

Our ref: J038808 letter 001

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By email only to londonplan@london.gov.uk.
2nd March 2018

Dear Sir,

Client: Thames Valley Housing Association
Subject: Representations to Draft New London Plan
Policy: Draft Policy HC7

GL Hearn is instructed by our client Thames Valley Housing Association (TVHA) "The Client" with regards to making representations to the Draft New London Plan.

These representations make general comments on a number of policies and aspirations as set out in the Draft New London Plan, and also a specific representation made to **policy HC7** Protecting public houses.

General Policies and objectives of the Draft London Plan

TVHA are generally supportive of the aspirations set out within the Draft New London Plan and wish to work with the Mayor to achieve the challenging targets that have been set out in terms of housing. As such TVHA support the principles of **Policy H1 'Increasing housing supply'**. Of particular interest to TVHA are the affordable housing policies however the wider strategic housing need is also supported as set out at Paragraph 4.1.1 with the need for 66,000 new homes per year and the ten year targets as set out in table 4.1 of the Draft Plan. TVHA support the comment seen at paragraph 4.1.3 *'To achieve these housing targets the overall average rate of housing delivery on both large and small sites will need to approximately double compared to current average completion rates.'*

TVHA are supportive of **Policy H5 'Delivering affordable housing'** and the strategic target of 50% of new homes being affordable. Paragraph 4.5.1 *'Meeting the need for circa 43,500 affordable homes per year.'* is especially relevant and supported.

Policy H12 'Housing size mix' is supported by TVHA. Securing the correct size and mix of housing is key to the success of developments, as such the comments set out in paragraphs 4.12.3, 4.12.4 and 4.12.5 on family units, one and two bed units and one bed units is generally supported.

TVHA also support the more generalist policies such as **Policy GG1** 'Building strong and inclusive communities and **Policy GG2** 'Making the best use of land', which supports high density. **Policy GG4** 'Delivering the homes Londoners need' is also supported by TVHA, paragraph 1.4.5 is important, which states *'To meet the growing need, London must seek to deliver new homes through every available means. Reusing large brownfield sites will remain crucial, although vacant plots are now scarce....'* TVHA consider that key to helping achieve this is delivery, providing mixed communities and incentivising build-out rates.

Chapter 3 of the Draft plan is also generally supported, especially **Policy D2** 'Delivering good design' as well as **Policy H4** 'Housing quality and standards' and paragraph 3.4.8 to maximise tenure integration is supported, as is **Policy D6** 'optimising housing density'.

On a more specific basis TVHA consider more detailed comment is required in relation to **Policy HC7** 'Protecting public houses'.

Policy HC7 states:

A. *Boroughs should:*

- 1) *protect public houses where they have a heritage, economic, social or cultural value to local communities, and where they contribute to wider policy objectives for town centres, night-time economy areas and Creative Enterprise Zones*
- 2) *support proposals for new public houses to stimulate town centre regeneration, cultural quarters, the night-time economy and mixed-use development, where appropriate.*

B. *Applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future;*

C. *Development proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house use should be resisted.*

The supporting text to this policy is set out as an appendix to this letter and will be referred to where relevant throughout these representations.

In summary it is considered that the proposed policy wording for Policy HC7 is too much of a blanket policy taking a 'one size fits all' approach which is not suitable for the overall aspirations of the policy, is not considered realistic and does not bear any resemblance to possible development opportunities and the wider aspirations of the Draft New London Plan.

TVHA considers that this draft new **policy HC7** is poorly worded and not fully considered. TVHA supports the Mayor's general aspiration to protect public houses, but this protection needs to be where relevant and suitable. The Policy makes no allowance for public houses which have closed down and have no prospect of re-opening. Taking each part of the policy in turn TVHA comment as follows:

Part A, 1 of the Policy HC7, makes a sweeping assessment that any pub which might have a historic, economic, social or cultural value to the local community should be protected.

This wording is well intentioned but does not take into consideration other possible situations where-in a public house may have had or has some or all of these attributes but is failing due to a number of possible circumstances..

Of relevance is the reason why a public house has closed or is closing, typically it is due to the trading performance of the pub and therefore it is commercial viability. As such an understanding is required of the pub's history, has it had multiple owners, has it ceased trading, why can an operator not be found etc.? This is frequently due to the fact that the pub is not profitable, which often means it is not well used by its local catchment or does not have an offer for the community in which it is located.

Rather than insist on the retention of a failing public house, it may be possible to replace it with another use or uses; or a development which offers equal or better value to the local and wider community and economy.

This might be for example be a development including affordable housing whether it be a fully affordable housing development scheme, or a development that offers at least 50% affordable housing and therefore meets one of the Mayors major housing aspirations, not to mention the provision of additional housing.

Part A, 2 of the Policy HC7, this section of the policy supports new pubs where relevant. TVHA have no objection to this aspiration.

Part B of the Policy HC7, this is closely tied in to Part A, 1. The policy seeks marketing evidence to support the loss of a public house which is understandable and accepted by TVHA. The policy does not specify the type of marketing or duration of any such marketing however the supporting text does suggest a period of 24 months marketing.

It is considered that the policy itself needs to be prescriptive in this matter to give clarity and certainty to ensure that marketing is measurable.

TVHA would suggest that any marketing should be carried out in suitable and relevant mediums such as on-line, on-site, and through market leading businesses and should be for a minimum of 6 months but not for 24 months as suggested.

A two year marketing period is counter productive to the site and can have serious adverse impacts on a site and a community and prevents more immediate benefits and uplifts. It is considered that most significant interest of any marketing campaign is always in the first 4-6 weeks when a property hits the market, something still on the market after 6 months will have gained all the necessary exposure. Within 24 months a new development could have obtained planning permission and have been constructed. As such a period of 24 months fails to address the immediate issues that the London Plan is seeking to address in terms of a general housing shortage and more importantly an affordable housing shortage, but will also fail to support a local community and could in fact limit its requirements and opportunities.

TVHA also consider that this part of the policy fails to look at any possible situation which may exist other than where a pub is still trading. As such this needs to consider if a pub has already closed down.

The benefits of what could replace a public house also need to be addressed, and are not in the current wording of this part of the policy.

For example, this could include situations such as a proposal for a redevelopment of a pub which has already closed with 50-100% affordable housing in its place, or a development proposal which may seek to replace an oversized and outdated public house with a smaller local community use (which could be a smaller public house, or similar, or other uses such as a local shop).

The wider benefits need to be assessed and considered fully as the loss of the public house (which may have already stopped serving a local community) could be replaced by other public benefits.

With regards to **Part C** of the Policy HC7, this too fails to consider wider situations other than those in which a pub is still open and trading. Furthermore the policy also fails to consider a situation in that a redevelopment may offer back to the community a better facility, whether it be a replacement facility in the same use class (or different use class) and or other wider benefits, such as new housing or more importantly affordable housing.

Summary

TVHA are generally supportive of the aspirations of the Draft New London Plan which they consider go a long way to supporting the delivery on new homes, and very importantly the delivery of affordable homes for Londoners.

In terms of **policy HC7**, TVHA understand the reasoning behind the suggested **policy HC7**, but consider that the policy needs to be reassessed and reworded to allow a more flexible approach should there be development opportunities which can offer better or other community benefits, such as affordable housing, and this policy needs to be relaxed to allow for various situations including those in which a pub has ceased trading with no prospect of resumption.

Should you have any queries on the above please do let me know and TVHA would welcome the opportunity to discuss these representations further with you.

Yours faithfully

Paul Manning
Planning Director

cc: Tim Preston, Head of Residential Development (London)

Appendix A

Supporting Text In Draft New London Plan to Polcioy HC7

Pubs are a unique and intrinsic part of British culture. Many pubs are steeped in history and are part of London's built, social and cultural heritage. Whether alone, or as part of a cultural mix of activities or venues, pubs are often an integral part of an area's day, evening and night-time culture and economy. An individual pub can also be at the heart of a community's social life often providing a local meeting place, a venue for entertainment or a focus for social gatherings. More recently, some pubs have started providing library services and parcel collection points as well as food to increase their offer and appeal to a wider clientele.

Through their unique and varied roles, pubs can contribute to the regeneration of town centres, Cultural Quarters and local tourism, as well as providing a focus for existing and new communities, and meeting the needs of particular groups, such as the LGBT+ community. However, pubs are under threat from closure and redevelopment pressures, with nearly 1,200 pubs in London lost in 15 years¹⁰⁰. The recent changes to the Town and Country Planning Act (General Permitted Development Order) (England) (2015) have however, removed permitted development rights that previously allowed pubs and bars to change planning Use Class to shops, financial and professional services, restaurants and cafés without prior planning approval. This change in legislation offers greater protection for pubs and also incorporates a permitted development right that allows pub owners to introduce a new mixed use (A3/A4) which should provide flexibility to enhance a food offer beyond what was previously allowed as ancillary to the main pub use.

Many pubs are popular because they have intrinsic character. This is often derived from their architecture, their long-standing use as a public house, their history as a place of socialising and entertainment catering for particular groups, their ties to local sports and other societies, or simply their role as a meeting place for the local community. In developing strategies and policies to enhance and retain pubs, boroughs should consider the individual character of pubs in their area and the broad range of characteristics, functions and activities that give pubs their particular value, including opportunities for flexible working.

New pubs, especially as part of a redevelopment or regeneration scheme can provide a cultural and social focus for a neighbourhood, particularly where they offer a diverse range of services, community functions and job opportunities. However, it is important when considering proposals for new pubs that boroughs take account of issues such as cumulative impact zones, the Agent of Change principle (see Policy D12 Agent of Change) and any potential negative impacts.

Boroughs should take a positive approach to designating pubs as an Asset of Community Value (ACV) when nominated by a community group. Listing a pub as an ACV gives voluntary groups and organisations the opportunity to bid for it if it is put up for sale. The 'right to bid' is not a right to buy and although owners of the asset have to consider bids from community groups, they do not have to accept them. An ACV listing does, nevertheless, give communities an increased chance to save a valued pub or other local facility.

When assessing whether a pub has heritage, cultural, economic or social value, boroughs should take into consideration a broad range of characteristics, including whether the pub:

- a. is in a Conservation Area
- b. is a locally- or statutorily-listed building
- c. has a licence for entertainment, events, film, performances, music or sport

- d. operates or is closely associated with a sports club or team
- e. has rooms or areas for hire
- f. is making a positive contribution to the night-time economy
- g. is making a positive contribution to the local community
- h. is catering for one or more specific group or community.

To demonstrate authoritative marketing evidence that there is no realistic prospect of a building being used as a pub in the foreseeable future, boroughs should require proof that all reasonable measures have been taken to market the pub to other potential operators. The pub should have been marketed for at least 24 months as a pub at an agreed price following an independent valuation and in a condition that allows the property to continue functioning as a pub. The business should have been offered for sale locally and London-wide in appropriate publications and through relevant specialised agents.

Many pubs built on more than one floor include ancillary uses such as function rooms and staff accommodation. Potential profit from development makes the conversion of upper pub floors to residential use extremely attractive to owners. Beer gardens and other outside space are also at risk of loss to residential development. The change to residential use of these areas can limit the operational flexibility of the pub, make it less attractive to customers, and prevent ancillary spaces being used by the local community. It can also threaten the viability of a pub through increased complaints about noise and other issues from new residents. Boroughs are encouraged to resist such proposals or ensure developers put in place measures that would mitigate the impacts of noise for new and subsequent residents.