

## Public houses

- 4.67 Public houses (pubs) play an important community and cultural role. As places where members of the community meet and gather, they support social wellbeing and strengthen community cohesion. They sometimes provide important community meeting space and host local meetings, events and entertainment. Some pubs also support Camden's social diversity by providing a valuable support function for minority groups. In some areas, the community pub continues to provide the main public space for socialising with friends, making new contacts, exchanging ideas, celebrating important occasions and staging large gatherings including live music, theatre and comedy nights.
- 4.68 Many pubs contribute to local culture and identity and this is often closely related to a pub's long-standing presence in the street scene. The closure of a pub can lead to the loss of an area's vibrancy as well as its diversity and interest. Some pubs are important because they are heritage assets and architecturally distinguished.
- 4.69 Pubs also have an important economic function in contributing to the vitality of town or neighbourhood centres and providing a hub for the surrounding neighbourhood. Some of the most interesting and unique pubs attract customers from a wide catchment area and may be important in terms of their tourism value or to a protected group defined under the Equality Act 2010. Pubs support local employment and entrepreneurship, provide valuable work experience for young people and support jobs in the wider economy through the pub supply chain. They provide an important outlet for breweries in Camden and London to sell their products.
- 4.70 However, pubs across London and nationally are under immense pressure from higher value uses, especially housing development, the availability of cheap alcohol in supermarkets and increasing operating costs. In the London region between 2008-2012 around 100 pubs closed every year (net). Pubs in residential areas are considered to be especially vulnerable to demolition or a change of use due to the high residential values.
- 4.71 A related issue is the loss of part of an operating pub, such as beer gardens and ancillary residential accommodation. This can raise concerns about the impact of such changes on the pub's character and continuing ability to operate successfully. The loss of one or more elements of a pub may undermine its appeal or lead to negative impacts on the amenity of the surrounding area or conflict between incompatible uses.
- 4.72 National planning policy recognises that public houses, along with other community facilities, enhance the sustainability of local communities and should be safeguarded and retained for the benefit of the community while allowing them to develop and modernise in a sustainable way.
- 4.73 In April 2015, changes were made to the Town and Country Planning Act to give protection to pubs nominated by the local community as Assets of Community Value (ACV). These amendments remove certain 'permitted development' rights for a limited time period. This means that pubs cannot be changed to other uses, like retail, without planning permission. This restriction also applies to

pubs which have not yet been designated as an ACV but where the Council has notified the developer of the nomination. The Council welcomes nominations from the community for pubs to be listed as an Asset of Community Value<sup>4</sup>.

- 4.74 Traditional public houses fall into the same use class as other drinking establishments. This means that it is not possible for the Council to use its planning powers to resist changes from one type of drinking establishment to another, e.g. when a traditional pub is changed into a wine bar.

## Policy C4 Public houses

The Council will seek to protect public houses which are of community, heritage or townscape value.

The Council will not grant planning permission for proposals for the change of use, redevelopment and/or demolition of a public house unless it is demonstrated to the Council's satisfaction that:

- a. the proposal would not result in the loss of pubs which are valued by the community (including protected groups) unless there are equivalent premises available capable of meeting the community's needs served by the public house; or
- b. there is no interest in the continued use of the property or site as a public house and no reasonable prospect of a public house being able to trade from the premises over the medium term;

Where a public house is converted to an alternative use, the Council will seek the retention of significant features of historic or character value.

Applications involving the loss of pub floorspace, including facilities ancillary to the operation of the public house, will be resisted where this will adversely affect the operation of the public house.

Where it has been demonstrated to the Council's satisfaction that a public house can no longer be retained, the suitability of the premises for alternative community uses for which there is a defined need in the locality should be assessed before other uses are considered. If the pub is a heritage asset, it should be conserved in a manner appropriate to its heritage significance.

The Council will support the provision of new public houses in appropriate sites in growth areas, other highly accessible locations and town centres, subject to other policies in this Plan.

### Protection of valued pubs

- 4.75 The Council will seek to protect pubs that are important to the local community. This reflects paragraph 70 of the National Planning Policy Framework (NPPF) which urges Local Planning Authorities to plan positively for the provision and use of public houses and guard against the unnecessary loss of valued facilities.

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<sup>4</sup> 'Assets of Community Value' (ACV) are buildings or land which currently, or in the recent past, further the social wellbeing or cultural, recreational or sporting interests of the local community and are expected to do so in the future. If the owner decides to sell an asset listed or nominated as an ACV, a local group can trigger a 6 month moratorium on the sale giving them time to raise funds to purchase it.

Policy C4 allows flexibility by supporting development where it would not be contrary to the interests of the economy, historic environment or community. The overall aim is to ensure that the Council is able to protect all of its public houses which provide a significant benefit or value to the local community, including access to range of facilities; that public houses of historic and cultural value are conserved and enhanced according to their significance; and that the vibrancy and vitality of Camden's centres and local economies are sustained.

- 4.76 The Council will determine whether a proposal would result in the loss of a pub with community, cultural or heritage value. A 'community pub' predominantly serves a local residential community or a 'protected group' (for example the Lesbian, Gay, Bisexual and Transgender communities) which may have a catchment wider than the local area. There may exceptionally be a justification for protecting a pub which does not meet this criterion if it is the last facility capable of meeting the local community's needs and could conceivably do so in the medium term.
- 4.77 It is important that the local community have a say in whether pubs are protected. The Council may require an applicant to fund a survey to establish the views of the community, including members of protected groups where appropriate, on the loss of the public house. The methodology and content of the survey would need to be agreed in writing by the Council and be funded by the applicant. If a pub is registered as an Asset of Community Value, a survey will not be required to demonstrate to the Council the community value of a pub.
- 4.78 Where the proposed development would result in the loss of a valued pub, the Council will require evidence setting out alternative public house provision in the local area or for the community, including information on the location, size, range and quality of facilities, taking account of any unimplemented planning permissions for the addition or loss of public houses. The availability of alternative premises will only be considered where they meet equivalent needs of the community, such as performance spaces, meeting rooms or a beer garden. The loss of a pub cannot be overcome by the availability of other public houses if it would lead to the loss of pub facilities or services of particular value to the community.
- 4.79 The Council will also require applicants to fund a marketing exercise to demonstrate whether there is a demand for the pub at a realistic rent or freehold value which is 'free of tie'. The Council will expect a mounted sales/letting board to be provided throughout the marketing period to draw the community's attention to the marketing exercise.
- 4.80 There are many instances in London of a struggling pub being turned around by new operating models and management. This includes pubs being run as community social enterprises. The Council will require applicants to demonstrate to the Council's satisfaction there is no reasonable prospect of a pub being able to trade from the existing premises in the medium term. We will require details including rents, turnover figures and other factors relevant to a pub's viability including the style of operation, hours of opening, supply of food and availability of meeting and event rooms. Applicants should set out what operating models have been used to help sustain or improve the pub's potential.

- 4.81 At the applicant's expense, the Council will require a qualified licensed leisure chartered surveyor independent of the selling agent to confirm that the rental and freehold value of the pub used in the marketing exercise is reasonable. We will also require an independent chartered surveyor to provide written confirmation that the pub has no potential in the medium term. Further details on the community survey, marketing and other evidence requirements in this policy will be set out in Camden Planning Guidance.
- 4.82 Many pubs are valued for their architectural interest, historic fabric and contribution to the character and townscape value of the local area, for example through their distinctive signage, windows or fittings. They can also support the character and attractiveness of the wider townscape by supporting a diversity of uses and vitality in the local area. Pub gardens can be particularly valued for providing communal open space in the built-up area. Where the Council agrees to the conversion of a public house, we will seek the retention of significant features which contribute to the building's character and heritage value. Some of Camden's pubs are listed buildings and are therefore afforded protection under the Planning (Listed Buildings and Conservation Areas) Act 1990. The Conservation Area Appraisals and Management Strategies may provide further guidance in conservation areas.

#### **Partial loss of a public house**

- 4.83 The partial loss of a pub and ancillary facilities may be detrimental to its character, community value or future viability. Outdoor amenity spaces, gardens, cellars and parking areas attached to pubs can also be subject to pressures for residential development. These changes can lead to a pub becoming less profitable and as a consequence, more vulnerable to further redevelopment, potentially leading to a pub being lost altogether. In determining whether the loss of floorspace is acceptable, the Council will take into account the effect of changes to the pub's layout and reduction in its trading area on its continuing ability to operate successfully. We will also consider whether these changes would adversely impact on the pub's community, historic and townscape value. In some cases the loss of part of a pub may lead to its continuing operation being undermined by the greater likelihood of complaints relating to noise and nuisance from occupants of new non-ancillary uses. A particular problem is the potential harm to residential amenity which cannot be overcome through mitigation measures to the building's fabric, for example where the loss of a pub's garden is proposed. Camden Planning Guidance will provide advice on evidence the Council will require to justify the loss of pub facilities.