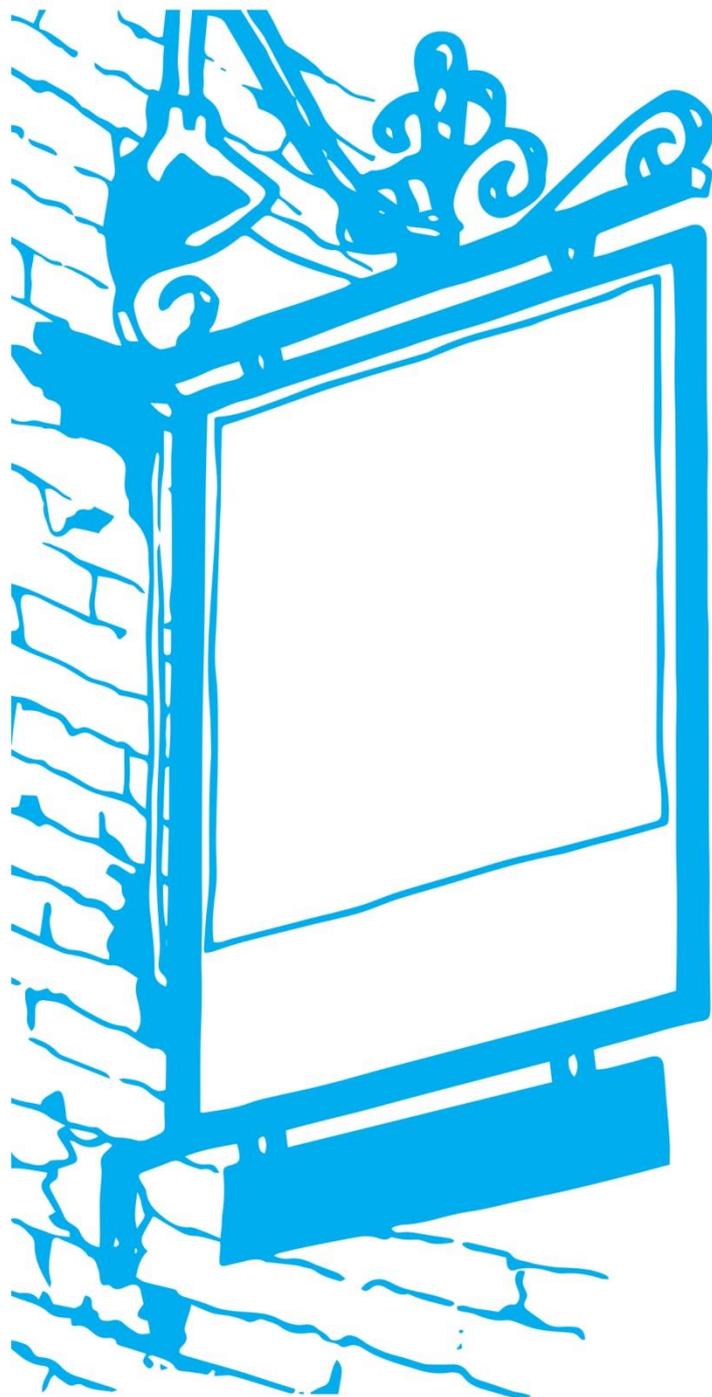


Development Affecting Public Houses

Supplementary Planning
Document



June 2015

RUSHMOOR
BOROUGH COUNCIL

Contents

| | | |
|----------------|--|-----------|
| 1. | Background | 3 |
| 2. | Purpose of this Supplementary Planning Document | 3 |
| 3. | National Policy | 4 |
| 4. | Local Policy | 4 |
| 5. | Demonstrating that there is no longer term need for the facility | 5 |
| 6. | Demonstrating that alternative public houses are readily accessible | 6 |
| 7. | List of Safeguarded Existing and Former Pub Sites | 6 |
| | | |
| Annex A | Marketing Evidence | 8 |
| Annex B | Viability Evidence | 9 |
| Annex C | Meeting Local Need | 11 |

1. Background

- 1.1 Public houses are one of Britain's oldest and most popular social institutions. Many play an important role at the heart of local communities, providing a meeting place where social networks are strengthened and extended. Yet pubs are under pressure. Some of this pressure is economic in nature: many pubs are closing, having been affected by changing consumer tastes, intense supermarket competition and the economic downturn.
- 1.2 Across Britain, 1,300 pubs closed in 2010, down slightly from the 2,365 pubs that closed in 2009. Pubs were closing at a rate of 16 a week in the second half of 2011, down on the 52-a-week peak closure rate in the first half of 2009. Although these latest figures have fallen, closures remain at historically high levels (BBPA 2010 and 2011)¹.
- 1.3 At present, there are approximately 40 public houses operating within Rushmoor. In recent years, a number of premises have either closed or been converted to uses other than community facilities and this has been raised as a concern by local residents and the Campaign for Real Ale (CAMRA).

2. Purpose of this Supplementary Planning Document

- 2.1 It is considered necessary to provide further guidance in relation to how the Council determine planning applications that would result in the loss of a public house. This SPD will supplement criteria (f)(1) and (f)(2) of Core Strategy policy CP10 (Infrastructure Provision). Criterion (f)(1) states:
- [A community facility] will be protected unless it can be proven that there is no longer term need for the facility, either for its original purpose or for another facility that meets the needs of the community.*
- 2.2 In considering criterion (f)(1), this SPD introduces a standard approach to demonstrating that there is no longer term need for the facility.
- 2.3 Criterion (f)(2) states:
- [A community facility] will be protected unless it is re-provided elsewhere to the satisfaction of the Council.*
- 2.4 In considering criterion (f)(2), this SPD establishes the existing provision of public houses across the Borough in respect of their accessibility to local residents.
- 2.5 Since April 2005, under the General Permitted Development Order (GPDO), a pub (A4 use) can change into a shop (A1 use), a 'Financial and Professional Service' such as estate agents and building societies (A2 use) or a café/restaurant (A3 use) without the need for planning permission. It may be the case that planning permission is required for certain other aspects of the development, such as external alterations, however the principle of the change of use is permitted development in accordance with the GPDO. This SPD does not remove these

¹ 'Pub openings and closures, June–Dec 2011' data by CGA Strategy for CAMRA, provided to IPPR.

rights and cannot prevent the loss of a public house where planning permission is not required.

3. National Policy

3.1 Paragraph 70² of the NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies should:

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

4. Local Policy

4.1 The recognition of public houses as a community facility in the NPPF means that any policies within the adopted Local Plan referring to community facilities should also, in theory, include the public house use where a definitive list is absent. Policy CP10 (Infrastructure Provision) of the Core Strategy relates to community facilities and includes the following wording:

CP10 – Infrastructure Provision

Development will be permitted provided that the following criteria are met:

f. There is no loss or reduction in capacity of existing infrastructure, including community facilities. These will be protected unless:

- 1. It can be proven that there is no longer term need for the facility, either for its original purpose or for another facility that meets the need of the community; or*
- 2. It is to be re-provided elsewhere to the satisfaction of the Council.*

4.2 As stated in Section 2, it is considered necessary to provide further guidance in relation to criteria (f)(1) and (f)(2) when looking at the loss of public houses to other uses that are not covered by permitted development rights. In considering criterion (f)(1), this SPD proposes a standard, consistent approach to demonstrating that there is no longer term need for the facility. In considering criterion (f)(2), this SPD seeks to establish the existing provision of public houses across the Borough in respect of their accessibility to local residents. The following sections address these points.

² <https://www.gov.uk/government/publications/national-planning-policy-framework-2>

5. Demonstrating that there is no longer term need for the facility

- 5.1 The Council supports the retention of public houses and recognises the social value that they can contribute. Their loss will only be permitted (in respect of proposals that fall outside of the permitted development rights) where it can be proven that there is no longer term need for the facility.

In order to justify no longer term need, the applicant will need to demonstrate that they have undertaken the following:

1. The pub has been marketed for 12 months as a public house free of tie and restrictive covenant and there has been no interest in either the free- or lease-hold; and
2. Reasonable efforts have been made to preserve the facility (including diversification options explored – and evidence supplied to illustrate this) but it has been demonstrated that it would not be economically viable to retain the building or site for its existing use class.

- 5.2 In order to demonstrate that the site has been adequately marketed in accordance with criterion (1) the marketing exercise should be carried out in accordance with the guidance given in Annex A to this SPD.
- 5.3 In order to demonstrate that the operation is no longer economically financially viable in accordance with criterion (2) the Council will expect to see full financial evidence to substantiate the claim in accordance with Annex B to this SPD.

6. Demonstrating that alternative public houses are readily accessible

Where applications for a change of use or redevelopment of a public house are received, the Council will require evidence that:

- there are alternative public houses within easy walking distance of the public house (see Annex C);
- any such alternative premises offer similar facilities and a similar community environment to the public house which is the subject of the application.

7. List of Safeguarded Existing and Former Pub Sites

- 7.1 The following is a list of all of those existing and former (closed and inactive at time of writing) public house sites to which the SPD relates. New public houses that subsequently open within Rushmoor will become safeguarded sites.
- 7.2 The public houses in the list are annotated with (LB) or (BLI) to indicate whether a Listed Building or Building of Local Interest.

| |
|--|
| Alexandra Hotel (BLI), Barrack Road, Aldershot, Hampshire GU11 3NP |
| Duke Of York Public House, 248 Weybourne Road Aldershot Hampshire GU11 3NF |
| Imperial Standard, 25 Western Road Aldershot Hampshire GU11 3PL |
| La Fontaine, 92 Windmill Road Aldershot Hampshire GU12 4NJ |
| Prince Of Wales (BLI), 184 Rectory Road Farnborough Hampshire GU14 8AL |
| The Alexandra (BLI), 74 Victoria Road Farnborough Hampshire GU14 7PH |
| The Beehive, 264 High Street Aldershot Hampshire GU12 4LP |
| The Crab And Anchor, 5 Southwood Village Centre Links Way Farnborough Hampshire GU14 0NA |
| The Crimea Inn, Crimea Road Aldershot Hampshire GU11 1UE |
| Famous Door, 51 High Street, Aldershot, GU11 1BH |
| The Fox Inn, 141 Chapel Lane Farnborough Hampshire GU14 9BN |
| The Funky End, Station Road Aldershot Hampshire GU11 1HT |
| The Garden Gate, Church Lane East Aldershot Hampshire GU11 3BT |
| The George, Wellington Street, Aldershot, GU11 1DX |
| The Gloster, O'Gorman Avenue Farnborough Hampshire GU14 7DL |
| The Golden Lion, 364 High Street, Aldershot Hampshire GU12 4LU |
| The Imperial Arms (BLI), Farnborough Street, Farnborough, Hampshire |
| The Ham And Blackbird, 281 Farnborough Road Farnborough Hampshire GU14 7LZ |
| The Hawley Arms, 51 Churchill Crescent Farnborough Hampshire GU14 8EL |
| The Monkey Puzzle, 101 Ively Road Farnborough Hampshire GU14 0JP |
| Mytighar, 28 Waterloo Road Aldershot Hampshire GU12 4NU |
| The New Inn, Hawley Road Blackwater Camberley Hampshire GU17 9ES |
| The North Camp (BLI), 95 Lynchford Road Farnborough Hampshire GU14 6ET |
| The Plough And Horses, 90 Fleet Road Farnborough Hampshire GU14 9RG |
| Popworld, 132-134 Victoria Road, Aldershot GU11 1JX |
| The Potters Arms, 182 Cove Road Farnborough Hampshire GU14 0HJ |
| The Queen Hotel (LB), 1 High Street, Aldershot, Hampshire GU11 1BH |
| The Queen Victoria, 135 - 139 Victoria Road Aldershot Hampshire GU11 1JW |
| The Queens Head, 97 North Lane Aldershot Hampshire GU12 4QJ |
| The Red Lion (BLI), 2 Ash Road Aldershot Hampshire GU12 4EZ |
| The Royal Staff, 37A Mount Pleasant Road Aldershot Hampshire GU12 4NW |
| The Ship Inn, 162 Ship Lane Farnborough Hampshire GU14 8BE |
| Sidewalks, Lynchford Road, Farnborough, Hampshire GU14 6ET |
| The Snow Goose, 135 Fernhill Road Farnborough Hampshire GU14 9DX |

| |
|--|
| The Squirrel, 125 Park Road Farnborough Hampshire GU14 6LR |
| The Swan Inn (BLI), Farnborough Road, Farnborough, Hampshire |
| The Thatched Cottage (LB) , 122 Prospect Road Farnborough Hampshire GU14 8NU |
| The Tilly Shilling, 24 - 30 Victoria Road Farnborough Hampshire GU14 7PG |
| Tradesmans Arms (BLI), 57 Cove Road Farnborough Hampshire GU14 0EX |
| The Trafalgar Inn (BLI), 1 Short Street Aldershot Hampshire GU11 1HA |
| The Unicorn, 32 - 34 Grosvenor Road Aldershot Hampshire GU11 3DY |
| The White Hart, 84 Queens Road Aldershot Hampshire GU11 3JU |
| The White Lion, 20 Lower Farnham Road Aldershot Hampshire GU12 4EA |
| Willems Park, 7 Wellington Avenue, Aldershot, GU11 1SQ |

Annex A

Applicants should note the following in terms of marketing a current or former public house:

- Details shall be provided of the company/person who carried out the marketing exercise;
- The marketing process should last for a minimum of 12 months;
- The asking price should be based on the valuation of the site as a trading pub without tie and evidence that the valuation is appropriate will be required;
- The marketing exercise should be sufficiently thorough and include as a minimum:
 - A For Sale/For Rent Signboard on the premises;
 - Advertisements³ in the Local Press;
 - Advertisements in appropriate trade magazines/journals;
 - Advertisements on appropriate trade websites; and
 - Advertisements through both national and local estate agents (including their websites).

Copies of all sales literature (and in the case of a signboard, dated photographs) will be required to support a planning application.

- Both freehold and leasehold options should be made available without a 'tie' requiring the purchase of drinks through the vendor and without restrictive covenants that would otherwise prevent re-use as a public house such that other pub operators, breweries, local businesses or community groups wishing to take over the premises and trade it as a pub are not excluded.
- Copies of all details of approaches and offers should be provided together with full reasons as to why any offer has not been accepted.
- Any attempts to sell the business at a price which reflects its current use should relate to the business in its entirety, and not to parts of it, for example the buildings without the accompanying garden, car park or ancillary accommodation.

³ Adverts should contain a similar amount of detail as a property listing in an estate agents.

Annex B

Applicants should note the following in terms of the provision of data to help the local authority determine whether the public house is no longer economically viable as a commercial community facility:

- A commercial viability study should accompany any application for redevelopment or change of use.
- As a part of this study, evidence is required in the form of at least the last three trading years of audited accounts.
- Reasonable efforts have been made to preserve the public house (including diversification options explored) and evidence supplied to illustrate that it would not be economically viable to retain the building or site for its existing use class. Examples of the initiatives or proposals that could be explored are as follows:
 - Adding a kitchen and serving food with or without a dining area, or improving the existing food offer;
 - Making the pub, garden, food offer more ‘family-friendly’;
 - Providing events and entertainment such as quiz nights, amplified or non-amplified live music, comedy/cabaret nights;
 - Hiring rooms out or otherwise providing a venue for local meetings, community groups, businesses, youth groups, children’s day nurseries;
 - Provision of bed & breakfast or other guest accommodation;
 - The setting up of micro-brewery;
 - Sharing the premises with other businesses;
 - Providing smoking shelters;
 - Providing Tourist Accommodation on upper floors (i.e. a Bed & Breakfast option);
 - Providing a local shop in part or all of the premises; and
 - Altering opening hours;
 - Offering take-away food and off-licence services.

Note that this list is not exhaustive and not all ideas will apply to every public house. Diversification should initially focus on ways to retain the public house use.

- The CAMRA Public House Viability Test, or a similar objective evaluation method, has been employed to assess the viability of the business and the outcomes (to be shared with the Council) have demonstrated that the public house is no longer economically viable. CAMRA may be consulted on the methodology adopted by the applicant.
- Details should also be provided of any changes to the public house in the period that corresponds with the trading information plus 1 year beforehand (so 4 years in total) that may have impacted on the business. For example:
 - Did the opening hours alter so that the pub opened less often or less frequently?

- Were any facilities (e.g. kitchen, darts board, pool table etc) removed or regular events (e.g. quiz) cancelled?
- Was space for meetings redeveloped or were any local groups told they could no longer use the space?

Note that this list is not exhaustive and the local planning authority may seek evidence through standard community consultation procedures.

- With regard to the evidence mentioned in respect of diversification options, changes to the public house and how it has been operated, the local planning authority will require written records. This could take the form of a Statutory Declaration undertaken by the owner/manager (or a written report) together with supporting documents such as letters from customers/suppliers/staff, invoices for works carried out, dated photographs to allow a comparison of facilities.

Annex C

- Developers are required to carry out an assessment of the needs of the local community for community facilities to show that the existing or former public house is no longer needed i.e. ascertaining whether adequate alternative provision is available in the area to provide at least one pub within an 800m catchment radius. Developers will be required to demonstrate that there are good walking routes to an alternative facility and outline that the alternative provision offers a similar environment.
- The Council maintains a Register of Community Assets. The Localism Act 2011 is clear that pubs can be nominated for inclusion on this Register. The Council will consider all such nominations through its agreed process.

Council Offices,
Farnborough Road,
Farnborough,
Hants, GU14 7JU

www.rushmoor.gov.uk
01252 398 399
customerservices@rushmoor.gov.uk

 [@rushmoorcouncil](https://twitter.com/rushmoorcouncil)
 [Rushmoor Borough Council](https://www.facebook.com/RushmoorBoroughCouncil)