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| **Appendices**                   | Appendix A – Public Houses Supplementary Planning Document  
|                                  | Appendix B – Consultation Statement  
|                                  | Appendix C – Equality Analysis |

1. **SUMMARY**

1.1 This report seeks formal approval to adopt the Public Houses Supplementary Planning Document (Appendix A) as part of the Council’s Local Plan.

2. **RECOMMENDATIONS**

2.1 For the reasons set out in this report, Cabinet is recommended to:

   a) Adopt the Public Houses Supplementary Planning Document (Appendix A) as part of the Council’s Local Plan.

   b) Delegate any further non-material alterations to the Public Houses Supplementary Planning Document to the Acting Director of Regeneration and Growth in consultation with the Portfolio Lead for Economic Growth and High Streets.

3. **PROPOSALS**

3.1 **Background**

3.1.1 Public Houses play an important role at the heart of many local communities, offer opportunities for people from different walks of life
to mix, and also play a strong role in supporting the local economy. In view of these benefits, they are identified in the Council’s existing Local Plan policies as an important form of social infrastructure that merit protection. However, due to a number of factors, they continue to come under pressure for redevelopment. Council data indicates that from a total of 107 A4 premises in the borough in 1997, only 65 remain trading today.

3.1.2 This Supplementary Planning Document (SPD) explains the Council’s overall guidance on the retention of public houses in the borough. It seeks to protect them through the use of appropriate and proportionate criteria, on the basis of their value as community assets, and the contribution they make to the local economy and local character. It is intended that the SPD will apply to all A4 drinking establishments. This is because Public Houses and bars are treated the same in planning terms under the Use Class Order (2013) and the blurring of lines between the two can make distinguishing between them quite subjective; especially as such changes can occur without planning controls.

3.1.3 It is important to recognise that the SPD will only apply to development proposals requiring planning permission and not changes of use that are currently allowed under permitted development. Permitted changes of use from A4 drinking establishments are to:
- A1 retail
- A2 financial and professional services
- A3 restaurants and cafes
- (up until 30th May 2015) B1 offices/ light industry.

3.1.4 The SPD acknowledges this, and flags up that the Council could in the future consider the use of Article 4 Directions to remove these permitted development rights and require applications for planning permission in these circumstances. If these rights are removed then the SPD will be used to determine the planning applications.

3.2 Tests

3.2.1 The SPD will be used to help determine planning applications relating to the loss of a public house whether open or closed. The SPD sets out a series of policy tests for future planning applications involving the loss of a Public House to pass. The full SPD (which also sets out factors contributing towards closure rates, and mapping of where venues have been lost and remain) can be viewed in Appendix A. In summary, the key tests this introduces for future planning applications are:

Viability - For any proposal involving the loss of a Public House, applicants will be required to provide evidence that it can no longer function as a viable business; by providing details of the last 3 years trading accounts, along with details of what measures have been tested to increase trade as business has struggled.
Marketing - Evidence will also be required to demonstrate that the site was prominently marketed with reasonable terms and conditions for a Public House use for a minimum period of 12 months.

Where it can be demonstrated that there is no genuine interest in the sites re-use as a Public House, a further marketing exercise will be required for alternative social infrastructure uses. Only once these avenues have been exhausted should other uses such as residential and retail be considered.

Heritage Value - Where any existing Public House is recognised as having heritage value, development proposals will need to demonstrate that they cause no harm to this value. For these purposes heritage value is defined as a building that is listed, locally listed, or makes a positive contribution to a conservation area or local townscape. Data in the SPD indicates that of 65 remaining Public Houses, 22 would fall into this category.

Community Value - Where the site has been registered as an Asset of Community Value, this will be considered alongside viability and marketing evidence in terms of determining if the site has a future as a viable Public House business. This is included on the basis that if it has been registered as an Asset of Community Value, this is a reasonable signal that the premises is valued by local communities and could thrive if well managed.

Location – Where the site falls within a designated town centre or local parade, the Council will consider if the proposal will harm the vitality and viability of the centre or parade; in recognition of the positive role Public Houses can play as focal points within such areas. Data from the SPD indicates 37 of the remaining 65 Public Houses in the borough fall within these designations.

The role of the Public House as a valued community facility will also be considered. This is in recognition that some of the venues that best perform a community function and offer opportunities for social interaction among local residents, are in predominantly residential areas.

3.2.2 If an application fails to pass these tests, which could include by failing to provide sufficient supporting information, then the application should be refused. However, it is worth noting that there may be cases where there is little support for the protection of the site; for example where there have been previous licensing and crime and disorder issues and each application will be dealt with on a case by case basis.

4. OPTIONS & ALTERNATIVES CONSIDERED

4.1 The Council could choose not to approve the SPD and instead rely on existing Development Plan policies contained in the Waltham Forest Core Strategy (2012) and Development Management Policies DPD
(2013). However, without the additional detail provided within this SPD, the Council would be in a weaker position to require additional information from developers and ultimately refuse future planning applications involving the loss of a Public House.

5. **SUSTAINABLE COMMUNITY STRATEGY PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)**

5.1 The SPD has been prepared in conformity with the Waltham Forest’s Core Strategy (2012); which itself provides a spatial interpretation of the Council’s Sustainable Community Strategy (SCS).

5.2 The primary aim of the SPD is to protect Public Houses in the borough through the use of appropriate and proportionate criteria, on the basis of their value as community assets, and the contribution they make to the local economy and local character. Doing so will help achieve the Council’s priorities of managing population growth and change, creating wealth and opportunity for all residents, and retaining more wealth in the borough.

6. **CONSULTATION**

6.1 Consultation on a Draft Public Houses Supplementary Planning Document was carried out for a 6 week period from 5\textsuperscript{th} December 2014 to 16\textsuperscript{th} January 2015. This was 2 weeks longer than the minimum statutory requirement as set out in planning legislation; to account for the inclusion of the holiday season within the consultation period.

6.2 In addition to standard consultation arrangements such as publishing online, making available in libraries, and emailing everyone on the Councils Local Plan consultation database, letters were sent to all remaining Public Houses in the borough alerting them to the document.

6.3 Appendix B provides a consultation statement that includes a schedule of all comments received during the consultation exercise, along with the Council’s response. Any changes that have been made to the SPD in light of comments received during consultation are included within Appendix A.

6.4 In total 83 comments were received during the consultation period from 30 individuals or organisations. Strong support for the document, and the policy tests included in it, was provided by local residents, CAMRA (Campaign for Real Ale), the GLA, and English Heritage. No major objections to the contents of the Supplementary Planning Document were received.

7. **IMPLICATIONS**

7.1 **Finance, Value for Money and Risk**

7.1.1 The Public Houses SPD is one of several documents in the Council’s Local Plan programme. Other than staff time, production costs are limited to printing costs associated with the production of the document.
and meeting statutory consultation requirements. These costs will be met from the existing Local Plan budget.

7.2 Legal
7.2.1 Supplementary Planning Documents (SPDs) build upon and provide more detailed advice or guidance on policies in the Development Plan. SPDs are not subject to independent examination and do not have Development Plan status; they therefore do not need to be approved by Full Council.

7.2.2 Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents.

7.2.3 Regulation 12(b) provides that there must be a minimum consultation period of 4 weeks.

7.2.4 The Council must also as soon as reasonably practicable after adoption: (i) make the SPD and adoption statement available for inspection online, at its principal office, and at such other places within the borough as considered appropriate (during normal office hours), and (ii) send a copy of the adoption statement to anyone who has asked to be notified of the adoption of the SPD (Regulation 14).

7.2.5 Once adopted the Public Houses SPD will be a material consideration in the determination of planning applications.

7.3 Equalities and Diversity
7.3.1 The SPD is supported by an Equalities Analysis which is provided in Appendix C of this report. This concluded that in general, the SPD will have a positive impact on some equalities groups. Where any potential for adverse impact has been identified through the analysis, mitigation action has been suggested to ensure this is minimised.

7.4 Sustainability (including climate change, health, crime and disorder)
7.4.1 The SPD supports existing Development Plan Policies set out in the adopted Waltham Forest Core Strategy and Development Management Policies DPD. Both of these documents have been subject to a rigorous Sustainability Appraisal process. Through this process, the policies that the SPD supports scored well on sustainability grounds. Notably the sustainability appraisal of the Core Strategy found that policy CS3 (Providing Infrastructure) “delivers a proactive approach to the identification, protection and delivery of social infrastructure” and that the approach in policy DM17 (Social and Physical Infrastructure) of resisting the loss of social infrastructure “contributes towards the provision of accessible community and social infrastructure”.
7.4.2 The primary purpose of the SPD is to protect Public Houses in the borough in recognition of the positive role they can play at the heart of sustainable communities as a valued form of social infrastructure. Doing so will have no direct climate change implications justifying the completion of a climate change matrix.

7.4.3 Whilst it is recognised that excessive consumption of alcohol can have negative health and crime and disorder implications, Council led initiatives such as the “Best Bar None Accreditation” and “Waltham Forest Pub Awards”, will help ensure remaining venues are responsibly managed. The SPD therefore includes a short explanation of these initiatives.

7.5 Council Infrastructure

7.5.1 No human resources, accommodation or specific IT issues are raised by this report.

BACKGROUND INFORMATION (as defined by Local Government (Access to Information) Act 1985)