

Camden Planning Guidance

# Community uses, leisure facilities and pubs

March 2018



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## 1. Introduction

### What is Camden Planning Guidance?

- 1.1 The Council has prepared this Camden Planning Guidance (CPG) on Community uses, leisure facilities and pubs to support the policies in the Camden Local Plan 2017. This guidance is therefore consistent with the Local Plan and forms a Supplementary Planning Document (SPD) which is an additional “material consideration” in planning decisions.
- 1.2 This document should be read in conjunction with and within the context of the relevant policies in the Camden Local Plan 2017, other Local Plan documents and other Camden Planning Guidance documents.
- 1.3 This document was adopted in March 2018 and replaced the Community facilities section of CPG 8 Planning obligations (July 2015).

### Community uses, leisure facilities and pubs in Camden

- 1.4 This Camden Planning Guidance provides details of how the Council will protect and enhance community, cultural, leisure and pub provision in the Borough. It relates to the following policies in the adopted Camden Local Plan (2017):  
  

Policy C2	Community facilities
Policy C3	Cultural and leisure facilities
Policy C4	Public houses
- 1.5 These facilities and services can help to enhance quality of life, improve personal health and well-being and deliver a sense of community. The Council wants to ensure a growing population does not have an unacceptable impact on the provision of these facilities. Existing facilities can also be vulnerable to changes of use and redevelopment due to the high values that can be released from such proposals, in particular from housing schemes. These values are expected to continue to rise.
- 1.6 Planning decisions will take into account the impact of development schemes on existing and future users of facilities and services, including people belonging to a protected group<sup>1</sup>. This is because certain groups may particularly benefit from access to community, cultural and leisure facilities such as the young, elderly, ethnic and religious groups and Lesbian, Gay, Bisexual and Transgender users. These facilities can provide vital support by providing meeting spaces, helping to foster community cohesion and support diversity.

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<sup>1</sup> Under the Equality Act 2010, the Council is required to assess the impact of proposals against the ‘protected characteristics’ of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, sex/gender and sexual orientation.

- 1.7 The Council also recognise that the way floorspace is operated and services are delivered changes over time. New technologies, innovation and changes in preferences and expectations affect the type and quantum of floorspace that is needed over time. The clustering and shared use of facilities can provide benefits for their users and the disposal of premises and sites which are expensive to maintain or underused can generate funding to invest in better quality floorspace. In a similar way, there is a need for cultural, leisure and pubs to adapt to the changing needs of their users. However, the heritage and associations of existing venues, their contribution to townscape and social history and the way cultural and leisure venues often tend to cluster together means that retaining existing provision in situ will normally be the preferred option.
- 1.8 In this guidance, the term community facilities refers to a wide range of social infrastructure that provides a service to the community. This includes childcare, education, adult learning and training, healthcare, police stations, youth provision, libraries, public houses, community halls, places of worship and public toilets. The first part of the guidance addresses community facilities and is intended to support Policy C2 of the Camden Local Plan.
- 1.9 The second section of this guidance refers to cultural and leisure facilities, such as theatres, galleries and museums; live music, comedy and dance venues including nightclubs; and provision for indoor provision for sports and exercise. This should be read in conjunction with Policy C3 of the Local Plan.
- 1.10 The third section of this guidance relates to public houses. This supports Policy C4 in the Camden Local Plan, and the approach is intended to be consistent with the Council's broader approach to protecting community uses that enhance quality of life and improve wellbeing by strengthening social networks and the sense of belonging.

## 2. Community facilities

### KEY MESSAGES

- We will ensure that development makes appropriate contributions to community facilities based on the needs generated.
- The Council will address the cumulative impacts of development on community facilities using funding from the Community Infrastructure Levy (CIL).
- We may also seek section 106 planning obligations for provision on large scale major developments and towards the provision of enhanced primary care provision, where this is required.
- We wish to ensure that premises in community use are retained but recognise that the floorspace needs of individual services are influenced by changing operational practices and the use of technology.

### What does this guidance cover?

2.1 This guidance relates to the application of Policy C2 of the Local Plan, which seeks to ensure the impact of development on community facilities is satisfactorily addressed and that existing community uses are given appropriate protection through the planning process. The guidance explains how the Council will:

- Manage the impact of development on existing facilities;
- Ensure new community provision addresses need;
- Assess proposals involving the loss of community facilities, including guidance about changes affecting the delivery and operation of facilities and services.

### Managing the impact of development on existing facilities

2.2 New development and population growth can lead to increased pressure on Camden's existing community facilities and infrastructure, either cumulatively or individually. Without mitigation of this impact, deficiencies in service provision would arise and the quality of existing facilities and services be harmed. Policy C2 of the Local Plan sets out how the Council will ensure that there is provision of community facilities to meet the needs of a growing population and safeguard against the loss of viable community facilities.

2.3 The Council began collecting the [Community Infrastructure Levy \(CIL\)](#) on 1 April 2015 and over the plan period, this is expected to provide funding towards

community infrastructure projects identified on the Council's CIL funding list (also referred to as the Regulation 123 Funding List). 75% of CIL collected in Camden will be spent on borough-wide infrastructure needed to support growth. The Council has committed to use the first £22 million of this 'strategic' element of CIL to fund highways and schools improvements in the Council's Capital Spending Programme. 25% of the CIL will be spent on local projects, guided by priority lists drawn up for each ward in the Borough. The 'local' CIL is expected to fund improvements to community facilities, ensuring that the cumulative impacts of development are satisfactorily addressed. The Council will use CIL to fund provision such as additional school places.

- 2.4 For large, major development schemes, according to the threshold below, the Council may use [Section 106 planning obligations](#) to secure financial contributions to address the site-specific needs of a scheme. Depending on the availability of existing provision, this will be used to fund either the provision new community facilities, land for facilities or the expansion of existing facilities and services. We will expect facilities to be provided on the development site or for alternative provision to be made in the locality. We will also require a payment towards the maintenance and running costs of additional provision to serve the development. This will normally be for a period of ten years. In exceptional cases, where a community facility is to be lost as a result of a development, the Council may also secure a planning obligation to address any shortfall in provision.

The Council will seek Section 106 obligations for community provision in the following circumstances:

- On major residential and mixed-use schemes providing 200+ net additional dwellings
- For developments providing 10+ net additional dwellings, contributions towards primary care provision, subject to the capacity and quality of existing facilities in the local area.

- 2.5 To ensure that resources are used efficiently, the Council will also consider whether there is scope to refurbish or reconfigure an existing facility to accommodate greater capacity. Where provision is made off-site, catchment distances will be applied flexibly taking into account physical constraints and the unique way in which different types of community facilities are used. In some cases, for example a location where a cluster of major developments is anticipated to come forward, the Council may seek to pool funding to secure land within the most appropriate site. Where this occurs, financial contributions will be required from the other landowners in the cluster to offset the opportunity cost of the owner of the land secured for the provision of a new community facility.

- 2.6 Where a facility is anticipated to generate a large number of visits or attract people from a large catchment area, we would expect it to be provided in areas of the Borough with the best accessibility, i.e. Central London or the town centres of Camden Town, Kentish Town, Kilburn High Road, Swiss Cottage/Finchley Road and West Hampstead.

### **Ensuring new community provision addresses need**

- 2.7 The nature and level of needs arising from individual schemes will be informed by the Council's consultation with relevant service providers and needs identified in strategies prepared by the public and voluntary sector. For healthcare facilities, regard should be had to the [Joint Strategic Needs Assessment](#), which describes the current and future health and wellbeing needs of the local population and identifies priorities for action. The NHS is also assessing how demands on its services can be managed in the medium to long term as both growth in population and expectations around service delivery increase. This is leading to the production of Sustainability and Transformation Plans, of which one element relates to the premises needed to support efficient and effective services. For education provision in the Borough, we will take into account the Council's school place planning assessments. Camden's school place planning reports can be found via Camden's open data portal (<https://opendata.camden.gov.uk/>).
- 2.8 An important consideration is the funding arrangements for any new or expanded provision over the long-term, including the cost of maintenance and management. The pressure on Council budgets mean that difficult choices are having to be made in relation to providing community facilities. The Council will seek assurances that floorspace will be used by community groups in perpetuity and will negotiate the provision of subsidised rents where this is necessary to ensure that a facility meets its intended needs. Where the Council is unable to enter into an agreement to meet the ongoing revenue costs of a facility itself, we will expect the applicant to demonstrate how the future of the facility will be secured.
- 2.9 Where new floorspace is provided, applicants should provide plans showing the design, layout and fit out unless the Council agree that this is not required. This will ensure that new facilities satisfactorily address the needs of its intended users and the wider community. We also expect proposals to have involved the community in shaping new provision and services. This includes Neighbourhood Forums where they exist. We may also request impact assessments to examine the implications of a scheme on local services, e.g. educational and health provision. Where replacement provision is provided to mitigate the loss, it must be demonstrated to the Council's satisfaction that this will meet the end users' needs.

### **Assessing proposals involving the loss of community facilities**

- 2.10 Local Plan Policy C2 has a presumption in favour of retaining existing community facilities. Where it is considered that a facility is no longer required, the Council will expect the following information:

- Details of other community uses for which there is an identified need in the locality (within a radius of 400m of the premises/site subject to the planning application) which could reasonably be accommodated from the existing premises/site. Details should be provided of consultation with public and community service providers, including Camden Council, to establish their needs and accommodation requirements;
- A report demonstrating that there is no demand for a community use despite continuous marketing at a reasonable rate for a period of 12 months. The sales price/rent should reflect rates generally paid by community groups or voluntary organisations and be agreed with Camden Council.
- Copies of the marketing literature to be supplied to the Council.
- Expressions of interest to be recorded and full reasons given as to why any offer was not accepted.

- 2.11 An exception to the undertaking of the marketing exercise is where development is part of an agreed programme of social infrastructure re-provision to ensure the continual delivery of services and this can be evidenced through a service delivery strategy.
- 2.12 Bodies in the public and voluntary sector, including Camden Council, are looking to dispose of premises and sites in community use which are underused, difficult to access or expensive to maintain. Proceeds from the sale of assets are re-invested to refurbish existing facilities or to build modern, fit-for-purpose facilities. These re-provision programmes will often seek to improve operating efficiencies and the experience of users, for example by bringing multiple, and complementary services, together under one roof.
- 2.13 New technologies also mean that the amount of floorspace required by service providers is less significant than in the past. While physical infrastructure will still be important, increasingly services can be accessed remotely due to improved IT and data speeds. Staff can also support service users from hubs or at home. Users can access advice and data much more easily through ‘smart devices’.
- 2.14 The Council will take into account these issues when assessing proposals involving the loss of community floorspace. This is in line with paragraph 3.87A of the London Plan that acknowledges that the loss of social infrastructure, including in areas of defined need, may be acceptable to ensure the continued delivery of social infrastructure and related services.

### Provision of faith facilities

- 2.15 It is evident from the Council’s Infrastructure Study (updated in 2015 as part of the Camden Local Plan Evidence Base) that there is an unmet need for faith facilities in the Borough and the condition of some existing buildings is poor while congregations continue to grow. For people of faith or belief, good quality and flexible facilities can confer a sense of belonging and wellbeing and may provide a range of services,

advocacy and support for their users. The Council welcomes investment by faith communities to develop new space to meet or worship, subject to compliance with relevant planning policies. From a planning perspective, it is important to ensure that where new provision is proposed, the scale and impact of the scheme is appropriate in the context of the surrounding area. A particularly important consideration for the Council will be to assess the likely intensity of use, how far people need to travel to access the facility and its hours of operation. The Council will expect applicants to submit information setting out the frequency of key activities and likely levels of attendance.

- 2.16 The Council has developed in conjunction with Camden's citizens, partners, businesses and staff "[Our Camden Plan \(2018-2022\)](#)". This states the importance of Camden being a cohesive and integrated borough "where different communities have opportunities to come together and celebrate diversity and shared values". The Council will therefore seek proposals which provide shared facilities for people of different faiths and beliefs and which provide opportunities for day-to-day users of the faith facility to come together with the wider community, acknowledging their common values. The [Camden 2025 Vision](#) identifies the importance of buildings and development in the Borough being open and accessible for everyone. Policy C2 of the adopted Camden Local Plan similarly stresses the need to achieve the efficient use of community facilities and multi-functional community facilities capable of providing a range of services to the community from a single location. To ensure that the transport and amenity impacts of new floorspace is minimised, the Council would normally expect such provision to be close or accessible to the community it is intended to serve. The Council will expect developments likely to attract large numbers of people to be located on sites in town centres.

### 3. Cultural facilities and leisure

#### KEY MESSAGES

- We wish to see Camden's cultural and leisure offer sustained and enhanced. Where proposals involve the loss of these facilities, the Council will take into account the social and economic benefits provided by these facilities.
- The Council will require evidence to justify the loss or change of use of a cultural or leisure facility.

#### What does this guidance cover?

3.1 This guidance relates to the application of Policy C3 of the Local Plan, which seeks to ensure that valued cultural and leisure facilities are adequately protected through the planning process. It explains the contribution these facilities make to Camden and how the planning process will consider developments that may affect their continuing operation. The guidance has the following sections:

- Why culture and leisure are important to Camden;
- The need to retain cultural and leisure facilities;
- Proposals for the loss of a cultural or leisure facility;
- Agent of Change;
- Specific cultural and leisure uses.

#### Why culture and leisure are important to Camden

3.2 Camden has an extremely rich cultural and leisure offer that contributes enormously to our residents' quality of life and draws people from the rest of London, the UK and throughout the world. These attractions, such as the live music venues, make Camden a vibrant place and provide a huge contribution to the borough's character and identity. This range and diversity is illustrated on the Love Camden website ([www.lovecamden.org](http://www.lovecamden.org)). In line with the London Plan, Camden will seek to protect, promote and enhance the special characteristics that draw visitors to the West End (about a third of this area is within this Borough).

#### The need to retain cultural and leisure facilities

3.3 The Council will normally seek to retain existing cultural and leisure facilities. There is a strong and thriving cultural scene in the borough, particularly in Camden's part of the West End and Camden Town. Part of this success arises from its diversity and the range of spaces that support new and emerging artists and talent. The ability to successfully reprovide cultural uses is constrained by the difficulty of replicating the experience and atmosphere provided by an established venue and the tendency for cultural facilities to prosper through their clustering close to one another. Many long-standing cultural facilities were designed specifically for art and performance and in heritage terms, their public use for entertainment contributes substantially to their

significance. The most prestigious venues are located in prominent locations within centres and often feature highly attractive external architectural detailing and opulent interior furnishings.

- 3.4 There is a range of indoor sports facilities in the Borough. They are well used and the [Camden Open Space, Sport and Leisure Study 2014](#) demonstrated that there are no areas of surplus provision. There is pressure on existing facilities in much of the borough, exacerbated by Camden's very high student population and the increasing popularity of after-work sport and fitness. Many facilities have to cater for a diverse range of users which can include school children, students, professional athletes and people needing to improve their fitness in response to health problems.

### Proposals for the loss of a cultural or leisure facility

- 3.5 Any proposals involving the loss of a cultural or leisure use must be accompanied by a marketing exercise and viability assessment that considers the ability of the premises or site to accommodate alternative cultural or leisure uses unless the Council confirms in writing that this is not required. The range of uses included in the marketing exercise must be agreed by the Council in advance. The value of these uses will also need to be agreed by the Council who will seek advice from an independent valuer, that the applicant will be expected to fund.
- 3.6 Where a replacement cultural or leisure facility is to be provided outside of the application site, the applicant should demonstrate to the Council's satisfaction that the replacement facilities are at the same standard or better than those lost, and that the new location will be easily reached by users of the facility.
- 3.7 We will also take into account any relevant factors about the impact of the proposal where the building is an existing heritage asset. As many of cultural and leisure buildings were custom-built for a particular end use and to provide an experience for people using them, their value can be greatly diminished through conversion to an alternative use.
- 3.8 The Council is limited in its ability to control or influence changes of use within the same use class as planning permission is not required. We will, however, where possible seek to resist proposals that would harm the Borough's diversity of provision or weaken its cultural or leisure offer. In particular, we will seek the retention of spaces that support protected groups, such as ethnic minorities and lesbian, gay, bisexual and transgender (LGBT) communities or that underpin the unique character and identity of a cluster of uses, such as Denmark Street ('Tin Pan Alley') and Camden Town. We also recognise that some cultural and leisure facilities are particularly valued because they serve a specialist audience or market (e.g. comedy clubs and heavy metal bars) and many visits will be made from outside the local area.
- 3.9 The Council will also seek to retain ancillary space that supports the creative sector, e.g. artist studios, rehearsal rooms and essential storage space and will expect suitable alternative uses to be considered. This supporting infrastructure helps venues to function effectively and sometimes is provided at an affordable rate, but increasingly is being displaced from inner London.

## Agent of Change

- 3.10 The Council will also carefully consider the impact of proposals involving the development of sensitive uses, such as housing, in proximity to existing cultural and leisure venues. It is recognised that many venues have licenses allowing them to operate late at night/into the morning and their capacity means there will be particularly busy periods when people enter or leave the premises. We will resist proposals that are likely to jeopardise the ability of a cultural or leisure venue to operate effectively, taking into account any previous history of noise complaints.
- 3.11 Under the ‘Agent of Change’ principle, the party responsible for the ‘change’ is also responsible for managing the impact. If a music venue is in place prior to a residential development, the applicant would be financially responsible for mitigation measures to ensure that existing noise or light pollution can be managed to an acceptable standard. This is in line with paragraph 123 of the National Planning Policy Framework (2012): *“decisions should aim to: recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”*. Applicants should consider how any noise affecting occupants can be managed through the internal layout of buildings (i.e. where habitable rooms are located) and soundproofing measures. The Council may additionally seek to negotiate contributions towards improving the noise insulation of an existing venue, taking into account any record of harm caused by the use. If it is likely that future noise levels cannot be managed to an acceptable level, it may be necessary for a proposed development to be refused planning permission.

## Specific cultural and leisure uses

### Live music venues

- 3.12 A significant concern for the Council is the vulnerability of live music venues to redevelopment or a change of use. These facilities are often located in highly accessible locations and based in landmark buildings. There is a pressure for venues of all sizes to be converted or demolished to provide other uses, particularly housing. The Council will seek to protect music venues taking into account their social, economic and cultural contribution. We will also seek to apply ‘the Agent of Change’ principle (as set out in paragraph 3.11 above) to ensure schemes provide a level of noise mitigation commensurate with protecting the amenity of future occupants and safeguarding an adjoining venue from unacceptable impacts on its operation. Some venues have been instrumental in shaping Camden and London’s cultural character and social history over many years and their loss is likely to be detrimental to the borough and city’s identity and atmosphere. They also help to bring large numbers of visitors from the rest of the UK and around the world. The Council will also take into account any record of harm caused by a venue on its surroundings, including impacts on neighbours, when making planning decisions.

## Nightclubs

- 3.13 The mixed-use nature of many parts of Camden is intrinsic to its character and interest. The way these environments are experienced and used can gradually transform during the evening and at night. Successful cities are able to encourage people from all ages and backgrounds to enjoy the attractions on offer. Nightclubs are a key attraction for visitors and tourists and form a backbone of the night time economy and should be retained where they are managed in a considerate and effective way and there are no overriding detrimental impacts on the amenity of those living nearby and the surrounding area. The Council will continue to seek to ensure nightclubs remain part of Camden's night time by securing mitigation measures, for example the use of noise insulation and management plans, applying the 'Agent of Change' principle as set out in paragraph 3.11 above.
- 3.14 Where there is an application for a new nightclub or proposed extension or redevelopment of an existing venue, the Council will seek to ensure there is no unacceptable increase in noise experienced in the surrounding area and that proposals are located in existing centres. Licensing controls, such as cumulative impact policies, are likely to restrict the ability for new nightclubs to operate in some parts of the Borough. See Camden's ['Statement of Licensing Policy'](#).
- 3.15 Where proposals involve the loss or conversion of a nightclub, the Council will take into account the social, cultural and economic benefits provided by the use. We will also consider any evidence regarding the impact of the club on neighbours and the character of the area. Social and economic benefits include the jobs generated and the opportunities for people to socialise in a safe and managed environment, particularly young people. The evening and night time economy provides young Londoners with the opportunity to build their social networks at a critical stage early in their career. A facility may be important in generating support and a sense of belonging for its users. The range of Camden and London's nightlife also draws income for other businesses in the supply chain or based in town centre locations. Some clubs by virtue of their longstanding presence in supporting live music and in breaking talent have acquired a cultural significance and renown far beyond Camden's boundary.
- 3.16 The Mayor of London's draft 'Culture and night time economy' Supplementary Planning Guidance (2017) identifies the benefits provided to London by a vibrant night life and seeks to retain existing facilities. The aim is for the night time economy to grow and become more diverse but in the context of a balanced approach that recognises that many people have homes in Central London. 'Charing Cross Road part, Tottenham Court Road part', 'Covent Garden/Strand' and Camden Town are identified as night time clusters providing benefit for Londoners.

## Theatres

- 3.17 The Council recognises the contribution that theatres make to Camden's character both in Central London and our town centres, where they have an important cultural and leisure role. There are also a small number of community and local theatres and performing spaces, outside of centres, which are also highly valued. We will protect

theatres that are suitable for continued theatre use from being converted to another leisure use or any other use.

### **Indoor sports facilities**

- 3.18 Policy C3 of the adopted Camden Local Plan includes protection for premises used for indoor sports provision. Where a proposal involving the loss of an existing indoor sports facility does not provide suitable and accessible provision elsewhere, the Council will expect the applicant to explore the local need and viability of alternative sports uses through the marketing exercise. The Council will expect the applicant to demonstrate there not a need for alternative sports provision in the local area that the facility/site would be capable of hosting on a sustainable financial basis. These alternative sports uses should be appropriate for the size of the existing site and location and be agreed with the Council before the marketing commences.
- 3.19 When considering the need for provision for individual sports, the Council will take into account the nature and quality of provision that is currently available elsewhere in the local area. In determining relevant catchment distances, the Council will expect applicants to identify provision in the ward in which the existing sports facility is situated as well as in adjoining wards (wards immediately outside the borough boundary should be included, where relevant). Any new or refurbished sports provision should meet the relevant standards for facilities set out by professional sports bodies.

## 4. Public houses

### KEY MESSAGES

- We will apply a presumption in favour of retaining pubs, and their associated facilities, where they meet the needs of the community or protected groups.
- Robust evidence will be required to demonstrate that all reasonable options have been thoroughly explored where the loss of pub floorspace is proposed.
- Proposals involving the partial loss of a pub will be carefully scrutinised to ensure this does not put at risk the ability of the retained pub to operate successfully.

### What does this guidance cover?

- 4.1 This guidance relates to the application of Policy C4 of the Local Plan, which seeks to safeguard public houses of community, heritage and townscape value. It explains:
- The need for protecting pubs through the planning system;
  - How pubs support strong communities;
  - Policy context;
  - What evidence will the Council seek for pub applications?;
  - How will the Council consider proposals involving the partial loss of the pub?;
  - Article 4 Directions.

### The need for protecting pubs through the planning system

- 4.2 Pubs in the borough, even where they are well-used and trading successfully, are vulnerable to being lost due to the development value that conversion of the premises to other uses can realise. Pubs are often located in attractive, prominent locations in the heart of the community and operate from buildings distinguished by the quality of their architectural design and detail. A number of pubs are also heritage assets in their own right. As they tend to occupy reasonably large plots, sometimes with a beer garden or yard, there is sufficient capacity to convert or redevelop a pub to provide several new dwellings or a small supermarket.
- 4.3 From 2011-16, a total of 18 planning applications in Camden have involved the loss of pub floorspace to housing. 13 of these have resulted in the loss of the entire public house. However, the actual loss of pubs in Camden is likely to be higher due to the conversion of pubs to other uses, such as shops or cafes, under nationally set permitted development rights which allow changes of use without planning permission.

## How pubs support strong communities

- 4.4 Many pubs in Camden provide valuable space to support recreation and leisure activities such as live music, comedy nights, pool and darts leagues, parties and celebrations, theatre, political debate, community meetings and quizzes. They also add diversity and interest to Camden's town centres and shape the identity of the area, particularly in Camden Town where there is a synergy between public houses and the live music venues in the area. Pubs bring life to the evening economy, provide jobs, both directly and indirectly through the supply chain, and attract visitors and tourists to the Borough.
- 4.5 Pubs in Camden support the health and well-being of protected / minority groups, for example older and LGBT communities, by providing social and safe spaces in which people can meet. Pubs may also cater for different users at different times of the day (e.g. students and workers from local businesses). Along with other community facilities and services, public houses are a building block for a sustainable community.
- 4.6 Communities in Camden have been particularly active in campaigning to retain cherished pubs. This has been demonstrated by the numbers of pubs that have been nominated by community groups as Assets of Community Value (ACVs).<sup>2</sup> Camden's register of ACVs can be found at <https://opendata.camden.gov.uk>. During the preparation of the Camden Local Plan, residents and community groups stated they wished to see the policy protecting pubs strengthened. Individual planning applications involving the loss of pub floorspace have generated particular attention from residents concerned about the impact of proposals on their quality of life.

## Policy context

- 4.7 Policy C4 of the Camden Local Plan builds on national and London planning policies that have also acknowledged the value provided by the public house. The National Planning Policy Framework (NPPF, 2012) identifies pubs as a service which can enhance the sustainability of communities and residential environments. It states that local planning authorities should "guard against the unnecessary loss" of valued facilities and services, particularly where this would reduce a community's ability to meet its day-to-day needs. The NPPF also advises that planning decisions should promote opportunities for meetings between members of the community who might otherwise not come into contact with each other.
- 4.8 Policy 4.8 of the London Plan 2016 also promotes sustainable access to the goods and services that Londoners need. Pubs contribute to 'lifetime neighbourhoods' that are welcoming, accessible and inviting environments that provide facilities available to all, regardless of age, health or disability. The Mayor of London's Draft Culture and Night time Economy Supplementary Planning Guidance (2017) identifies the social and cultural role performed by pubs, the support they provide to cultural clusters and to the wider economy. It draws attention to concerns about the upper

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<sup>2</sup> Assets of Community Value further the social wellbeing or social interests of the local community and can be public or privately owned buildings or land. Should the asset come up for sale, community groups have six weeks to submit an expression of interest to the local authority. They then have a further six months to put in an offer to the owner. Owners have to consider the offer but do not have to accept it.

floors of pubs being used to provide residential accommodation for occupants “likely to have different expectations of amenity”.

### **What evidence will the Council seek for pub applications?**

- 4.9 The Council wishes to see the long-standing cultural and social value of pubs and their benefit in shaping the identity and character of their area recognised through the planning process. While Local Plan Policy C4 accepts that it will not be realistic to seek protection for all pubs in the Borough, it is important that proposals involving the loss of pub floorspace are properly assessed in terms of their planning impacts.
- 4.10 The guidance below sets out how applicants will be required to justify their proposals for the change of use, conversion or redevelopment of pubs.
- 4.11 Criterion a of Policy C4 states that proposals must demonstrate to the Council’s satisfaction that they would not result in the loss of pubs 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. Reference to ‘equivalent’ (not just alternative pub facilities) in the area is necessary to ensure features of particular social utility are not lost unnecessarily. A pub with performance spaces, meeting room, beer garden, dining room or other ancillary uses such as B&B accommodation cannot be substituted by another pub which does not offer the particular feature.
- 4.12 The evidence required to satisfy criterion a is as follows:
- A community survey unless the pub is already included on the Council’s register of Assets of Community Value, and
  - Information regarding existing public houses and their facilities in the area served by the pub that is subject to the proposed scheme.
- 4.13 Criterion b states that proposals must demonstrate to the Council’s satisfaction that 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.
- 4.14 The evidence required to satisfy criterion b is as follows:
- A marketing exercise, and
  - A viability assessment
- 4.15 Other evidence required may include information relating to:
- The historic and architectural value of the pub
  - Proposals for the partial loss of the pub.

### **Community survey**

- 4.16 The Council wishes to retain social infrastructure that is highly valued by the community. However, the community benefit provided by a pub and its value to the community can often be difficult to quantify. It is important that the local community is given an opportunity to comment on their use of the public house and the benefits it

provides (for proposals involving a public house serving a protected group, please refer to the end of this section). Applicants should seek the community's views on the potential loss of the public house.

- 4.17 The Council will expect applicants to submit evidence of a local consultation exploring the pub's community role. As a minimum, the consultation exercise should meet the following:
- The proposed engagement strategy and questionnaire should be agreed with the Council in advance.
  - As a minimum, all residents and businesses within a 400 m catchment of the pub should be sent the questionnaire with a freepost envelope provided. A smaller catchment may be appropriate where there are significant barriers to movement, such as railway lines, in which case an alternative catchment area should be agreed with the Council.
  - Additionally, copies of the questionnaire and envelope should be provided for local libraries and other local community buildings. An option should also be provided to complete the questionnaire on-line.
  - The consultation period should not be less than 28 days.
  - Applicants should identify and consult with key stakeholders within the area including Council ward members and the neighbourhood forum where one exists.
  - There will be no requirement to include responses where an address has not been provided.
  - A report should be submitted with the planning application setting out the findings of the community survey.
  - The Council will make copies of this report publicly available.
- 4.18 The Council will consider any pub that has been registered as an Asset of Community Value has already been recognised as having an important community role. We will, therefore, not require a community survey in this circumstance.
- 4.19 The minimum requirements set out above for the community engagement strategy are unlikely to be effective when considering a public house that supports a 'protected community' because the pub's customers may extend over a much wider geographical area. In such cases, a bespoke engagement strategy will need to be developed. This might employ a range of methods to seek opinion including social media or 'vox-pops' at other venues/facilities in London that serve the relevant group. Flyers or hard copies of questionnaire should be provided at various locations. A description of the engagement strategy and a summary of the responses received should be presented as a written report alongside the planning application.

### Information on the availability of existing public houses and facilities

- 4.20 A key issue in determining whether the loss of a public house is acceptable is the availability of equivalent alternative pubs and facilities within the vicinity of the public house. The applicant will therefore be required to submit information about other pubs trading within 400m of the public house that is the subject of the planning application. This should include the following information:
- Name, address and mapped location of the public houses and an estimate of their maximum available capacity.

- Details of the facilities and services they provide including meeting/function rooms, beer gardens, the availability of food and staff living accommodation and the range of community activities they support.
- Details of any licenses for entertainment/events/performance/sports.
- Whether there are any barriers that could affect the use of the pub by people with reduced mobility.

### Marketing exercise

4.21 To determine whether the loss of a public house is acceptable, it must be marketed at an offer price consistent with its current use as a public house and for alternative community uses (which is the Council's preferred alternative use if there is no continuing interest in the operation of a pub from the site). The marketing exercise must meet all of the following requirements:

- The marketing period is a minimum of 12 months.
- Both leasehold and freehold options for the pub should be made available. These should be without a 'tie' requiring the purchase of drinks through the vendor and without restrictive covenants that would prevent other pub operators or community groups from taking over the premises and trading it as a pub.
- The pub should be marketed in a condition that allows the premises to continue functioning as a pub. The bar, kitchen and toilet facilities should therefore be retained for the duration of the marketing exercise.
- Alternative community uses should be facilities for which there is currently a need in the local area.
- Details should be provided to the Council of the company/person who undertook the marketing exercise.
- The Council will need to agree the value of the pub. We will seek a valuation by a RICS accredited valuer with expertise in the licensed leisure sector who is independent of the selling agent, which the applicant is expected to fund.
- Applicants should submit full details of the methods used to market the property to the Council, including copies of advertisements in the local and trade press, details of adverts placed on websites, use of mailshots, sales literature, e-mails, use of specialised licensed trade agents etc..
- The Council will expect a for sale / for rent signboard to be erected on the exterior of the property for the duration of the marketing exercise unless the Council specifically agrees otherwise. Dated photographs of the signboard are to be provided to the Council.
- Details of all approaches and offers should be provided to the Council together with full reasons as to why any offer has not been accepted. The Council will require confirmation of the names and contact details of all parties expressing an interest or viewing the premises to allow their identity and veracity to be checked.
- The value of the pub should relate to the business in its entirety and not to just parts of it, for example the building without its beer garden.

## Viability Assessment

- 4.22 The marketing exercise should be accompanied by a viability assessment which considers the ability of the pub to continue to trade successfully. The viability assessment should meet the following requirements:
- The last three full years of audited accounts to be submitted to the Council.
  - The barrelage (number of casks of draft beers and ciders) over the same three years if available.
  - Evidence of the amount of 'dry rent' (the rent paid for use of the premises) and the amount of 'wet rent' (the difference between what the pub's operator is required to pay the landlord for their draft supplies and what they would have to pay to a cash and carry free of tie) if applicable.
  - Details provided of all reasonable efforts made to preserve the continuing operation of the facility as a public house and how this has affected the pub's trading performance. Examples of initiatives or proposals include:
    - Improving the existing hot / cold food or drinks offer, e.g. by adding a kitchen and serving food with or without a dining area;
    - Providing events or entertainment beyond what is currently offered;
    - Adoption of alternative pub 'formats', themes or styles;
    - Changes to operating hours;
    - Attracting new communities/users;
    - Refurbishment or expansion of the pub;
    - Providing B&B accommodation;
    - Setting up of a micro-brewery;
    - Community management and ownership of the pub;
    - Other management models.
  - Implemented changes should be evidenced, wherever possible, through the provision of signed, written statements by the manager/owner, correspondence with customers/suppliers/staff; invoices for works carried out and dated photographs for the comparison of facilities.
  - Include a signed, written statement from the manager/owner to confirm that the public house has been operated on a positive basis to sustain its continuing use.
  - Explanation of why it is not economically viable to retain the premises as a pub or an alternative community use for which there is a need in the local area. All feasible options for retaining the public house in the medium term should be thoroughly examined, i.e. over a period of not less than five years.
- 4.23 The Council will appoint a RICS accredited valuer with expertise in the licensed leisure sector and independent of the selling agent to undertake a peer review of the viability assessment. This will be funded by the applicant.
- 4.24 The viability assessment submitted with the planning application should be treated transparently and will be made publically available by the Council alongside other application documents. The Council will allow for exceptions to this in limited circumstances and only in the event that there is a convincing case that disclosure of an element of the viability assessment would cause harm to the public interest to an

extent that is not outweighed by the benefits of disclosure. If an applicant considers that an exceptional circumstance is likely to arise, this should be raised at an early stage in the pre-application process. In assessing the future operating potential of a public house, it may be helpful to refer to “The Public House Viability Test” prepared by CAMRA (The Campaign for Real Ale), <http://www.camra.org.uk/campaigners>. This identifies a number of considerations, and summarised below, that are relevant to understanding a pub’s continuing viability:

- *Local trade*: geography/location, catchment area, planned developments, presence of a daytime working population;
- *Customer potential*: support given to community events & activities, character of surrounding area, role of tourism, publicity & communications/use of website;
- *Competition*: number of pubs within a reasonable walking distance, marketing (focus, themes) and format of pub (character, design, demographics etc.)
- *Flexibility of the site*: Ability to bring unused rooms or outbuildings back into use, ability to extend premises, maintenance regime
- *Multiple use*: inclusion of other services/amenities, e.g. community centre, post office, bed & breakfast.
- *Competition case studies*: factors contributing to the success of pubs in neighbouring areas.
- *The business – past and present*: role of management and engagement with the community, changes in management models/approaches, availability of trading figures, opening hours, presence of catering and other income opportunities, range of drinks, access to rate reliefs, condition (i.e. state of repair).
- *The sale*: where and how pub has been advertised for sale, impact of closure periods.
- *Partial loss of pub*: impact of reduced facilities on levels of trade; whether the attractiveness of the pub to future publicans would be affected by the loss of licensee accommodation.

4.25 The cost of restoring features integral to the operation of a public house, e.g. kitchen, bar, stages, toilets and staircases, will not be accepted as a reason for a lack of viability where these have been removed in the three years prior to the proposal.

### Alternative community uses

4.26 The Local Plan states that 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 should be assessed. The applicant should, therefore identify whether the public house would be capable of addressing other community needs for which there is a shortfall in the locality. Only uses which the building is capable of hosting should be considered, e.g. a nursery/crèche rather than space extensive uses. The impact of any alternative community uses on the significance of a pub’s heritage value must also be considered.

### The historic and architectural value of pubs

- 4.27 Many of Camden's pubs enhance the built environment and contribute to a strong sense of place. They can be familiar and distinctive local landmarks that help to reinforce local identity and provide a link back to the social and cultural history of an area. Many pubs were built to be the focal point of their locality, which holds true both for town centre pubs and those in residential streets. They are often among the most attractive and distinguished buildings in their area and represent a diverse and important stock of heritage assets. Therefore, it is important that they are protected against harmful or unsympathetic development that would diminish their character or significance.
- 4.28 Pubs often have attractive architectural detailing and distinctive signage, windows and internal fittings. They can also act as repositories of social history and may be connected to individuals and events of historical note. A number of pubs in Camden are listed buildings, identified as positive contributors to conservation areas or included on the 'Local List' of non-designated heritage assets. The Council will seek to retain significant features which contribute to the building's character and heritage value. Local Plan Policy C4 should be read in conjunction with Policy D2 which seeks to preserve the historic environment. Most historic pubs in Camden are either listed, locally listed or in a conservation area so the impact of development on the heritage value would need to be addressed in either a Heritage Statement or Design and Access Statement.
- 4.29 The social history and development of the pub is described in material prepared by Historic England, including "The Urban and Suburban Public House in Inter-War England, 1918-1939", available to read on the Historic England [website](#).
- 4.30 There may be pubs of heritage value in the Borough which are not listed and do not feature on the Council's local list. This is because the local list was based on nominations so not all buildings of interest will be included. If a building is not on the local list it can still be considered a non designated heritage asset and therefore its heritage value should be taken into account in decision making. The Council will expect applicants to independently assess the heritage value of any pub over 30 years old before an application for change of use or demolition is determined.

### How will the Council consider proposals involving the partial loss of the pub?

- 4.31 The loss of key supporting elements of a pub such as beer gardens, kitchens, meeting/function rooms and ancillary staff accommodation can undermine its long-term viability, its day-to-day ability to operate or its community role and appeal. This may also erode the character of the pub. There can be pressure to convert these spaces to alternative uses to realise their development value.
- 4.32 A critical concern for the Council is the net impact of such changes on the public house's offer and appeal. Applicants are not required to provide a viability assessment to justify the loss of features ancillary to the operation of the public house, although they may wish to do so to demonstrate that the loss of floorspace would not

be detrimental to the pub's commercial viability. The content of any viability assessment should be agreed with the Council.

- 4.33 Where two or more elements of the existing public house would be lost through a proposed scheme, the Council will require the applicant to undertake a community survey (except where the pub is registered as an Asset of Community Value) and an assessment of alternative pub provision in the locality. This should be in line with the evidence the Council will seek for proposals involving the loss of a pub.
- 4.34 It has become increasingly common in London for ancillary accommodation to a pub to be converted to self-contained residential accommodation. This is one factor that can affect the long-term viability of a pub. Where the Council considers that self-contained accommodation should be permitted, a robust package of mitigation measures will be sought which take account of the pub's ability to be able to continue to trade successfully. As a minimum, the Council will expect all future occupants of any self-contained accommodation to be made aware of the pub's licensing hours prior to the purchase (or letting) of the property. The Council may also seek additional assurances from the developer that future occupants of the accommodation are subject to non-objection clauses, removing their right to object to noise or vibration emanating from the pub.
- 4.35 Any accommodation must also provide a good living environment in terms of outlook and offer satisfactory access to daylight and sunlight. The Council will apply minimum space standards set out in the Mayor of London's Housing Supplementary Planning Guidance. In line with the 'Agent of Change' principle, the Council will expect developers to bear the financial responsibility for undertaking works to ensure that occupants of new self-contained accommodation are not affected by unacceptable levels of noise or odour. The mitigation must take full account of the range of activities held within the pub and its licensing hours.

## Article 4 Directions

- 4.36 The Council may also serve Article 4 Directions, where this is justified and necessary, to ensure that proposed developments affecting public houses are subject to planning permission by removing 'permitted development' rights. Details of Article 4 Directions that relate to individual pubs in Camden can be found [here](#).
- 4.37 Certain permitted development rights allowing drinking establishments, including public houses, to change use or be demolished without the need to apply for planning permission were removed in May 2017 (see Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017). As a result, most changes of use will require planning permission and the Council will apply its planning policies as relevant.