



Lewisham

Pubs in Lewisham 2017: Policy Review

Addendum to the 2012 study

December 2017

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1. Introduction

Background and purpose of this Review

- 1.1. Lewisham Borough Council recognise public houses (pubs) are considered to be important assets to the local communities, and have been part of the borough's history, serving district, and local centres. The borough's pubs have typically followed national, and regional trends, and in the last ten to twelve years, pubs have come under major threat for a number of reasons, causing a high level of closures.
- 1.2. In response to the pattern of heavy losses, Lewisham Council prepared a 2012 Evidence Base Report to review, the issues facing pubs, identify the reasons for decline, the relevant planning policy framework, the baseline data for pubs in the borough, and to prepare a draft local plan policy that will help protect viable pubs in the future.
- 1.3. Annually, since the 2012 Report, at the request of Council committees, there have been updates on pub closures, planning permissions, and appeals relating to pubs. At the end of 2016, it was requested for the pubs policy effectiveness to be reviewed, and recommendations for a policy update to be developed.
- 1.4. This policy review will provide an update to the 2012 Report, giving a 2017 snapshot of the pubs sector, refreshing relevant data and information, reviewing the current planning framework, and make a policy recommendation ahead of the new Local Plan, due to be prepared over the next 18 months.
- 1.5. This report is split into 7 other sections, each of these provide updated information on the 2012 Report, and additional annual updates. A summary of the sections is as follows:

Section 2 - Importance of Pubs: Highlights the roles of pubs in today's society.

Section 3 - Planning Policy Review Update: An overview of the current planning policy framework associated with pub protections. This chapter will incorporate any changes since 2012.

Section 4 - Literature Review: A review of the recent literature published on pubs since 2012.

Section 5 - National Market Trends: Provides a current overview of the national market trends of pubs, and highlights the issues facing pubs, and the opportunities to encourage revenue growth.

Section 6 - Local Market Assessment: Establishing an audit of pubs in Lewisham, identifying opening and closures, the locations of pubs, and the number of pubs per population.

Section 7 - Review of Planning Policy Decisions and Effectiveness: Highlighting recent planning permissions and planning decisions, analysing officer feedback on the implementation of DM Policy 20, and an analysis of the current policy.

Section 8 - Summary and Policy Recommendation: Given the outcomes of this report, the final chapter will summarise the findings of the report and make a policy recommendation.

2. Importance of Pubs

- 2.1 Expanding on the content in the 2012 Report, this chapter will highlight the importance of the role pubs have in the borough of Lewisham, and the contribution individual pubs can make to the local districts, and communities. This gives the overarching reasoning, and justification, to continually monitor, and review, the planning policy position to protect pubs.
- 2.2 Pubs are predominantly viewed as just a drinking establishment, where people go to relax, in a place that has a unique and historic appearance associated with its location. However there are further contributions a pub makes to a local community, and its customers. The key elements to this role are highlighted below.

The Environment and Platform for Social Interaction

- 2.3 There is a long history of the pub being the social centre of communities, which improves social relationships, providing the environment to bring together people of all different ages and backgrounds that may not associate themselves in wider public locations, and peer groups.
- 2.4 In current times, the pub provides two streams of social networking for all visitors, a place to socially interact with family, neighbours, the local community, and different groups of society. It can encourage conversation about interests, and the latest news, outside of the family home. The pub can also provide the opportunity to meet new people, and have a conversation with strangers, in today's pattern of working life, often people are too busy to interact.
- 2.5 Historically, and up to the present day, pubs also provide the casual environment to do business. Allowing multiple parties to build a rapport, and develop important discussions, in a more relaxed and personal environment (IPPR, 2012).¹

¹ Institute for Public Policy Research {IPPR}, (2012), Pubs and places: The Social Value of Community Pubs.

Creating Stronger Community Cohesion

- 2.6 An individual pub can be at the heart of a local community, providing a local meeting place for groups and clubs, a venue for entertainment, and a focus for social gatherings. Having these facilities, means groups and clubs in the local area can develop and grow (Mayor of London, 2017)².
- 2.7 Pubs also provide a point of contact for information on local events, local groups or businesses, and activities within the locality. This creates a hub of knowledge for the local community and a more informal place to go than a Council information centre, or searching for information online.
- 2.8 Pubs also have a long tradition of charity, it is estimated the average pub raises around £3,000 a year for charitable causes (IPPR Report, 2012)³.

Multiple Economic Benefits

- 2.9 In employment terms, pubs generate more revenue and jobs than some other sectors such as shops and supermarkets, per litre of beer sold. Pubs also generate more money in taxes as they have a higher level of duty charge on alcohol, than through supermarkets. The total level of tax raised from pubs is twice the amount raised from off-trade sellers, per unit of alcohol (BBPA, 2008)⁴.
- 2.10 The evening and night time economy, can make a major contribution to the vitality and viability of town centres, of which pubs play a considerable part. It generates jobs and improves incomes from leisure and tourism activities. In the UK, the evening and night-time economy accounts for between 10 and 16 per cent of a town centre's employment (Mayor of London, 2017)⁵.

Distinct Cultural and Architectural Value to a Local Area

- 2.11 Public Houses are found in a variety of architectural styles and characteristics which have developed over time and are often located in buildings of historic interest. Some will be Statutory Listed Buildings whilst others are on the Council's Local List. The appearance, character, and location, of Public Houses helps to define a place, and many High Streets, providing a landmark for people to meet, in central locations.
- 2.12 The traditional community pub has developed from the bottom up, as opposed to being designed by people with no connection to the local area beyond a commercial interest in the local drinks market. Due to the individual and organic

² Mayor of London, (2017), Culture & The Night Time Economy Supplementary Planning Guidance

³ Institute for Public Policy Research {IPPR}, (2012), Pubs and places: The Social Value of Community Pubs.

⁴ British Beer and Pub Association [BBPA] (2008) A Wake Up for Westminster: Economic trends in the beer and pub sector

⁵ Mayor of London, (2017), Culture & The Night Time Economy Supplementary Planning Guidance

nature of each Public House, the establishments can play a big role in making cultural activities in an area successful.

3. Planning Policy Review Update

- 3.1 This section provides a review of the national, regional, and local planning framework changes for the protection of pubs in Lewisham since 2012. This includes national legislation, legal protections, and planning policy.
- 3.2 The purpose of the review is to identify the context of pub protection, to understand the level of protection, the methods in which pubs can be protected, and the current role of the planning system.

Legislative framework

Use Class Order & General Permitted Development Order

- 3.3 The Town and Country Planning (Use Classes) Order 1987 (as amended) places uses of land and buildings into various categories called Use Classes. A public house is classified as an A4 use.
- 3.4 In May 2017, the General Permitted Development Order was amended to alter the permitted development rights that allowed demolition and the change of use of pubs (A4 Use Class) to any other A use class, this was removed under the Neighbourhood Planning Act 2017. There is an exception that allows an A3 use (restaurant) to work concurrently with a pub as a “drinking establishment with expanded food provision” within a new ‘AA’ Use Class.
- 3.5 As a result, all planning applications including a change of use of a pub to any other use requires a submission of a full planning application, and will be assessed against planning policy and other material planning considerations. This totally removes the loss of any public house under permitted development rights.

Table 1: Use Class Order and Permitted Development rights relating to A4 & AA drinking establishments (May 2017).

Use Class	Use / Description of development	Permitted Change
A4: Drinking establishments	Public house, wine bars or other drinking establishments (but not night clubs) – a premises where the primary purpose is the sale and consumption of alcoholic drinks on the premises	AA
AA: Drinking Establishment with Expanded Food Provision		A4

Article 4 Directions

- 3.6 The national legislation change of permitted development rights for the A4 use class has now superseded the practical use of an Article 4 direction for the protection of pubs, as permitted development rights no longer exist associated with a change of use.

Demolition of Buildings

- 3.7 The Neighbourhood Planning Act 2017 enforced the requirement for all pubs proposed to be demolished, to require a full planning application. Previously, any factory, office, school, hospital or other commercial building required approval. This also applies to pubs.

Listed Buildings and Locally Listed Buildings

- 3.8 Statutory Listed Buildings are listed by English Heritage for their special historical or architectural interest that require special protection. Once a building has been listed, planning permission is necessary for demolition, change of use or alterations. The number of pubs in Lewisham that are listed is shown in Table 2 below.

Table 2: Statutory Listed buildings that contain pubs (2017)

Name of pub	Address	Grade
The Five Bells	155 New Cross Road, SE14 6TJ	Grade II
The Fellowship Inn	Randlesdown Road, SE6 3HB	Grade II
The Royal Albert	460 New Cross Road, SE14 6 TJ	Grade II
The White Hart	184 New Cross Road, SE14 5AA (Was not on Historic England’s list)	Grade II
Capitol Cinema – JD Whetherspoon (formerly Jasmine Bingo Hall)	11-15 London Road, Forest Hill, SE23 (Was not on Historic England’s list)	Grade II

- 3.9 There has been no change to the criteria of locally listed buildings since the 2012 Report. Local listing status is a material consideration in the development management control process and the Council has planning policies to ensure an appropriate assessment is made when a planning application is lodged for a locally listed building. An updated log of locally listed buildings is shown in Table 3 below.

Table 3: Locally Listed buildings in Lewisham that contain pubs (2017)

Name of pub	Address	Conservation Area
Baring Hall Hotel	368 Baring Road, Se12 0DU	Not in a Conservation Area
The Brockley Jack	408-410 Brockley Road, SE4 2DH	Not in a Conservation Area
Bricklayers Arms	189 Dartmouth Road, Se26 4QY	Not in a Conservation Area
Dartmouth Arms	7 Dartmouth Road, Se23 3HN	Forest Hill Conservation Area
The White Swan	217 Deptford High Street, SE8 3NT	Deptford High Street Conservation Area
Dacre Arms	11 Kingswood Place, SE13 5BU	Not in a Conservation Area
Fox and Hounds	150 Kirkdale, SE26 4BB	Not in a Conservation Area
Shekans (formerly Duke of Albany)	1 Kitto Road, SE14 5TW	Telegraph Hill Conservation Area
The Ladywell Tavern	80 Ladywell Road, SE13 7HS	Ladywell Conservation Area
The Old Tigers Head	351 Lee High Road, Lee Green, SE12 8RU	Not in a Conservation Area
The Joiners Arms	66 Lewisham High Street	Not in a Conservation Area
The Fat Walrus (formerly the Haberdashers)	44 Lewisham Way	Not in a Conservation Area
The Princess of Wales	1a Montpelier Row, SE3 ORL	Blackheath Conservation Area
The Perry Hill	70-80 Perry Hill, SE6 4EY	Not in a Conservation Area
The Fellowship	Randleston Road, SE6 3HB	Not in a Conservation Area (Also Listed)
The Black Horse and Harrow	167 Rushey Green, SE6 4BD	Not in a Conservation Area
Railway Telegraph	112 Stanstead Road	Not in a Conservation Area
The Dolphin	121 Sydenham Road SE26 5HB	Not in a Conservation area
The Golden Lion	116 Sydenham Road SE26 5JX	Not in a Conservation Area
The Crown	47-49 Tranquil Vale SE3 0BS	Not in a Conservation Area
The Lord North Brook	116 Burnt Ash Road SE12 8PU	Lee Manor Conservation Area
The Brockley Barge	184 Brockley Road, SE4 2RR	Brockley Conservation Area
The Catford Tavern	Station Approach SE6 4RE	Not in a Conservation Area

Assets of Community Value (ACVs)

- 3.10 ACVs are a mechanism introduced by the Localism Act 2011, and highlighted as a protection mechanism for pubs in the 2012 Report. The ACV status gives community interest groups the right to put together a bid to buy the pub, and ensures its contribution to the community in determining any planning application.

The current list of pubs that have been successfully nominated as an ACV are shown in Table 4 below.

Table 4: Registered Assets of Community Value - Pubs (2017)

Name of pub	Address	Date asset registered
Baring Hall Hotel	368 Baring Road, Grove Park, London, SE12 0DU	14/01/2013
The Honor Oak Pub	74a London Road, SE23 3PA	13/11/2013
The Windmill Pub	125-131 Kirkdale	20/12/2013
The Golden Lion Pub	116 Sydenham Road, London SE26 5JX	12/08/2015
The Blythe Hill Tavern	319 Stanstead Road, London SE23 1JB	04/12/2015
The Talbot Pub	2- 4 Tyrwitt Road Brockley London SE4 1DQ	04/12/2015
The Ladywell Tavern Public House	80 Ladywell Road, Ladywell SE13 7HS	04/12/2015
The Dacre Arms Public House	11 Kingswood Place London SE13 5BJ	04/12/2015
The Greyhound Public House	309- 315 Kirkdale System London SE26 4QB	24/02/2016
The Catford Constitutional Club	Catford Broadway, London, SE6 4SP	08/09/2016

Relevant Planning Framework

National Planning Policy Framework (NPPF) (2012)

3.11 The NPPF sets out the government planning policies for England and how they are expected to be applied. The planning policies contained in the NPPF, concerning pubs, remain unaltered since the publication of the 2012 Report, an update is expected in 2018. The relevant sections associated with pubs are as follows:

- Section 8 seeks to promote healthy communities.
- Section 11 seeks to protect businesses from restrictions and noises from nearby new development
- Section 12 seeks to conserve and enhance the historic environment.

Regional - London Plan 2011 (FALP) (2016)

3.12 There have been further alterations to the London Plan up to March 2016. Alterations have not been made to the relevant policy for pubs, Policy 3.16, 'protection and enhancement of social infrastructure'. This regional policy continues the resistance of social infrastructure losses, in areas of defined need, and an assessment of redundant social infrastructure for other types of social infrastructure, before any alternative developments are considered.

Draft Culture and the Night Time Economy SPG (2017)

- 3.13 The Draft Culture and the Night Time Economy SPG provides additional guidance on implementing London Plan policies that have a bearing on London's culture and the night time economy. It has a chapter dedicated to the overview and guidance protection of pubs, and gives case study examples. It also develops the 'agent of change' principle, which in a development scenario, where a residential development is to be built near a live music venue, for example, would have to pay for soundproofing. While a live music venue opening in a residential area would be responsible for the costs. Therefore, the person or business responsible for the change is responsible for managing the impact of the change.
- 3.14 The 'agent of change' principle is an important emergence of regional policy that protects the operation of pubs. The principal is included in the NPPF within Section 11 – Conserving and enhancing the natural environment. It advises planning policies and decisions should recognise that existing businesses should not have unreasonable restrictions put on them because of changes in nearby land uses. This is echoed by the London Plan Policy 7.15, and the management of noise, mitigating or minimising restrictions on venues such as pubs.

Local – Core Strategy (2011)

- 3.15 The Core Strategy is the Council's principal planning document, and forms part of the borough's Local Plan, this has not been updated since the 2012 Report. The three key objectives highlighted in 2012 are still relevant. These are:
- Strategic Objective 4 - Economic activity and local businesses
 - Strategic Objective 10 - Protecting and enhancing Lewisham's character
 - Strategic Objective 11 - Community well-being

Local – Development Management Local Plan (2014)

- 3.16 The relevant policy for pubs is set out in the Development Management Development Plan Document (DPD) the Council's planning document for managing development in the London Borough of Lewisham. The 2012 Report, provided the baseline information, and analysis, which formulated Policy DM Policy 20 – Public Houses.
- 3.17 The aim of this policy is to prevent the loss of public houses or pubs unless robust evidence is provided to justify the loss and the proposed change of use has been adequately assessed as suitable.

DM Policy 20

Public houses

1. *The Council will only permit the change of use or redevelopment of a public house (A4) after an assessment of the following:*
 - a. *a viability report that demonstrates to the Council's satisfaction that the public house is no longer economically viable, including the length of time the public house has been vacant, evidenced by the applicant of active and appropriate marketing for a constant period of at least 36 months at the existing use value*
 - b. *the role the public house plays in the provision of space for community groups to meet and whether the loss of such space would contribute to a shortfall in local provision, including evidence that the premises have been offered to use or to hire at a reasonable charge to community or voluntary organisations over a 12 month period and there is no longer a demand for such use*
 - c. *the design, character and heritage value of the public house and the significance of the contribution that it makes to the streetscape and local distinctiveness, and where appropriate historic environment, and the impact the proposal will have on its significance*
 - d. *the ability and appropriateness of the building and site to accommodate an alternative use or uses without the need for demolition or alterations that may detract from the character and appearance of the building.*
2. *Where the evidence demonstrates to the Council's satisfaction that a public house is not economically viable, but where the building is assessed as making a significant contribution to the local townscape and streetscape, or is assessed as making a positive contribution to the historic environment, the Council will require the building to be retained, and for the ground floor to remain in use for a range of non-residential uses, including D1, as appropriate.*
3. *The proposed change of use of a public house for residential use will only be acceptable where:*
 - a. *the proposal has been assessed against parts 1c and 1d of this policy and the impact of the proposal on these features and*
 - b. *where the Council is satisfied that residential use is acceptable, the accommodation to be provided is to be of the highest quality and meet the requirements outlined in DM Policy 32 (Housing design, layout and space standards).*

3.18 The Viability Report within the policy is required for the Council to make a sound assessment when a change of use is proposed. This includes such evidence as audited accounts, evidence of reasonable efforts to preserve the pub, and evidence it's not economically viable.

3.19 The Marketing Report required in the policy is required for the Council to show a lack of demand for the pub. This consists of 36 months marketing, thorough

marketing exercise using all media forms, and details of approaches and offers with full reason why they were not accepted.

- 3.20 Local consultation for the use of the public house by a community and voluntary organisations will need to take place. The applicant will be required to carry out an assessment of the needs for community facilities to show that the existing or former public house is no longer needed and that alternative provision is available in the area.
- 3.21 The townscape, streetscape, and heritage significance, of the public house is assessed, where relevant. This will mean submitting a report prepared by a suitably qualified professional, and where the heritage significance needs to be assessed, the submission of a heritage statement.

Working Towards Lewisham's New Integrated Local Plan

- 3.22 The Council is currently reviewing the existing evidence base, and scoping the programme of a Local Plan Review and Update, with the intention of restarting in 2018, with the next consultation projected to be the Autumn of 2018. The Plan will set out the borough's visions and objectives in Lewisham for the next 15 to 20 years.
- 3.23 The Main Issues document prepared in October 2015, sets out a proposed high-level spatial strategy, and identifies the main issues the new local plan will address. The Main Issues consultation process back in 2015, collated written representations, and questionnaire responses, from the community of Lewisham. A number of comments highlighted the importance of a continued policy that protects public houses in a new Local Plan, these included:

'Pubs are a community facility which need to be taken account in the plan.' – Blackheath Society

'Support retention of pubs.' – Brockley Society

"Pubs should be maintained in shopping parades' – Questionnaire Response

Key Implications to the Planning Framework since 2012

- 3.24 The changes to the planning framework that have been highlighted in this chapter, do create a number of significant shifts in the protection of pubs, positively. The three important shifts in the framework are as follows:
1. The formulation and adoption of DM Policy 20 in 2014, being informed by the original 2012 Evidence Base Report. This ensures a requirement for all planning applications associated with a change of use of a pub, outside of permitted development, to meet policy criteria.

2. The removal of permitted development rights for a change of use from pubs (A4) to any other use class in May 2017, meaning any change of use involving a pub cannot change to another A use class under permitted development. This is a positive step in restricting the loss of pubs through the need for planning permission. As a result of the change, the importance of DM Policy 20 becomes more critical, as this is the only avenue in which any development involving a change of use can lawfully be permitted.
3. The introduction of the ‘Agent of Change’ principal in the Draft Culture and the Night Time Economy SPG by the Mayor of London highlights the importance of protecting venues such as pubs from operating fully, ensuring any new development adjacent, or above, does not restrict its offering as a business.

4. Literature Review

- 4.1 This literature review, audits, and describes, the associated papers that have been published relating to public house guidance, statistics, and protection. This review will determine if much literature has been prepared since 2012, changing the guidance, and findings associated with pubs, informing the review.

Table 5: Literature Review of published documentation

Document	Overview
Keeping Local: How to Save London’s Pubs (2013) <i>GLA Conservatives</i>	This report seeks to explore the reasons for the rate of pub closures in the capital, why this is a trend that should be resisted and what can be done to stem the flow of closures.
Closing Time: Who’s killing the British Pub? (2014), <i>Institute of Economic Affairs</i>	This paper discusses the reasons behind the decline of public houses, including supermarket pricing, taxing, smoking ban, and the recession.
Toolkit for Authorities Plan Creation (April 2015), <i>CAMRA</i>	The tool kit is designed to provide Local Authorities with evidence to demonstrate that pub protection policies are practicable and compliant with relevant guidance. Several Local Authorities have led the way on formulating a public house protection policy and have had pro pub protection policies found sound by Planning Inspectors. This tool kit is designed so that Local Planning Authorities can easily reference an example of a sound policy.
The Local Impact of the UK Beer AND Pub Sector (November 2016), <i>Oxford Economics</i>	This study estimates the impact of the beer and pub sector using the latest available published data at the time of writing—supplemented with 2015/2016 brewery and pub activity data provided by the industry.

Table 6: Data and Statistics on Pubs

Document	Overview
London Development Database (GLA)	<p>The LDD contains details of all planning permissions meeting criteria agreed with the London boroughs. This includes all permitted A4 use development in Greater London, and Lewisham.</p> <p>This database is updated monthly.</p>
South East - Campaign for Real Ale (CAMRA)	<p>London sub-regional branches of CAMRA have an annual audit of opened and closed pubs in their areas of London.</p> <p>The March 2017 audit was the main source of for this report.</p>

Table 7: Examples of other Borough's Prepared Evidence Base and Pubs Policy Formulation

Document	Overview
Cambridge Public House Study (2012), GVA <i>Humberts Leisure</i>	<p>This study includes an audit of public houses in Cambridge, to advise the council on the national and local market, and to prepare interim planning policy guidance. This report provides an overview of the audit and appraisal of the Cambridge pub market together with a review of planning policy as background evidence for the interim planning policy guidance.</p> <p>This was prepared by an external consultant.</p>
Public House in Bromley: Evidence Base (2014), <i>Bromley Borough Council</i>	<p>The evidence base for the Borough of Bromley, which is 2 years more recent, is an identical approach and structure to the Lewisham 2012 Study. It has one additional chapter, 'The Value of Pubs', which provides a good context of the role the pub has in today's society.</p>
Last Orders? Preserving Public Houses SPD (2014), <i>Barking and Dagenham Borough Council</i>	<p>The SPD explains the Council's overall guidance on the retention of public houses (pubs) in the borough. It seeks to protect pubs not just for their value as community assets but also for the contribution these buildings often make to the character of the borough. The SPD will be used to help determine planning applications relating to the loss of a pub whether open or closed. The document is a response to community concerns regarding the declining number of pubs in the borough.</p>
Pubs in Tower Hamlets – An Evidence Base Study	<p>Much concern has been raised about the loss of pubs within Tower Hamlets and the paper sets out how the Council might provide additional support to pubs through strengthened planning policy. The Study compares different locations in the South-East to understand the role planning system has in the protection of pubs.</p>

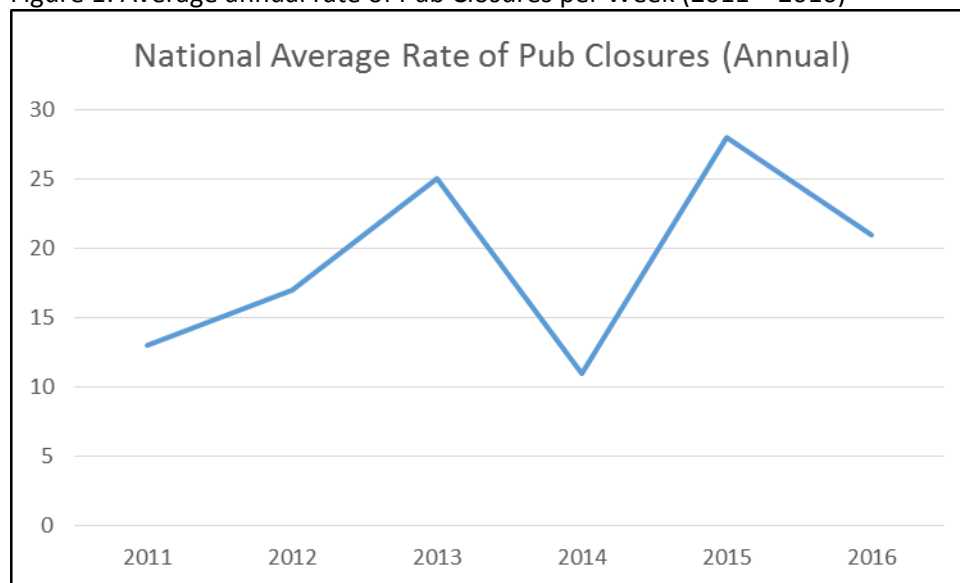
- 4.2 In summary, the literature and data that has continued to be published is identifying issues resulting in the closure of pubs that were highlighted in the 2012 Report. Organisations such as CAMRA, and the British Beer and Pub Association (BBPA), have published documentation to help guide local authorities to prepare a pub protection policy as part of their Local Plan process, similar to the structure of the 2012 Report. Therefore, the literature has not altered the approach or perspective of the protection for pubs.

- 4.3 What can be foreseen, is new guidance or literature that will evaluate the impact of the permitted development changes, and the publication of the Mayor of London’s SPG, on local level pub protection.

5. Current National Issues & Opportunities

- 4.4 The BBPA estimate the number of pubs in Britain has declined by 9,400 in the twelve years from 2004 to 2016. In 2004, nationally there were 59,000, there were roughly 55,000 in 2009, and 49,600 in 2016, a fall of 16% (BBPA, 2016)⁶. Based on the most recent published working age population estimates, this equates to a national average of around one pub for every 1,324 people in England.
- 4.5 The 2012 Study reported that pub closures had remained at a high level with 16 pubs closing down every week in the second half of 2011. The British Beer and Pub Association publish data on an annual basis, identifying the average rate of pub closures per week, Figure 1 below highlights the average closure from 2011 through to 2016.

Figure 1: Average annual rate of Pub Closures per Week (2011 – 2016)



- 4.6 The average rate of closures since 2011 does not provide a consistent pattern. Recent figures from 2015, to 2016, show the rate of closures could be starting to slow, but this is yet to be proven consistently. Comparing 2011 to 2016, shows an overall upward trend of 8 additional pub closures per year, from 13 to 21.
- 4.7 The rate of pub closures, nationally, is still impacting hugely on the pub trade, an example of a few key issues that are causing this to continue, are described below. Recent opportunities that can reverse this trend are also highlighted.

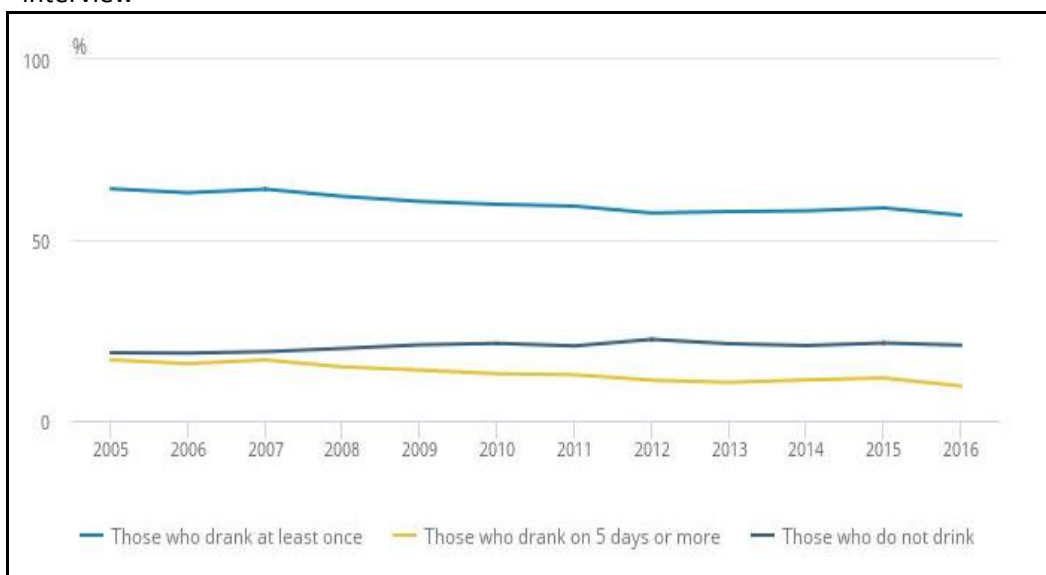
⁶ British Beer and Pub Association [BBPA], (2016). BBPA Statistical Handbook 2016

National Issues

General Decline in Alcohol Sales

- 4.8 Due to various contributing factors, such as healthier lifestyles and wider choice of leisure activities, the consumption of alcohol is now 19% lower than in 2004 (BBPA, 2015)⁷. Adults that do not drink at all, is at 21%, with young adults being the driver behind this, with 40% becoming tee total from 2005 to 2013. Figure 2 shows the trend over the last decade in people drinking 5 times and once a week reducing, and a slight increase in people who do not drink. This will impact pub takings, as less alcohol consumption means less customers.

Figure 2: The proportion (%) of respondents who drank alcohol in the week prior to interview



Sales of Growth in Off-License Premises

- 4.9 The growth in alcohol sales from off-licensed premises, particularly supermarkets, is another key factor in the decline of the British pub. The BBPA estimated in 2012 that supermarkets account for 70% of all alcohol sales, with only 30% bought in on-licensed premises⁸.
- 4.10 Much of this is due to the ability of supermarkets to absorb taxation costs and sell alcohol at a lower retail price (due to economies of scale), which has widened the gap between off-trade and on-trade consumption. Since 1987, the BBPA state that there has been a 187% increase in the price of beer in pubs compared to just a 52% increase in the price of beer sold through supermarkets and other off-licences.

⁷ British Beer and Pub Association [BBPA], (2015). BBPA Statistical Handbook 2015

⁸ British Beer and Pub Association [BBPA], (2012). Budget Submission 2012: A Growth Strategy for Pubs

Rising VAT and Beer Duty

- 4.11 The pub trade has fallen victim to easy attacks by the government to seek extra tax revenue, this manifested prominently in 2009, when beer duty was increased by 9.1% in March 2008, and further increased by 8% in December 2008, during a temporary cut to VAT. A 'beer duty escalator' was also introduced in 2008, a mechanism that increased beer duty by 2 per cent above inflation each year. Between 2008 and 2012, beer duty increased by 42%.
- 4.12 In 2013, the 'beer duty escalator' was abandoned, and beer duty was decreased by 2%. The Government then proceeded to cut beer duty by a penny per pint in the next two Budgets, before freezing duty in Budget 2016. This resulted in more investment and confidence into the brewery and pub sector.
- 4.13 Currently, pubs are still heavily taxed in England, compared to our European neighbours. The average beer drinker spends 3 to 12 times more in beer duty than those in Europe. In addition, the pub sector pays business rates that are five times more on average than other sectors, proportion of turnover. (BBPB, 2017)⁹.

National Opportunities

Increase in Dining-Out Market

- 4.14 Due to the challenging trading conditions facing the industry and the falling 'wet revenues', pubs are increasingly relying on food sales to try and drive business and improve profitability. More people within the UK are choosing to dine-out more regularly, and pubs, are a large part of this market. Significant revenue from gastro-pubs, and the increase in family friendly pubs, are increasing the pubs share in the casual dining market.

Rise of microbreweries and Real Ale Pubs

- 3.1 One of the more positive trends within the industry has been the considerable rise in the number of microbreweries across the UK in recent decades. At the start of the 20th Century, it is estimated that there were more than 1,300 breweries spread across the country. However, by 1970 this had fallen to just 141 located in a small number of key towns and cities, as the large brewing companies benefited from technological advances and economies of scale, thereby forcing smaller, less competitive breweries out of the industry.
- 3.2 This situation prompted the formation of the Campaign for Real Ale (CAMRA) in 1971, with the aim of improving consumer choice through promoting competition and diversity within the industry. This subsequently led to growing demand for quality and regional diversity. It is estimated that by 2004 the number of breweries

⁹ British Beer and Pub Association [BBPA], (2017), From a bleak future to confidence and stability - The story of beer duty: 2008 to 2016

had risen to around 480 – fuelled largely by the growth in small-scale microbreweries in response to the changing consumer demand.

- 3.3 In more recent years, tax breaks were introduced and acted as a further incentive for small-scale production. This combined with the growing popularity of regional brews, has further stimulated the trend which continues to go from strength to strength with a record number of microbreweries across the UK. It is estimated that there are now around 1,994 breweries in the UK at the end of 2016 (UHY Hacker Young, 2017)¹⁰.
- 3.4 The growth of pubs supporting the ‘Real Ale’ or ‘Craft Beer’ market, is increasing continuously year on year, having a 15% share of the UK beer market in 2016. This increase, and buck in trend of general closures, is helping some pubs survive. Cask beer drinkers are twice as likely to visit the pub as non-cask drinkers and spend more when they are there. Crucially, unlike drinkers of beers, lagers and spirits, they cannot buy cask beer from a supermarket.

Beer Ties Cut

- 3.5 The Pubs Code came into effect in July 2017, giving pub tenants more rights and greater protection when dealing with large pub companies that own tied pubs. Tied tenants of pubs had been obliged to buy beer and other drinks from their landlords, often at a large mark-up, in exchange for reduced rent payments.
- 3.6 Under the new rules introduced, all business owning 500 or more tied pubs in England and Wales will have to adhere to the new code, which will give around 12,000 tenants new rights such as increased transparency about the tied deals available, a fair rent assessment and the right to move to a free-of-tie tenancy in certain circumstances. Tenants will also be able to request a rent assessment every five years, or whenever there is a significant change in the price they are charged for drinks, or in their trading conditions (The Drinks Business, 2016)¹¹.
- 3.7 This Code should create a fairer deal for pub tenants. In the first year of its existence, the Code has come under scrutiny, specifically the adjudicator process for a Market Rent Only tie, and publicans have accused the pub owning companies have been unclear on possible rent agreements. Therefore, the Pubs Code may evolve in the future to ensure the agreements between pub owners and publicans, are further robust and fair.

¹⁰ UHY Hacker Young, (2017), Number of breweries in the UK breaks through the 2,000 barrier for the first time since the 1930s [online], <http://www.uhy-uk.com/news-events/news/number-of-breweries-in-the-uk-breaks-through-the-2000-barrier-for-the-first-time-since-the-1930s/>

¹¹ The Drinks Business, (2016), Victory for pub tenants as beer ties cut [online], <https://www.thedrinksbusiness.com/2016/07/victory-for-pub-tenants-as-beer-tie-cut/>

6. Local Market Assessment

Audit of Existing Public House Provision

- 4.1 A comprehensive desk based audit has been undertaken from sources such as the London Development Database, CAMRA, and other online search tools, on all pubs that have existed in the borough since 2001. The audit, goes one stage further, by identifying which pubs are still operating, and pubs which have ceased trading. The results of the audit can then be compared to 2012 data, providing an insight into the pubs market in Lewisham over the past five years.
- 4.2 Overall, 203 pubs or A4 uses (as defined in the introduction) have been found in the borough as a result of the audit, of which 102 are still trading (see Appendix 1) for the list, and 100 are now closed (see Appendix 2). This means just over 50% of known pub uses from the early 2000s are still open.
- 4.3 14 of the pubs identified as open in the 2012 Report are now closed (see Appendix 3), 12 of these pubs have related planning history, which explains the reason for the closures. The different types of planning statuses for the 14 pubs are identified in Table 8 below.

Table 8: Planning History of Pub Closures since 2012

Planning Status	Number of Pubs
<i>Approved Permissions – Change of Use</i>	7
Permitted Development – Change of Use	2
No Planning History	2
Live Application	1
Temporary Permission Expired	1
Loss without consent	1

- 4.4 The audit identified 25 pubs as being newly open since the 2012 Report (see Appendix 4). The reason these pubs have been captured as open in 2017 vary from pub to pub, and are identified in Table 9 below.

Table 9: Reasons for capture of Open Pubs since 2012

Reason for being identified as 'Open'	Number of Pubs
<i>Not captured in 2012 Report but it was existing and open</i>	10
Newly opened pubs / A4 use since 2012	7
Reopened pub that was recorded closed in 2012	5
2012 Report – Listed Pubs not captured in overall 'open' list	3

- 4.5 There have been 39 pubs identified going from open to closed, since the 2012 Report (see Appendix 5). There are varying reasons why pubs have been identified as closing, which are shown in Table 10 below.

Table 10: Reasons for capture of Closed pubs since 2012

Reason for being identified as 'Closed'	Number of Pubs
Has 'closed' since 2012 – permanently / new use	25
Has 'closed' since 2012 – currently vacant	7
2012 Report - Not captured in the overall 'closed' list	7

- 4.6 To give a rounded overview of pub losses in the borough, it is important to identify pubs that have been changed to an A3 (restaurant) use. This use provides some similar benefits to that of a pub, such as social interaction, and economic benefits, including local employment. It has been found that 17 of the 101 closed pubs have been converted to an A3 restaurant / bar type use. This change also reflects the change in lifestyles, and the increasing popularity of dining out. The 17 properties changed to A3 uses are listed in Appendix 6.

Location of Pubs

- 4.7 The locations of the 203, open and closed pubs in the borough, is shown in Appendix 7, which shows a map of the borough, and the specific location of all pubs identified. All known pubs (opened or closed) are mainly clustered around the district and local centres of the borough, and the corridor of major roads. Many of the pubs that are, or were, located in the very north of the borough (north of the New Cross Road (A2)) have closed. In other areas of the borough, there have been a mix of closures, in key centres, and in residential areas.
- 4.8 It is important to understand the total catchment of pubs in the borough, by assessing accessibility from residential areas in Lewisham. People do not necessarily go to their nearest pub, this can be the same for general public services, however, the catchment is a good measure to see if people are within easy accessibility of a local pub. This accessibility will be based on 400m to 800m walking distances, which equate to 5 - 10 minute walks. Appendix 8 shows the catchment buffers of these distances, and buffers of selected pubs in other boroughs, that overlap with areas in the borough.
- 4.9 The map in Appendix 8 clearly shows the majority of the borough is within 800m / 10 minute walking distance of a pub. The northern area of the borough that has seen many closures over the years, is an area that still has good access to a cluster of A4 uses around Rotherhithe and Southwark Park. There is an area north of Downham that is not within 800m of any A4 use, and there are a small pockets along the southern boundary that are also not within a 10 minute walking distance from a pub.

Pubs by Population Catchment

- 4.10 A key indicator that can be compared at national, regional, and local level, is population per pub. This provides a high level average that can indicate a potential oversupply or shortfall of pubs in a location such as Lewisham, in comparison with other locations. In Table 11 below, the comparison shows that a pub in Lewisham supports double the amount of population than the national average, and higher than the London average, based on 2016 population estimates.

Table 11: Comparison Population per Pub

Level of Population	Number of Pubs	Total Population	Population Per Pub
UK	49,563	65,648,054	1,325
London	3,895	8,787,892	2,256
Lewisham	102	301,900	2,960

7. Review of Planning Policy Decisions and Policy Effectiveness

- 5.1 It is important to analyse planning decisions concerned with the loss of or redevelopment of public houses, to understand the key considerations and justifications for a decision. In this section, we look at a selection of recent planning decisions relating to pubs in Lewisham and recent national and local appeal decisions. Recorded case officer comments on the implementation of DM Policy 20 are reviewed, and a breakdown analysis, to understand if the policy is still relevant.

Planning Decisions related to Local Pub Gains and Losses

- 5.2 The Council monitors all planning permissions granted by the use class as part of the London Development Database. Pubs fall into the A4 Use Class 'Drinking Establishments'. The two tables, in Appendix 9 and 10, show the recent A4 gains and losses since 2001, this table gives a clear indication of the net losses that have occurred in the last 15 years.
- 5.3 There are 11 approved gains since 2001, and 41 approved losses, the gains ranged from 80m² to 375m, whereas the losses range from 77m² to 2,175m². This trend in permissions can be intrinsically linked to the trend in pub losses, and reduction in A4 floorspace use, that have happened over the last 15 years. The 36 of the 41 approved losses included conversion to residential units.
- 5.4 The introduction and impact of DM Policy 20 in late 2014, and the recent changes to permitted development rights, cannot be fully evaluated in terms of long-term trends. The list in Appendix 10, shows there were a number of pub losses in 2015, however the number of losses have reduced in recent years compared to 2007 to

2011 losses. This could be an early indication A4 losses in Lewisham will become less frequent in the years ahead, especially with the tighter planning requirements.

National Appeal Decisions

- 5.5 In Table 12, a number of appeals are described from different parts of England, these were decided based upon the four main elements of DM Policy 20, viability, marketing, community facility, and heritage value. This will inform an evaluation on whether the policy is structured and written effectively.

Table 12: National Appeal Decisions Related to Key Elements of DM20 (September 2017)

Appeal	Decision Justification
Viability	
Dukes Head, Coddham, Suffolk, 3143123 (2016) <i>Decision: Dismissed</i>	Pub unwelcoming and run-down, with no food, and garden unused. Effective, and enthusiastic operator, could make business successful and viable.
White House, Hitcham, Ipswich, 3001531 (2015) <i>Decision: Allowed</i>	Evidence produced to show business making a loss for some time despite best effort of owners.
Marketing	
White Horse, London, SE7, 3005023 (2015) <i>Decision: Dismissed</i>	The required two years of marketing had not taken place.
Chequers Inn, Challock, Kent, 2159597 (2011) <i>Decision: Allowed</i>	Marketed for over a year with specialist agent. Only one offer, well below the guide price, no reason to doubt that asking price is unreasonable.
Community Facility	
Chesham Arms, London, E9, 2209018 (2014) <i>Decision: Dismissed</i>	The registration of the pub as an ACV was a 'material consideration of significant weight in this appeal'.
Red House, Lemington Spa, 2200963 <i>Decision: Allowed</i>	Wide choice of alternative pubs nearby, sufficient to meet the needs of the local community.
Heritage Value	
Cross Keys, Kensington & Chelsea, 2172342 (2012) <i>Decision: Dismissed</i>	Proposed change of use would have a harmful effect on the value and significance of the building as a heritage asset and on the appearance and character of the Conservation Area.
Crown, London, SE17, 2143911 (2011) <i>Decision: Allowed</i>	Status as heritage asset limited – only on emerging Local List (and could have been demolished under PD rights anyway).

Local Appeal Decisions

- 5.6 In addition to understanding national determinations at appeal, there are a number of local appeals that have involved a decision relating to a loss of an A4 use, since DM Policy 20 has been adopted by the Council.

Table 13: Local Appeal Decisions Relating to Public House Change of Use (September 2017)

Appeal	Details
66 Honor Oak Park, 092715 (2016) Change of Use – A1 to A4 <i>Decision: Dismissed</i>	Proposal: The change of use of the ground floor unit at 66 Honor Oak Park SE23 from retail (Use Class A1) to bar (Use Class A4) including an outdoor beer garden, together with the installation of a new shop front. Decision - Justification: Conflicts with DM Policy 17 of the Lewisham DM Local Plan which permits restaurants, cafés and drinking establishments provided that the proposal does not detrimentally affect the vitality of the shopping area.
The Sydney Arms, 083998 (2015) Change of Use – A1 to C3 <i>Decision: Allowed</i>	Proposal: The change of use of the public house (Use Class A4), 122 Lewisham Road SE13, together with the alteration and conversion of the ground floor and basement to provide three 1 bedroom flats and one self-contained studio flats and alterations to the elevations. Decision - Justification: The proposal would not lead to loss of a valued facility or reduce the ability of the community to meet its day to day needs. The applicant provided robust marketing, and there is restriction to its operation based on adjacent residential uses.
The Talma, 087819 (2016) Alteration and Refurbishment – Adjacent Residential Units <i>Decision: Allowed</i>	Proposal: The alteration and refurbishment of The Talma Public House, 109 Wells Park Road SE26, together with the construction of a 3-storey rear extension and an additional storey at roof level to provide 2, one bedroom and 1, two bedroom self-contained flats, and 1, two bedroom self-contained maisonette. Decision - Justification: As the public house use would be retained as part of the proposal and therefore the opportunity for social gathering, there would be no conflict with DM Policy 20, which seeks to restrict the change of use or redevelopment of the same.
117 Courthill Road, 096288 (2016) Alteration and Refurbishment – Adjacent Residential Units <i>Decision: Dismissed</i>	Proposal: Construction of rear and side extensions at basement, ground and first floor levels, with alteration of the existing public house and creation of 4 self-contained residential units comprising of 1, one bedroom and 3, two bedroom self-contained flats. Decision - Justification: the proposal would undermine the future availability of the public house, which is a community asset and, in spite of some benefits, would adversely affect the character and appearance of the building.
Lord Palmerston, 81 Childers Street, 097914 (2017) Partial demolition, alteration, and Refurbishment – Adjacent Residential Units <i>Decision: Dismissed</i>	Proposal: Partial demolition of Lord Palmerston Public House, and the construction of two additional storeys and five storey rear extension to provide 12 one bedroom self-contained flats, together with the retention of existing public house and fascia, and formation of communal roof terrace. Decision - Justification: the housing and potential community benefits of the proposal do not outweigh its harm to the non-designated heritage asset, the character and appearance of the area and the living conditions of future occupiers.

Officer Review and Comments of the Public House Policy

- 5.7 The Lewisham Local Planning Authority maintains a comments register for case officers to provide feedback when they have an issue with implementing a Core Strategy or Development Local Plan Policy that has been adopted. The register contains 2 relevant comments, these are highlighted and reviewed below.

Comments

- Conversion to resi at upper floors. What is the extent of the 'public house' in the text of the policy. Does it include upper floors? Gardens? Car parks? Where upper floors have been used as residential associated with the pub are these ancillary uses? Are they part of the pub? Concern about future complaints from new residents about the pub below and potential future closure.
- There are a number of applications that have been submitted for a change of use of the upper floors from ancillary A4 to C3, residential units. Although the policy requires a marketing statement and marketing report to show that the pubs is no longer viable, the policy should include reference to ensuring that the loss of ancillary accommodation does not harm the long term viability of the pub use, I.E through noise, loss of ancillary accommodation for staff etc.

Analysis

The officer comments are highlighting the lack of clarity in defining what is included as a pub and its ancillary uses, the comments also identify the threat of future development on operations of public houses. An issue raised also relates to the gradual restriction of public house operations from new adjacent development. The two comments specifically identify the threat from residential uses, and this seems like a common theme in recent applications, permissions, and appeals. This coincides with the reason why the Mayor of London has developed the 'agent of change' principle introduced in the Mayor of London's Draft SPG, and should be considered as an additional criteria within a new drafted policy.

Review of Policy Wording and Structure

- 5.8 To understand whether the current policy is adequately providing protection to the pubs in Lewisham, and to evaluate whether any amendments to the policy need to be made, an analysis will be undertaken to decide if each element of the policy is effective, and relevant.

Policy Criteria 1 - The Council will only permit the change of use or redevelopment of a public house (A4) after an assessment of the following:

- a. *a viability report that demonstrates to the Council's satisfaction that the public house is no longer economically viable, including the length of time the public house has been vacant, evidenced by the applicant of active and appropriate marketing for a constant period of at least 36 months at the existing use value.*

- 5.9 In recent published literature, and in appeals highlighted in this chapter, the requirement to demonstrate a public house is unviable, and to undertake appropriate marketing is critical in determining whether a public house can be lost to another use. Therefore the continuation of this requirement is still justified.

b. the role the public house plays in the provision of space for community groups to meet and whether the loss of such space would contribute to a shortfall in local provision, including evidence that the premises have been offered to use or to hire at a reasonable charge to community or voluntary organisations over a 12 month period and there is no longer a demand for such use.

- 5.10 The 2012 Report, supporting literature, and this addendum provides multiple roles in which the pub supports the local community, particularly as a venue for various local groups in the borough. Defined as a community facility, in policy terms it is reasonable to expect a public house to be offered to community organisations, at market rate, to ensure a community use cannot be continued. This element of the policy still has full relevance.

c. the design, character and heritage value of the public house and the significance of the contribution that it makes to the streetscape and local distinctiveness, and where appropriate historic environment, and the impact the proposal will have on its significance.

- 5.11 The protection of the design, character, and heritage value, from any physical change associated with a pub, as part of a development proposal, is critical when determining any development proposal. Due to the important role pubs have in the streetscape of major, district, and local centres, this criteria remains critically relevant.

d. the ability and appropriateness of the building and site to accommodate an alternative use or uses without the need for demolition or alterations that may detract from the character and appearance of the building.

- 5.12 The final element of criteria 1 ensures pubs are not demolished or altered unless the buildings configuration is inappropriate for any future use. This is important to enforce a layer of protection to keep the physical structure and appearance of pubs, especially if there is no functional reason why the physical structure of a pub should be demolished as part of a change of use application.

Policy Criteria 2

2. Where the evidence demonstrates to the Council's satisfaction that a public house is not economically viable, but where the building is assessed as making a significant contribution to the local townscape and streetscape, or is assessed as making a positive contribution to the historic environment, the Council will require the building to be retained, and for the ground floor to remain in use for a range of non-residential

uses, including D1, as appropriate.

- 5.13 This criteria states that if the public house is making a contribution to the local townscape and streetscape, or is contributing to the historic environment, any change of use should retain the ground floor for a non-residential use. This is useful criteria in protecting the pub as a community facility, or an important use within a town centre or high-street. Restricting the loss of an A4 use to residential developments.

Policy Criteria 3 - The proposed change of use of a public house for residential use will only be acceptable where:

- a. the proposal has been assessed against parts 1c and 1d of this policy and the impact of the proposal on these features.*
- b. where the Council is satisfied that residential use is acceptable, the accommodation to be provided is to be of the highest quality and meet the requirements outlined in DM Policy 32 (Housing design, layout and space standards).*

- 5.14 If a proposed residential development is acceptable under criteria 1 and 2, it is important that criteria 3 reemphasises the importance of the design, character and heritage value of pubs in a proposal, and it is acceptable in housing design terms. This criteria still provides an additional layer of design protection if a change of use is acceptable.
- 5.15 This review of the policy wording for each of the criteria has clearly concluded the policy is still relevant, and protective of pubs.

8. Summary and Policy Recommendation

Summary

- 6.1 The latest information and data in this update, on the current pubs market, nationally, and in Lewisham, shows since 2012 pubs have continued to close, and new development has resulted in a further net loss of pub floor space since 2012. So the loss of pubs is still a key issue. However, the trends shown in this report, does show a recent change in Lewisham, and there have been minimal losses of full premises of A4 uses through permissions since 2012, when compared to the period of 2007 to 2011, as shown in Appendix 10.
- 6.2 The continued increase in successful nominations for pubs to be designated as Assets of Community Value (ACV) in Lewisham, and the amendments to Permitted Development Rights in May 2017 described in this report have strengthened the planning position to avoid any losses of viable pubs. This is critical, as all proposed development resulting in an A4 use now require a full planning application to be submitted to the Council, and if the pub is designated as an ACV, its value as a community facility will be a material consideration in determining any application.

- 6.3 There will be an element of pub closures and changes of A4 use moving forward. As this report has highlighted there are other impacting factors influencing the performance and eventual closures of pubs, nationally, and in the borough of Lewisham. The change in healthier lifestyles, and a reduction in alcohol consumption being core reasons. The review of DM Policy 20 shows that it is still relevant, and serving a purpose in protecting viable pubs in the borough. It is important that this policy remains in place to ensure any permissions given have met robust criteria to ensure it is unviable, and not serving as a valuable community asset.
- 6.4 This report identified the Draft Culture and Night Time Economy SPG as an important planning document moving forward in the context of protecting pubs. The new 'agent of change' principle described in the Mayor of London's SPG protects pub operations from proposed adjacent development that conflicts with the operating noise of pubs. The principle states the potential conflict is required to be resolved by the developer of the new proposed use. This is a new policy position that should be reinforced at a local level.

Policy Consideration

- 6.5 As already concluded, DM Policy 20 is still robust and relevant. During the upcoming Local Plan preparation process, officers should therefore look to retain the development management policy. At a local level the 'Agent of Change' principle should be incorporated into the policy, as part of an amendment during the Local Plan review process. This will establish local policy criteria that does not permit new development restricting the operation, and general viability, of a nearby pub. The suggested criteria is shown below.

Public house – Additional Policy Criteria

Operational Restriction

The Council will not accept any proposal, within the ancillary use of a public house, or above and adjacent to a public house, that will restrict its full operation as a public house, jeopardising its function as a business. The responsibility is on the new development to mitigate any potential conflict with the public house that restricts its operation, such as noise.

Monitoring

- 6.6 It is recommended officers should keep the key data outputs of this report refreshed on an annual basis. This will ensure more informed planning decisions, and a robust dataset over the Local Plan Review process. The key datasets are as follows:
- Open & Closed Pubs
 - Successful ACV Applications

- Pubs designated as Listed (inc. Locally Listed)
- Planning Applications / Permissions (Gains & Losses)
- Spatial location of Pubs