

BODY	CABINET
DATE	10 July 2013
SUBJECT	Save the Pub Group Council Survey
REPORT OF	Senior Head of Development

Ward(s)	All
Purpose	To inform Members of the All Party Parliamentary Save the Pub Group Campaign
Contact	Lisa Rawlinson, Senior Specialist Advisor, 1 Grove Road, Eastbourne Tel no: (01323) 415250 E-mail: lisa.rawlinson@eastbourne.gov.uk
Recommendations	That Cabinet supports the All Party Parliamentary Save the Pub Group's efforts to preserve and protect the British pub and approves the response to the survey that is attached to this report.

1.0 Introduction

- 1.1 The Save the Pub Group is an all party group of MPs and peers all committed to protecting and promoting pubs which it believes are vital community institutions and are part of our national heritage.
- 1.2 The Group is campaigning at a national level for the Government to close current loopholes that leave Councils powerless to support pubs in some cases. For example, pubs can be demolished or have their use changed to A1 (shops), A2 (professional and financial services) and A3 (restaurants and cafes) without planning permission.
- 1.3 A recent survey by CAMRA (Campaign for Real Ale) found that over 200 pubs have been converted to supermarkets since January 2010. The Group is calling for pubs to be made 'sui generis' (to have their own use class category), removing permitted development rights, so that any change of use of a pub would require planning permission.

2.0 The Save the Pub Group Survey

- 2.1 The Save the Pub Group has recently written to Local Authorities and has asked them to complete the attached survey to seek their views on the powers available to us to protect and support community pubs.

3.0 Planning Policy

- 3.1 'Saved' Policy LCF24 of the Eastbourne Borough Plan: 'Redevelopment of Public Houses' acknowledges that in many communities the local public house has an important role to play as a meeting place and venue for community events. It is therefore appropriate, that proposals for the loss of a public house to other uses (other than A1, A2 or A3 uses for which the Council has no control), should be carefully assessed to ascertain their impact on the wider community. Policy LCF24 therefore requires any proposal for the loss of a public house to demonstrate that it is not financially viable and that compensatory provision will be made within the immediate area for continued community use.
- 3.2 If Members wish to retain this policy approach to protecting public houses, then a policy will need to be included in the Development Management Local Plan that is scheduled to start being prepared later this year.
- 3.3 Following the recent plans for Sainsbury to purchase The Drive Pub in Old Town, the Council has considered making an Article 4 Direction. Article 4 directions may be made by Local Planning Authorities in exceptional circumstances where a clear justification exists for restricting permitted development rights and the situation is one where it is considered necessary to protect the local amenity or well-being of an area. An Article 4 Direction would not prevent development from taking place but rather would require planning permission to be sought for it. In addition, if permission was refused for a development that would normally be acceptable under permitted development rights were it not for the Article 4 Direction then the Local Planning Authority may be liable to pay compensation to those whose permitted development rights have been withdrawn. Awards of compensation may include abortive expenditure and other loss or damage directly attributable to the withdrawal of the permitted development right. This can include the difference in the value of the land if the development had been carried out and its value in its current state, as well as the cost of preparing the plans for the works.
- 3.4 Following legal advice, it has not been considered appropriate to pursue an Article 4 Direction in respect of The Drive pub. It is however considered appropriate to support the Save the Pub Campaign's proposal to make pubs 'sui generis' which would remove permitted development rights so that any change of use of a pub would require planning permission.
- 3.5 Whilst it is not recommended that an Article 4 Direction is progressed for The Drive PH, Members should be aware that the site does have a covenant in favour of Eastbourne Borough Council. The covenant requires the Council's consent – consent which cannot unreasonably be withheld - for the site to be used to trade as anything other than a hotel or public house. Consequently the Council has recently written to

Sainsbury to make them aware of the covenant and pointing out the requirement for them to have our approval to the variation in user before they can trade.

4.0 Resource Implications

Legal Implications

4.1 None.

Financial Implications

4.2 None

Human Resource Implications

4.3 None

5.0 Conclusion

5.1 The All Party Parliamentary Save the Pub Group seeks to preserve and protect the British pub. The Group is campaigning to make pubs have their own use class category to prevent them changing use without the need for planning permission. Cabinet is asked to support the campaign and agree that the responses contained in the attached survey should form the Council's formal response to the Campaign's consultation to protect and support local community pubs.

The closing date to return the survey is 26th July.

Background Papers:

Pubs and Planning: The Parliamentary Save the Pub Group Council Survey

To inspect or obtain copies of the background paper, please refer to the contact officer listed above.

Pubs and Planning: The Parliamentary Save the Pub Group Council Survey



Name and Council:

Eastbourne Borough Council

Email address:

Lisa.rawlinson@eastbourne.gov.uk

Please tick each box in accordance with your agreement to the following statements.

	Strongly agree	Agree	Disagree	Strongly disagree
1. Does your authority consider public houses as valued amenities worthy of protection? <i>Please note any further comments below.</i>	√			
<p>2. Has your authority adopted or in the process of adopting a Local Plan policy aimed at supporting the retention of viable and valued public houses? <i>Please note any further comments below.</i></p>				
<p>Eastbourne Borough Council has a 'saved' Policy in its Borough Plan (LCF24 – Redevelopment of Public Houses) that acknowledges that in many communities the local public house has an important role to play as a meeting place and venue for community events. It is therefore appropriate, that proposals for the loss of a public house to other uses (other than A1, A2 or A3 uses for which the Council has no control), should be carefully assessed to ascertain their impact on the wider community. Policy LCF24 therefore requires any proposal for the loss of a public house to demonstrate that it is not financially viable and that compensatory provision will be made within the immediate area for continued community use.</p> <p>However since this policy was adopted in 2003 the government has relaxed the planning laws which makes the policy ineffective. Eastbourne Borough Council believes the policy and the protection it brings to the pub in the local community is still relevant and needed.</p>				
3. Does your authority regard pubs as suitable premises to be considered for inclusion on the new Assets of Community Value Lists? <i>Please note any further comments below.</i>	√			

<p>Eastbourne Borough Council considers pubs are suitable premises to be included on Assets of Community Value Lists in order to give communities more opportunities to take control of the assets and facilities important to them and to ensure that if an asset is listed and then comes up for sale it allows the community 6 months to put together a bid to buy it.</p>				
<p>4. How satisfied are you that the existing planning regulations give sufficient protection to public houses from change of use or demolition? <i>Please note any further comments below.</i></p>				√
<p>The current permitted development rights afford no protection to the demolition or change of use of pubs to A1, A2 and A3 uses.</p>				
<p>5. Would you support a change in planning regulations to require planning permission to be in place before a public house can be demolished? <i>Please note any further comments below.</i></p>	√			
<p>6. Would you support a change in planning regulations to require planning permission to be in place before a public house can be converted into a mini supermarket store, a betting shop or a pay day loan store? <i>Please note any further comments below.</i></p>	√			
<p>7. Do you believe that existing Article Four powers, which allow authorities to withdraw permitted development rights, are adequate to enable councils to better protect pubs? <i>Please note any further comments below.</i></p>				√

Article 4 Directions do not prevent development from taking place they just require planning permission to be sought for it. In addition, if permission was refused for a development that would normally be acceptable under permitted development rights were it not for an Article 4 Direction, then the Local Planning Authority may be liable to pay compensation to those whose permitted development rights have been withdrawn. This could be a considerable sum and constrains the LA from using the Article 4 powers effectively when it involves commercial activity that could require a large compensation payment.

8. Has your authority used Article Four powers to withdraw permitted development rights for a pub or other community asset? <i>Please note any further comments below.</i>				
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No.

Finally, does your authority have any examples of good practice in supporting pubs that you'd like to tell us about? If so, please write your thoughts in the box below.

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Thank you for taking the time to complete this survey.