF this statement suggests that the Council uses the more recent definition of community facilities in the NPPF and JCS in implementing its Local Plan policies including policy CS.1 of the Second Stage Deposit City of Gloucester Local Plan (2002).

- 3.3 Paragraph 70 of the NPPF recommends that planning policies and decisions should:
- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
  - Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the communities ability to meet day to day needs;
  - Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
  - Ensure an integrated approach to considering the location of housing economic uses and community facilities and services.

- 3.4 The Joint Core Strategy Submission Version (2014) states the following with regard to community facilities:

Policy INF5: Social and Community Infrastructure

1. Proposals to develop land or buildings currently or previously in use as a community facility will demonstrate, including evidence of engagement with relevant local community groups and partner organisations, why the facility is no longer required and, as appropriate, how, when and where suitable local replacement facilities will be provided. Provision of replacement facilities will have regard to the locational and other relevant elements of this policy.
2. Where new residential development will create, or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. New or refurbished provision will be of an appropriate type, standard and size. From an early stage, developers will be expected to engage with the relevant local authorities and infrastructure providers and, as appropriate, relevant local community groups where they exist, to ensure that new provision meets the needs of the community that it will serve and is fit for purpose.
3. Social and community infrastructure should be centrally located to the population it serves and be easily accessible on foot and by bicycle. It should be located so as to have the potential to be well-served by public transport. Developers should aim to provide flexible, multifunctional facilities within mixed-use developments, creating shared space which maximises benefits to the community and minimises land-take. In the case of open space, 'easily accessible' means it is located within reasonable walking distance of the development it serves. New facilities should be accessible to all members of the community, and be planned and phased in parallel with new development.

The supporting text clearly states that for the purposes of the policy community infrastructure is considered to include pubs.

- 3.5 The Second Stage Deposit City of Gloucester Local Plan (2002) has a policy adopted for development control purposes for the protection of community facilities. It states:

#### Policy CS.1 Protection of Community Facilities

Planning permission will be refused for a development proposal which leads to the loss of existing community facilities, unless:

1. the facility is replaced within the new development; or
2. alternative provision of equivalent community benefit is provided, wherever feasible, at a location in or adjacent to a designated centre, or otherwise at a location which is accessible by other means of transport than the private car; or
3. the facility is not in use and it can be established that there is a surplus of community facilities in the locality and no other organisation is willing to acquire the site and continue its use as a community facility.

#### 4. Suggested Policy

Public houses are considered to be a valuable social and community facility. As such the council will seek to protect against the loss of public houses. Planning permission for the redevelopment or change of use of a public house will be permitted only when the following can be clearly demonstrated:

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#### Supporting text

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- c. if marketing has been based wholly or partly on an alternative community or employment use, there has been prior discussion with the Council on the principle of the proposal;
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## 5. Future Work

- 5.1 This interim policy statement is an important step forward in protecting Gloucester's valued pubs in line with the NPPF and the resolutions of Full Council.
- 5.2 Further work and evidence gathering will need to be undertaken to support and develop this interim policy statement. This will include more detailed survey work of pub gains / losses and a comprehensive mapping of pubs.
- 5.3 Those pubs which are considered to be of significant historic value will be added to the council's emerging Local List of non-designated heritage assets.
- 5.3 Officers have sought the help of the local branch of CAMRA (Campaign for Real Ale) which is happy to assist in some of the collation of the data. All of this work and information gathering, along with any consultation responses, will help evidence and inform the interim policy statement as it goes forward as part of the City Plan process.

