

Old Oak and Park Royal Local Plan examination

Agenda Session 15: Pubs

Participants: Inspector, Corporation, Grand Union Alliance, Wells House Road Residents Association, HGH Consulting (QPR FC and Stadium Capital Developments)

Summary of issues

- 1 Whether the plan's policies towards the protection of pubs is justified (derived from the thirty-third Key Issue of table 5 of Key document 5 identified at Regulation 19(1) stage and by various representations from Citrus Group/Fuller, Smith and Turner) in the light of the following points (Summarised from representations made at Regulation 19(1) and 19(2) stages);

Too restrictive

- (a) The policy is overly restrictive and repeats policies covered elsewhere or includes too specific or onerous policy requirements. Object to Policy TCC7 as it is overly prescriptive and would not be able to effectively respond to changing market circumstances. The marketing period should ideally only be for 6 months and at most 12 months, which has been adopted as an approach in other policy areas. "Competitively marketed" is not standard industry practice, doing so would adversely affect value and viability as the business would decline, staff would leave, it would be difficult to recruit etc. "Appropriate publications" lacks definition and is poorly worded. The concept of "similar facilities" and "similar community environment" are too subjective and broad to form an appropriate policy test. This is a separate matter to a public house being unviable, and the policy as worded goes beyond a specific application for a specific site. There may be many other venues nearby, there may be none. Alternative uses could themselves generate a positive impact and one beyond that currently provided by a pub, on the character and vitality of an area through the demolition and redevelopment of the existing site of a pub rather than seeking to retain the built fabric. This strand of the policy is at odds with the other elements which seek to preserve the provision of a viable public house as opposed to the built form of the building. The policy assumes that a definitive conclusion can be reached through a public consultation exercise. There is no guarantee that this would be the case and that the consultation exercise could capture the views of the majority of the local community who may have no interest in the value of a public house. The policy is too onerous as currently worded, and is therefore not justified or

sound. Changes to Policy TCC7 are welcome, but still feel the policy is overly restrictive towards the loss of public houses. Policy point a) iv) is not justified as it is overly restrictive to seek to dictate the condition in which landowners should maintain their properties. The Policy is poorly worded and lacks definition.

Too lax

- (b) Conversely, a number of stakeholders supported the current policy and strong protection of pubs. The policy is not effective as it does not include enough detail on public houses. Should include greater detail on support for the retention of facilities, including planning gain funding and collaborative working with the boroughs for the Community Right to Build. There should be resistance of loss of pubs through an Article 4 direction.

The Castle

- (c) Strongly object to proposed local listing of The Castle. The Castle pub has not previously been identified worthy of local listing and nothing has occurred recently to suggest it should be. Change to surrounding areas does not affect the historic significance of The Castle Pub. The building is unremarkable and there are many other examples of buildings typical of this era. The Castle pub does not meet the criteria to be locally listed as set out by Historic England and Ealing Council. The emphasis of draft policies TCC7 and P7C1 should be reworded accordingly. OPDC should work with the London Borough of Ealing to stop tall buildings and preserve the Castle Public House. The Castle Public house is somewhat dilapidated with a future decline in business expected. New developments in the area include A3/A4 uses. Existing community assets should be protected, including the Castle Pub at North Acton.

The Corporation's response

Too restrictive/too lax

Some amendments have been made to the policy to avoid repetition with other policies and to improve the flow of the policy, but the policy still seeks to protect pubs and requires appropriate marketing of the premises before the acceptability of another use would be considered. The policy is similar in its restrictions to the loss of public houses as many other Local Plans. The London Plan supports the protection of public houses, whilst the NPPF supports the protection of community uses, so the inclusion of a policy is both in general conformity with the London Plan and consistent with the NPPF. OPDC considers that the policy approach does reflect market conditions. The policy has however been slightly amended in response to other comments from Citrus Group and Fuller Smith and Turner.

24 months has been adopted as an appropriate marketing period and has been adopted elsewhere in Local Plans. As an example, Lewisham requires marketing for 36 months, Greenwich and Brent require marketing for 24 months, Southwark and Hounslow for 18 months, LBHF for 12 months, RBKC has an outright resistance to loss of pubs. OPDC considers that marketing for 24 months strikes the right balance between recognising that there may not be a market interest in the continued use of the facility as a pub, with the need for an appropriate marketing period for a relatively specialist type of use. As noted in the supporting text, the competitive marketing requirements for public houses are longer than for other town centre uses in recognition of the smaller number of public house operators and as a consequence, the need for a longer marketing period to identify an appropriate operator.

Requiring marketing of the premises at appropriately set rent levels of standard industry practice and is a requirement set out in numerous Local Plans in response to numerous land uses.

It is inappropriate to specify the publications that an advert should be placed in as companies and publications might change, but the expectation would be on the applicant to market the property in publications that are well known and used by companies likely to be interested in acquiring public house premises.

Public houses are a community facility and in accordance with the London Plan and NPPF (para 70), there is a need for OPDC to be satisfied that there are similar facilities in the local area that can provide for the needs of the population.

Policy TCC7 recognises the important role of public houses as hubs for community life. Any proposals resulting in the loss of an existing public house must ensure the asset has been competitively marketed for a period of 24 months and undertake public consultation to ascertain the value of the public house to the local community. The response to the consultation would be treated on balance against the other considerations within this policy and other policy matters within the Local Plan and other development plan documents. Public consultations could take the form of door to door surveys in order to capture an appropriate cross-section of views and to avoid participation bias.

OPDC considers that the policy provides sufficient detail on the areas' public houses to make the policy effective. Further detail on the areas' public houses can be found in OPDC's Heritage Strategy.

Planning contributions need to satisfy the S106 tests, being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. They are unlikely to be appropriately used to support the protection of public houses. Community Right to Build is dealt with in Policy DI3.

The policy requires the premises to be maintained in a condition where it can be operated as a public house as this is necessary for the property to be competitively marketed for this purpose.

The Castle

OPDC's Heritage Strategy undertook an assessment of the OPDC area to identify potential heritage assets. The Strategy considered that The Castle Pub exhibited sufficient local heritage significance to warrant its proposed designation as a non-designated heritage asset on OPDC's forthcoming Local List. This is based on the recognition that it has historic, townscape, architectural and social significance. It is one of the few character buildings remaining in the area. The corner turret is a local landmark that contributes to the building providing a positive juxtaposition to the surrounding built form. OPDC consulted on the Local List in early 2018.

All three public houses have been identified as heritage assets through OPDC's Heritage Strategy. In accordance with Policy TCC7 and D8, OPDC would expect any proposal to either retain the building's fabric, or as much of it as feasibly possible. It is unclear how this strand of the policy is at odds. The policy provides policy guidance on public houses, there are some elements that relate to the pub's viability and some that relate to the character and heritage of the building as a pub.

North Acton has already been established as a place for tall buildings and this approach will continue to be supported reflecting existing and future improved public transport access. Tall buildings will need to take into account the surrounding sensitive locations and accord with national, London Plan policies, Local Plan policies and other material considerations. This is reflected in policy D5. As part of the Scheme of Delegation with the London Borough of Ealing, Ealing continues to determine planning applications in North Acton. Ealing's planning officers should be making use of OPDC's Local Plan policies D8: Heritage and TCC7 to manage any application affecting the Castle Public House.

Any loss of the Public House Use will be determined using Local Plan policy TCC5 and London Plan policy HC7 alongside all other relevant policies and material considerations.

Matters for discussion

- 1) Have I correctly understood the thrust of the representations?
- 2) In what way is the policy overly prescriptive?
- 3) What period or method of marketing would be sound to demonstrate that a facility is no longer needed?
- 4) Is the consideration of similar facilities a sound basis for policy?
- 5) Is the consideration of the effects of alternative uses a sound basis for policy?
- 6) Is the detailed wording of the policy sound?

P. W. Clark

Inspector

27.02.19