

Name	Question: 1. What is the nature of your response?	Question: 2. Please set out your views below.	Officer Response
Gloucestershire County Council (Rob Niblett)	Comment	<p>The production of this Interim Policy Statement (IPS) is welcomed as a means of affording pubs greater protection from demolition and change of use.</p> <p>The IPS should refer to 'Assets of Community Value' (ACV) as introduced by Part 5, Chapter 3 of the Localism Act 2011. The following is taken from a Commons Standard Library Note authored by Mark Sandford:</p> <p>"Part of the Government's community empowerment agenda it requires a local council to maintain a list of 'community assets'. Nominations for community assets can be made by parish councils or by groups with a connection with the community. Individuals cannot nominate community assets. If the nomination is accepted, the group will be given time to come up with a bid for the asset when it is sold. The right to bid only applies when an asset's owner decides to dispose of it. There is no compulsion on the owner of that asset to sell it. The scheme does not give first refusal to the community group, unlike the equivalent scheme in Scotland; and it is not a community right to buy the asset, just to bid. This means that the local community bid may not be the successful one."</p> <p>Listing as an ACV is another means by which pubs can be retained for the local community by allowing groups the opportunity to bid for them as and when they come up for sale. Although there is no guarantee that a local group's bid will be successful or that the listing will in itself prevent the pub being converted for other uses within current permitted development legislation, it is relevant to this IPS and needs to be included. Also, as the City Council is responsible for determining applications for ACVs and maintaining a list of them, it needs to set out details of the process involved and the Council's role within it.</p> <p>Ideally, the potential for listing as an ACV should be referred to in the proposed policy and then expanded in the statement</p> <p>Further information on the ACV can be found at:</p> <p>http://www.parliament.uk/business/publications/research/briefing-papers/SN06366/assets-of-community-value</p> <p>Paragraph 1.7 - There is an ongoing CAMRA campaign to change existing planning legislation and PD rights, to ensure that any change of use of a public house will require a planning application, thus giving members of the local community a chance to comment on the proposal and potentially object. The policy would need to be amended to take account of this change should it become law.</p> <p>Another issue that has arisen in relation to pub closures has been pub companies selling off pubs with restrictive covenants thereby preventing any chance of the purchaser reopening the building as a public house and therefore by default forcing a change of use even if the pubs was a viable business. I'm not sure what LAs can do to prevent such restrictions but it may be worth flagging the practice up as one which the City Council would wish to discourage.</p>	<p>Noted - The process for the listing of Assets of Community Value (ACV) can be found on the City council's website:</p> <p>http://www.gloucester.gov.uk/business/land-and-property/Pages/Community-Assets.aspx</p> <p>Reference to the ACV process will be made in the City Plan in the supporting text of the community facilities policy.</p>

English Heritage (Rohan Torkildsen)	Support	English Heritage wish to support the City Council's efforts to conserve its heritage assets in a manner appropriate to their significance. Perhaps important, but non designated, pubs could be included in a 'local list' which can provide added protection in the planning system? Might it also be beneficial to map the city's historic pubs and also perhaps provide an opportunity for volunteers to survey/audit their internal and external historic features?	Noted – A local list is under development and will be continued through the City Plan process. Non-designated heritage assets, including those non-listed public houses of heritage value will be included.
One Eyed Jacks (Pat Hurley)	Object	Pubs that are viable do not close to profiteer from selling for retail or housing. Pubs close due to social and economic changes, supermarket pricing of alcohol, healthy lifestyle choices, increase in costs across the board for beer, electricity, etc. All local shops and amenities contribute to community facilities, all have social interaction and all are missed if closed. It is grossly unfair to apply restrictions on a pub freeholder who needs to sell, and is aware that, due to all the factors outside his/her control the buyer may not wish to continue as a pub. Most publicans would much prefer to sell to an operator who will continue as a pub, to build on years of blood sweat and tears they have put in to make a go of it - however this is not something that should be controlled by a local authority - these are freehold buildings and should have the same rights to sell, to the right bidder, as the seller may choose, as in any other freehold business. It is contrary to democracy and capitalism to impose restrictions on one sector of business simply because they do a good job. Private business is not a social enterprise, if pubs are to be deemed as such they should be supported with tax incentives and other perks that community organisations receive. I find it hard to believe these proposals are legal, to retrospectively change the conditions a business has been purchased with. The conditions you propose will devalue our premises, will deter buyers from paying the market price if they feel trapped into a system that will make it longer and harder for them to sell if necessary, and may cause banks to refuse mortgages to potential buyers for those very reasons. For all these reasons I strongly object to this proposal, many pubs have closed but many will survive with the support they deserve, given your own appraisal of the benefits we bring to communities, to our employees and to the tax man, surely it is only fair we be treated equally when we wish to sell.	Noted – While public houses are private businesses the government has acknowledged them as valuable community facilities through the National Planning Policy Framework (NPPF). The policy does not stop public houses being sold on to be maintained as public houses. Nor does the policy stop applications for change of use and redevelopment being submitted. Those applications that meet the criteria of the policy will normally be permitted. The council, through the NPPF, has a duty to provide for sustainable communities by protecting and providing suitable facilities that serve the needs of those communities.
Will Perrin	Comment	Pubs should be protected as institutions. They should not be able to be converted to retail just because the current owners have built up a debt, that doesn't in itself mean the pub is economically unviable.	Noted
Brian Stokes	Support	I support the current draft proposals. It is unfortunate that they were not in force earlier. During the since 1971, when I moved into my current house in Romney Close, the 2 nearest pubs, The Seymore in Seymore Road and The Northfield in Northfield (or maybe Southfield) Road have closed and been demolished or adapted for housing. There is now a large area in this locality without a local within safe walking distance.	Noted
Ricki Mac	Comment	You should not be encouraging drinking, Pubs such as the Ridge and Furrow closed because it was no used. because of this it was not maintained by the owners and needs to be demolished. Local authorities must not be involved in such issues leave it to the private sector.	Noted – Public houses have been acknowledge by the government as community facilities.
James Crawshaw	Comment	I would really like to see the redevelopment of the ridge and furrow pub. It was the heart of the local community and was missed more than ever over Christmas. There are no other local pubs in this area. The he area has lost its focal point, a place for friends and families to meet up and socialise. It's now an eyesore which appears to have no use whatsoever! Please see sense and bring back this brilliant local pub.	Noted – the future of the Ridge and Furrow pub is a matter of a separate planning application.

Darrel Kirby	Support	<p>I think this is a very welcome move - anything that we can do to preserve our pubs - both historic and those that form the centre of the community - is to be encouraged. The stipulation that 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" is interesting as I can't see how you could convert a pub to anything else whilst abiding by it. It is hard to preserve the character of a pub when you turn it into apartments or a soulless, garishly lit supermarket – the fate of the Welsh Harp and The India House, for example. However, if merely retaining the façade will meet the requirement then maybe that is less reassuring. Finally I am interested in the stipulation that there must be "an alternative public house within walking distance." This is an excellent stipulation to prevent communities being hollowed out through the loss of their pub. You only have to look at Barton Street, once thriving with pubs, to see what can happen. However, it depends how far you reasonably expect people to walk: it may be considered that the walk from the Great Western or the Plough to One Eyed Jacks, for example, is perfectly acceptable. So clearly the policy will need to be tested in reality to see how well it stands up, but the fact that the council are pushing for it is a great sign and something that anyone who cares about our pubs should welcome and support.</p>	<p>Noted – In the further work required to evidence this policy a suitable 'walking distance' will be established.</p>
Anita Faulkner	Support	<p>This is an excellent idea, and long overdue. You may wish to consider defining "walking distance", or putting a figure on it. Walking distance could be extremely subjective. I would particularly hate to see any historic pubs lost.</p>	<p>Noted – In the further work required to evidence this policy a suitable 'walking distance' will be established.</p> <p>Historic pubs may already benefit from the additional protection afforded to Listed Building. Those that are not designated, but do make a positive contribution to the heritage of the city will be included in the Local List as it continues to be developed.</p>
Mark Trotman	Comment	<p>I must heartily applaud Gloucester City Council on this forward thinking policy proposal. The public house is, and always has been, a community facility and I have, over the years, been much saddened by the demise of various public houses and consequent loss of community throughout various parts of the City and surrounding areas.</p> <p>I hope that for the future of Gloucester and the heritage of the affected public houses, this policy is adopted.</p>	<p>Noted.</p>

DCLG (Kris Hopkins MP)	Comment	<p>Thank you for your letter of 23 October to Brandon Lewis MP about your constituents' concerns about the loss of pubs. I have been asked to reply as the issues you raise fall within my area of Ministerial responsibility.</p> <p>I hope you will understand that because of the Secretary of State's role in the planning process. I am unable to comment on specific cases. However, I am able to offer the following general comments in response to the issues you raise.</p> <p>If there are concerns about viable public houses being lost the answer is for communities and local authorities to work together to develop a clear, proactive strategy to protect those pubs which provide the most community benefit.</p> <p>Through the Community Right to Bid we have given people the power to nominate local buildings, such as public houses, as Assets of Community Value. I am very pleased to see that this pub has already been listed as such. Where such Assets are listed the planning authority may take this into account as a material consideration when determining a planning application, so far over 500 pubs have been listed, and a number of those, where they have been put on the market, have been saved from closure.</p> <p>Local planning authorities have powers to remove national permitted development rights where it is felt that it is necessary to protect local amenity or the wellbeing of the area by making an Article 4 direction. This then requires that a planning application is submitted for the change of use, which the local planning authority can then determine in accordance with national policy and its local plan. This power can be strengthened when it is informed by strategic local plan policy which identifies and protects pubs that provide the most community benefit. We do not believe that Article 4 directions are overly restrictive and instead provide protection of specific facilities which are important to the local community.</p> <p>I hope this illustrates the Government's strong support for community pubs.</p>	Noted.
------------------------	---------	---	--------

Save the Ridge and Furrow Campaign	Support	<p>I refer to the above planning policy consultation. I write to you on behalf of my client – the Save the Ridge and Furrow P.H. Community Campaign Group. The campaign group fully endorses and supports the Council's draft policy. It will fill a much needed local policy vacuum and provide a robust policy framework which accords with national planning policy (the NPPF) and with the principles of sustainable development. The protracted and sorry tale of the Ridge and Furrow PH provides the perfect case study and justification for adopting a policy that will protect pubs that fulfil a valuable role in local communities. The Ridge and Furrow PH was a purpose built pub, planned to be at the heart of the community. It served that community for decades and was a vibrant, viable and successful pub. It won national awards for its role as a community pub. It was a meeting place that was highly valued by all sections of the community, including the elderly and disabled. It has now been closed, boarded up and made to look an absolute eyesore for over a year. The reason is not because the pub has failed, or that it was not viable. The reason is because 'big business', in the form of a national supermarket chain, has decided it must be destroyed to make way for a petrol filling station. The MP's area wide survey in 2014 demonstrated convincingly that over two thirds of the community want to keep their pub. A community facility with massive local support and acknowledged value faces destruction to make way for something that the community does not want or need, and can access at multiple nearby locations (including Morrisons at the Railway Triangle). The planning application which proposes the permanent destruction of the Ridge and Furrow PH is yet to be determined by the City Council. However, as a proposal, it will fail to meet all of the relevant criteria set out in the draft policy. The application should be resoundingly refused. Given that council planning officers were instructed by Full Council to produce this policy 'urgently' in March 2014, the campaign group must formally request, in the interests of natural justice, that the application is not presented to the Planning Committee for a decision until the pubs protection policy consultation is concluded and the policy statement has been endorsed and adopted by elected members. Although the campaign group's prime focus is, understandably, about bringing the Ridge back into active public house use, we fully support a city wide policy. Other communities in the city should not have to endure what has happened to the community that was served by the Ridge. Our pubs are a vital part of our communities and they should be appropriately protected by planning policies.</p>	Noted – the future of the Ridge and Furrow pub is a matter of a separate planning application.
Wm Morison Supermarkets Plc	Object	<p>We are writing on behalf of our client, Wm Morrison Supermarkets Plc, in response to the consultation currently being undertaken on the draft Interim Policy Statement “the IPS” on Public Houses which was published in January 2015. We have reviewed the document on behalf of our client, and have a number of concerns relative to it. These concerns are set out below:</p> <p>1. Presumption in favour of sustainable development</p> <p>The IPS suggests that it has been prepared in accordance with the guidance in the National Planning Policy Framework (2012) (NPPF). However, both the NPPF and Planning Policy Guidance (PPG) have a presumption in favour of sustainable development which is a principle at the heart of national policy.</p> <p>It is difficult to see how a policy which has every appearance of seeking to introduce a presumption against the granting of planning permission by placing a blanket protection on use classes, can be in accordance with this principle. In these terms, the IPS is against the presumption of sustainable development and therefore contrary to the NPPF and PPG.</p> <p>2. Principle of the IPS</p> <p>It is unclear what the IPS is seeking to include within its remit as the “suggested policy” refers to public houses, but the definition of public houses under paragraph 1.9 of the Council's note refers to Use Class A4 (Drinking Establishments), but suggests that bars and restaurants are also public houses in a non-planning context. The wording of the IPS is imprecise and not consistent with the definition, it therefore can not be</p>	<p>Noted. To address concerns in relation to the potential loss of pubs, the Council is seeking to protect pubs, where appropriate, as community assets. This accords with the NPPF and Submission Version of the Joint Core Strategy.</p> <p>This 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.</p> <p>The ‘interim policy statement’ will be addressed fully as part of the City Plan process, a draft of which is due to undergo public consultation in autumn of this year.</p>

		<p>considered sound.</p> <p>The NPPF and PPG do not make any recommendations to local planning authorities to draft or issue interim policy in advance of the Development Plan. On the contrary, the NPPF and PPG require local planning authorities to focus on the preparation and adoption of the Development Plan as a matter of priority. Other documentation, should only be prepared and adopted in the context of the development plan and therefore should be a secondary priority.</p> <p>This is particularly relevant, given that the local authority has not had an up-to-date Development Plan for a number of years. It is noted that the local planning authority is progressing with the Joint Core Strategy (JCS) for Gloucester, Cheltenham and Tewkesbury. The JCS was submitted for independent examination in November 2014.</p> <p>The advancement of the IPS in this context is completely inappropriate, as it is not the role of the local planning authority to pre-empt the adoption of its development plan in the piecemeal manner sought.</p> <p>In terms of procedure, the local authority appears to have no intention whatsoever of submitting the policy to the Inspectorate for their view. It is inappropriate for a local planning authority to seek to adopt “policies” that would have such blanket effect without them being properly discussed and independently examined.</p> <p>Finally, the introduction of “the Policy” should not hold up the determination of current applications or even be adopted when it conflicts with existing national and development plan policies. In these terms the LPA should not be awarding this document any weight for decision making now or in the future.</p> <p>3. Compliance with Chapter 8 of the NPPF</p> <p>Chapter 8 of the NPPF, Promoting Healthy Communities, sets out within paragraph 70 that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (with our emphasis):</p> <ul style="list-style-type: none"> • 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 community’s ability to meet its 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. <p>We comment as follows:</p> <ul style="list-style-type: none"> • As previously noted, the IPS seeks to provide blanket protection over a single use class, regardless of individual circumstance, which is evidently not positive planning; • The “Policy” goes well beyond guarding the loss of valued facilities, and comments relative to the onerous requirements of the policy are set out below; • The “Policy” prevents community facilities being able to develop and modernise, and • By focussing blanket protection on a single use class, any integrated approach to considering development is prevented. 	
--	--	--	--

For these reasons the IPS is in direct conflict with the NPPF and PPG.

4. Detailed commentary on “the Policy”

The requirements of “the suggested policy” are onerous, inappropriate and vague. Further, the requirements do not provide any certainty relative to how the test might be met. For example, no definition is provided relative to viability test (i.e. what is viable?).

In terms of viability (bullet point (i)), the supporting text refers to the CAMRA Public House Viability Test. CAMRA is an advocacy group who are conducting a widely publicised campaign to prevent the closure of public houses. It is therefore not appropriate to use their methodology to inform the local authority’s approach to planning decisions.

In terms of bullet point (ii), the marketing requirement is too prescriptive and does not allow for individual circumstances. Furthermore, a period of “at least 12 months” of marketing is inappropriate as it would either require a business to operate at a loss for 12 months or result in an empty public house over the same period. Either scenario is evidently unacceptable and unsustainable.

In terms of bullet point (iv), it is unclear, to say the least, as to why there should be alternative public house within “walking distance”. Further, the policy is unclear as to the starting point of the walking distance, or what that “walking distance” might be.

It is not suitable to require a replacement community facility as a public house in bullet point (v) if the current operation is not viable and there is no demand for it. The suggestion that there should be extensive engagement in these circumstances also suggests a lengthy process which is unlikely to come to a definitive outcome that is agreed by all parties or an outcome that can be properly defined, given the vagueness of the wording of the bullet point.

In terms of last section of “the Policy” it is difficult to see what this requirement would add to any discussions that would already need to be held with English Heritage in any event.

Summary

In summary, Wm Morrisons Supermarkets Plc object to the IPS in its totality for a number reasons, not least the following.

- The IPS is not clear what land uses will be affected by it;
- It is inappropriate for the local planning authority to bypass the development plan making process with a piecemeal document which will not be subject to independent examination;
- IPS is contrary to the principles and detailed commentary within the NPPF, and
- The detailed requirements of the “suggested policy” are onerous and unsound.