

MAYOR & CABINET		
Report Title	Director of Planning: Fourth response on outstanding scrutiny matters – Pubs update	
Key Decision	No	Item No. 17
Ward	n/a	
Contributors	Director of Planning	
Class	Part 1	Date: 5 June 2019

1. Summary

1.1 This report addresses a number of outstanding scrutiny matters and provides a response to Mayor and Cabinet on these. The report covers responses to the following:

- Comments of Sustainable Development Select Committee on Pubs – 27 March 2019

2. Update and Response to the Mayor

Pubs

2.2 On the 27 March 2019 a report was presented to Mayor & Cabinet of the comments and views of the Sustainable Development Select Committee, arising from a short review of issues facing the pub trade in Lewisham. This review was presented to SDC on the 12 December 2018.

2.3 This was a follow up to a previous review of pubs in Lewisham in 2012 'Preserving Local Pubs', providing a policy review as an addendum in 2017. The Committee heard from witnesses about current issues facing the trade. The resulting report and recommendations were agreed at the committee's meeting in March 2019. David Syme (Strategic Planning Manager) provided a brief update in terms of changes in policy at a national and regional level related to pubs.

Sustainable Development Select Committee views

2.4 The following recommendations were agreed at the Committee's meeting on 4 March 2019. The Committee recommends that Lewisham's new Local Plan should include the following:

- A section that provides automatic protection from redevelopment for all purpose-built pubs built in the 20th century and before. The wording should make clear that all the ancillary parts of the pub including beer gardens, function rooms, car parks, kitchens, cellars and accommodation above should be retained in order to maximise the opportunity to successfully run a pub business. This should also exclude the developer from converting the accommodation above to flats for sale or rent. While protecting the ancillary assets from housing development, the section should be

sufficiently flexible to allow the owner to vary the use of the asset, so long as it can be demonstrated that the changes will assist in benefiting the use of the building as a public house.

This section is compliant with Mayor of London's new Draft London Plan policy HC7 C: "Development proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house use should be resisted"

The introduction of the 'Agent of Change' principle in the Draft Culture and the Night Time Economy SPG by the Mayor of London highlights the importance of protecting venues such as pubs, ensuring any new development adjacent, or above, does not restrict its offering as a business.

In order to apply the agent of change principle thoroughly, it is important to make sure the new developer has fully considered the noise at all times of day; people leaving the pub late at night, not just the "noise" emanating from within the pub; potential future noise; consulted properly with the existing publican; installed the right measures; potentially redesigning the layout of the new building to ensure the pub's business is not impacted by noise complaints.

The Mayor of London's latest guidance is contained in the London Plan (2019) policy D12 – Agent of Change.

The Council can then adopt the following:

- A. The Agent of Change principle places the responsibility for mitigating impacts from existing noise-generating activities or uses on a proposed new noise-sensitive development.
- B. Lewisham Council should therefore ensure that planning decisions reflect the Agent of Change principle and take account of existing noise-generating uses in a sensitive manner when new development, particularly residential, is proposed nearby.
- C. Development proposals should manage noise and other potential nuisances by:
 - ensuring good acoustic design to mitigate and minimise existing and potential impacts of noise generated by existing uses located in the area.
 - exploring mitigation measures early in the design stage, with necessary and appropriate provisions secured through planning obligations.
 - separating new noise-sensitive development where possible from existing noise-generating businesses through distance, screening, internal layout, sound-proofing and insulation, and other acoustic design measures.

- D. Development should be designed to ensure that established noise-generating venues remain viable and can continue or grow without unreasonable restrictions being placed on them.
- E. New noise-generating development, such as industrial uses, music venues, pubs, rail infrastructure, schools and sporting venues proposed close to residential and other noise-sensitive development should put in place measures such as soundproofing to mitigate and manage any noise impacts for neighbouring residents and businesses.
- F. Lewisham Council should refuse development proposals that have not clearly demonstrated how noise impacts will be mitigated and managed.
- G. In addition the committee recommends that the Local Plan should be reviewed to include the possibility of:
 - 2.5 A mechanism to reduce business rates for public houses under certain circumstances.
 - An investigation into how bureaucracy can be reduced in order to help pubs thrive.

Update of issues raised

- 2.6 In relation to pubs the draft Local Plan is taking on board the National Planning Policy Framework's 2019 (NPPF) revised emphasis on pubs as 'community facilities', embedding this principle in local policies. The draft policies are proposing to go a step further look at providing a presumption against the loss of all pubs within Lewisham (including the ancillary elements of a pub), as well as providing additional protection to pubs in the borough by outlining a revised approach to development proposals that may affect the function of existing pubs.
- 2.7 The draft London Plan (once adopted) will form part of Lewisham's development plan, meaning the proposed policy (D12 'Agent of Change') will form part of the formal development plan in Lewisham. To provide additional local support to this new planning principle the draft Local Plan is also looking to include a new policy on the principle of the 'agent of change', which will provide additional policy support for this.
- 2.8 The new Local Plan is being drafted in a form that seeks to be more accessible to developers and communities, and is proposed to be formed of a single document providing an integrated approach to planning in Lewisham. In addition to the work of the planning department on service improvement, the new Local Plan should enable a more accessible and effective approach to planning.
- 2.9 The setting of business rates is something that falls outside the scope of matters that Local Plan policy can address. Pub Relief ended on the 31 March 2019, however from April 2019 the government has introduced business rates relief in the form of a Retail Discount where eligible retail businesses with a rateable value less than £51,000 could receive 33% off their bill. This discount is available to pubs. Any additional new discretionary scheme introduced locally in Lewisham for a reduced business rates allowance for pubs would need to be

funded by the Council and the implication of this would have to be considered carefully as part of future budget decisions.

- 3. RECOMMENDATION that all four responses be approved and reported to the Select Committee**