

**Development Affecting Public Houses  
Supplementary Planning Document**

**1. Purpose of Decision**

- 1.1 This report seeks Cabinet agreement to adopt the attached Development Affecting Public Houses Supplementary Planning Document (Annex 1). The document has been revised following a period of public consultation undertaken between February and March 2015.

**2. Background**

- 2.1 The Development Affecting Public Houses SPD provides a standard, consistent approach to demonstrating that there is no longer-term need for a public house that is the subject of a planning application for a change of use outside of permitted development rights. The SPD also establishes the existing provision of public houses across Rushmoor in respect of their accessibility to local residents.
- 2.2 Consultation on the draft SPD took place for 6 weeks from 11<sup>th</sup> February to 25<sup>th</sup> March 2015. The document was available on the Council's website, at libraries and at the Council's office. Letters and email notifications were sent to a range of statutory and general consultees as well as contacts registered on the Local Plan database.

**3 Consultation Response**

- 3.1 A total of twelve individuals and organisations responded to the draft SPD. The comments made are set out in full in the schedule attached as Appendix 2. There was general support for the SPD from local civic bodies, community groups and the Campaign for Real Ale, who were keen to see the protection of public houses as assets of community value.
- 3.2 Concerns were expressed by Planning Agents, particularly those representing clients with an interest in public house redevelopment, that the SPD criteria were too exhaustive.
- 3.3 The attached SPD has been amended to take account of the representations received. The main changes that have been made to the SPD are outlined within the 'Officer Comment' section of Annex 2. In addition to changes that have been made to take account of representations, Officers have also revised the Criteria in Annex C of the

SPD to ensure that it is consistent with the adopted Statement of Community Involvement.

#### **4. Recommendations**

- 4.1 It is recommended that Cabinet resolves to adopt the Development Affecting Public Houses SPD 2015 to supplement existing Core Strategy policies.

#### **Annexes**

**Annex 1: Development Affecting Public Houses SPD June 2015**

**Annex 2: Collated Responses and Officer Comments**

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## 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)<sup>1</sup>.
- 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

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<sup>1</sup> '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 70<sup>2</sup> 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.

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<sup>2</sup> <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

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## 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;
  - Advertisements<sup>3</sup> 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.

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<sup>3</sup> 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.

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## 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.

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## Annex 2 Development Affecting Public Houses Supplementary Planning Document – Consultation Responses

Respondent	Response	Officer Comment
Aldershot Civic Society	<p>The Aldershot Civic Society and its members have been concerned for a while about the frightening rate at which our public houses have been lost. Whilst we accept that it could be argued that there are less people using public houses, this does not match the amount of pubs being lost in our area, and unfortunately even successful pub businesses are unable to compete with the financial gain of converting them to supermarkets or residential use.</p> <p>Public Houses give local neighbours and communities a place to meet up, and are general open 7 days a week, daytime and evenings. They are hugely valuable to local people and it is very important to do all we can to make sure they retain their pivotal place in our local communities. It should also be noted that public houses are places of employment, and this should also be considered.</p> <p>This is why the Civic Society joined up with the local CAMRA group and the Aldershot History Society to start a campaign to save our local pubs.</p> <p>The Aldershot Civic Society welcomes and would like it noted that we support the implementation of the “Draft 'Development affecting public houses' supplementary planning document”.</p> <p>We also feel that the document needs to include the living space used for the landlord/landlady and their family. For example in Annex A the accommodation needs to be noted as well as listing the gardens and car park, as we see all too often public houses being split from their living accommodation making it difficult to</p>	<p>Comments noted.</p> <p>Ancillary accommodation has been added to the criteria in Annex A of the document.</p>

Respondent	Response	Officer Comment
	<p>function as a pub with a live in family running it in the future.</p> <p>We look forward to hearing your responses to this consultation, and to a hasty implementation of this planning document.</p>	
<p><b>Campaign for Real Ale (CAMRA)</b></p>	<p>On behalf of the Surrey Hants Borders branch of the Campaign for Real Ale, I would like to respond to the consultation on the Supplementary Planning Document, relating to Development Affecting Public Houses.</p> <p>Firstly I warmly welcoming the proposal and consultation. I believe the protection of public houses in Rushmoor is very important and look to this SPD to set out how applicants should justify their proposals for change of use, conversion or redevelopment of pub sites. In particular criteria are needed for the assessment of applications for development proposals affecting the loss of current or former public houses. Broadly I believe that your proposed document does this, although I do have a number of comments as to how I consider it might be improved.</p> <p>Paragraph 5.1 of the draft recommends that a public house be marketed for 12 months as a public house free of tie and restrictive covenant. However Annex A then refers to a minimum period of 6 months. I am hoping this is simply a drafting error as I would strongly advocate that the 12 month period should be included in the document. Pub sales are generally quite slow so a 6 month attempt to sell is too short. There are examples of other Councils' who require a 12 month period, followed by a further 12 months when the pub has to be marketed as a wider community facility, before housing or other commercial uses are considered. However, I do feel that two years is probably too long to keep a building potentially empty in</p>	<p>Comments noted.</p> <p>Annex A has been amended to reflect paragraph 5.1 i.e. a marketing period of 12 months.</p>

Respondent	Response	Officer Comment
	<p>Rushmoor.</p> <p>In relation to the price it is marketed at I believe this needs to be set by an independent RICS valuer and paid for by vendor and this should be made explicit in the SPD. This will stop disputes about whether it has been marketed at a realistic price, such as recently been the case with Wellingtons, Farnham. Although the inspector dismissed the applicants appeal, there was clearly time and resource expended on this, which could have been avoided if clear guidance had been readily available</p> <p>The SPD should reflect the potential heritage importance of a site. Where statutorily or locally listed development proposals must not have a detrimental impact on the design, character and heritage of the existing premises or the wider streetscape.</p> <p>In Annex B it is stated that the CAMRA Public House Viability Test, or a similar objective evaluation method, has to be employed to assess the viability of the business and the outcomes have to demonstrate that the public house is no longer economically viable. Ideally I would like to see the use of the CAMRA viability test being a pre-requisite. However, if this is not possible I would certainly like to see some opportunity to approve the methodology used, to stop someone making up their own evaluation method, which may not be fit for purpose.</p> <p>In Annex C, I consider the 800m radius proposed to be far too high for a predominantly urban area such as Rushmoor. This is a long way for members of the community to travel and at a time of increasing social isolation and the problems that causes this, is something to protect. Indeed I would suggest that the radius</p>	<p>The SPD requires evidence that the asking price/valuation is appropriate for a trading public house without tie. In the event that an application is presented to the Council for determination, it is likely that marketing information will be provided in support of the change of use. As such, the period of marketing will have already been concluded and there will be little option to influence marketing value. No recommended change.</p> <p>Buildings that are locally/statutorily listed are offered protection by policies outside of the remit of the SPD. The list of public houses included does indicate whether the building is a nationally or locally listed building. No recommended change.</p> <p>Criteria amended to introduce the option to seek approval from CAMRA regarding the proposed viability methodology.</p> <p>800m has been applied as an approx. 10 minute walk time. Having considered the comments, Planning Policy see merit in applying the suggested approach by CAMRA i.e. the developer will be required to demonstrate that there are good walking routes to an alternative facility.</p>

Respondent	Response	Officer Comment
	<p>requirement in omitted altogether. Instead I would suggest the developer be required to demonstrate there are good walking routes to an alternative facility or the good public transport links are available from the closing site to another pub. Good it this context should be taken to mean an opportunity to use public transport after last orders and also enable travel on a Sunday.</p> <p>The SPD correctly makes reference to the relevance of CP10, in relation to Infrastructure Provision. However, it could also usefully also cross reference CP8, related to employment provision. As well as being important community facilities, pubs also play an important role in providing places of employment and this need to be recognised in the Document.</p> <p>Section 7 of the document rightly lists the public houses to which the SPD relates, there is clearly something of a judgement call as to what constitutes a public house, but I have listed below suggested alterations to the list. The provision of pubs is something which is fluid over time, if this SPD had been written 18 months ago the Gloster for example would not have been included. The proposed Wellesley development is likely to include pubs that you would wish to be covered by the policy. I would therefore recommend that a sentence is included along the lines that whilst the list will be updated periodically any new public houses opened in the area will be deemed to also be covered by these policies.</p> <p>Regarding the detail of Section 7 I would suggest the following amendments:</p> <ul style="list-style-type: none"> <li>• Bar One, 51 High Street, Aldershot, GU11 1BH (whilst currently a bar/nightclub historically this has been a public</li> </ul>	<p>The focus of policy CP8 is on introducing employment generated by traditional B-class uses. It is therefore relevant to the issues covered by the SPD.</p> <p>Officers support the introduction of a caveat stating that any new public houses opened in the area will be deemed to also be covered by the SPD requirements.</p> <p>Comments noted. Changes made accordingly. Given the current state of The Lord Campbell building (following a fire), it is unlikely that the pub could be reopened.</p>



Respondent	Response	Officer Comment
	<p>house, the Pegasus)</p> <ul style="list-style-type: none"> <li>• Lord Campbell, 40 Alexandra Road, Aldershot, GU11 1QP (still standing and could be restored)</li> <li>• Popworld, 132-134 Victoria Road, Aldershot, GU11 1JX (until recently this was a Yates' pub)</li> <li>• Willems Park, 7 Wellington Avenue Aldershot GU11 1SQ</li> </ul>	
<p><b>Colin Gibbons – Development Planning Services</b></p>	<p>In its current form, the Draft presents draconian and virtually unworkable requirements for the consideration of a Change of Use (outside PD changes). It seems to demonstrate little practical knowledge of a failing business, particularly when measured against the requirements of Annexes A, B and C which can really only be carried out if the premises are financially viable at the time. The Draft is aimed, therefore, at licensed premises which voluntarily wish to seek a change of use, not under financial duress. However much the community may wish to retain a Pub, if the income is not there to support it (and bear in mind that it is the community itself that must sufficiently use it) it will fail.</p> <p>Furthermore whilst it might be argued that any future closure has had prior knowledge of the requirements, that certainly cannot be said of any premises that were already closed at the time of the Draft. Therefore, it should be made clear that the SPD cannot be applied retrospectively. In such cases, consideration of a Change of Use must be made against the Policies which applied at the time.</p>	<p>The public usage of a public house is not the sole determining factor of a viable business. For example, it may be the case that the premises is poorly managed and would be viable under a different ownership.</p> <p>The SPD will not be applied to applications that have been validated prior to its adoption.</p>
<p><b>English Heritage</b></p>	<p>I confirm by way of this e-mail that English Heritage generally supports the SPD as often the best way to retain the character and significance of historic public houses is to keep them in viable use for their original function. We have no specific comments on the draft SPD.</p>	<p>Comments noted.</p>
<p><b>Environment Agency</b></p>	<p>Thank you for consulting us on the Draft 'Farnborough Civic</p>	<p>Comments noted.</p>

Respondent	Response	Officer Comment
	<p>Quarter Masterplan' Supplementary Planning Document (SPD); and Draft 'Development Affecting Public Houses' SPD.</p> <p>We have no comments to make on either consultation.</p>	
<p><b>Farnborough Street Residents Association</b></p>	<p>FSRA raise no objection to this draft plan. It is important that historical buildings are protected from irreplaceable loss.</p> <p>Any application for change of use or development of a proposed site should be backed up with proof that the site has not been financially viable for 4 years and that the site was marketed to reflect businesses true status. Any building of local or historical importance should be protected.</p> <p>However: Where a public house has been in administration we would like to see the financial proof to cover the period of business for 4 years prior to the business going into administration.</p> <p>Note – The Imperial Arms, Farnborough Street is a Building of Local Importance, this is not noted on the list in Appendix 7.2 and we would like this noted in your deliberations.</p>	<p>Comments noted.</p> <p>Planning Policy consider that 4 years is an excessive amount of time to demonstrate that the business has been unviable. As set out in the SPD, 12 months is considered to be an appropriate period for marketing</p> <p>Buildings of local importance are offered protection by existing policies within the Core Strategy and will seek to be retained in the first instance.</p> <p>The consultation version of the SPD included reference to The Imperial Arms being a Building of Local Importance. This will be included in the adopted version.</p>
<p><b>Gillian Doughty</b></p>	<p>I am pleased to see the council addressing the issue of the future of our public houses in the borough. Too many have been lost recently because breweries are able to make it difficult for landlords/landladies to run them profitably, thus enabling the sale of their assets. These businesses are a community asset, giving a focal point to the areas in which they are situated and aiding the sense of community. Anything which can be done to</p>	<p>Comments noted.</p>

Respondent	Response	Officer Comment
	stop the loss of them is most welcome.	
<b>Gregory Gray Associates on behalf of Inland Homes</b>	<p>Gregory Gray Associates is instructed by Inland Homes to raise strong objection to the consultation draft of the above document. Our client has an interest in the Ham and Blackbird public house, which appears in the list of 'safeguarded' public house sites within the SPD. Our client's objections relate to both the general terms of the document which are in conflict with the policies of the NPPF, and also to the specific inclusion of the Ham and Blackbird in the accompanying list.</p> <p>Conflict with the NPPF Chapter 8 of the NPPF seeks to 'promote healthy communities' and sets out (in para.70) how planning policies should be used 'to deliver the social, recreational and cultural facilities and services the community needs'. The first bullet point of this paragraph confirms that 'community facilities' can indeed include public houses. However, it is the second bullet point of paragraph 70 which is relevant to this proposed SPD since it relates to the loss rather than the provision of community facilities. It states that planning policies and decisions should:</p> <p>"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'. (underlining added)</p> <p>The NPPF therefore, is quite clear that planning policies should only guard against the loss of 'valued' facilities. This clearly requires the application of a test as to the value of the facility and its contribution towards the community's ability to meet its day-to-day needs prior to the application of any policy seeking to guard against its loss.</p>	

Respondent	Response	Officer Comment
	<p>Para. 5.1 of the draft SPD states that “The Council supports the retention of public houses and recognises the social value that they can contribute”. Despite this apparent recognition that not all public houses will have a social value, Section 5 of the draft SPD indicates that the loss of any existing public house will only be justified where it can be proven that there is no longer term need for the facility. No assessment as to whether the public house is a ‘valued’ facility is proposed and accordingly the draft SPD does not accord with the terms of para.70 of the NPPF.</p> <p>Instead, the applicant is required to demonstrate, by means of a 12 month marketing exercise that there is no market interest in the site and that all reasonable efforts have been made to preserve the facility but it has been demonstrated that it is not economic to do so.</p> <p>Marketing does not provide any guide as to the social or community value of a facility and in the absence of such an assessment, the proposed SPD imposes an unreasonable burden upon the applicant.</p> <p>Para.19 of the NPPF confirms that “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth”. It goes on to state at para. 153 that “Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens of development”.</p>	<p>Officers do not agree with this interpretation of national policy. There is evidently a separate process outside planning legislation that establishes ‘assets of community value’ – i.e. the social value. As a recognised ‘community facility’, policy already exists in the Core Strategy in respect of a need to demonstrate 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. This SPD seeks to elaborate on this policy and provide consistency in our approach to determining applications that will result in the loss of a public house. If a pub chooses to close its doors and seek a change of use, we would argue that this is an unnecessary loss unless the reasons for the proposal can be demonstrated by the landlord/owner/licensee.</p> <p>Officers do not agree. Marketing is an established measure that is used within a number of use classes to establish that there is no further demand for the existing use. This is not considered an unreasonable burden.</p> <p>The SPD provides clarity on the approach outlined in adopted local policy, and therefore aid applicants, where it is required to demonstrate that there is no longer term need for a community facility – an unnecessary loss in the context of the NPPF.</p>

Respondent	Response	Officer Comment
	<p>The requirement to market the property for a 12 month period and to demonstrate a lack of economic viability imposes a significant time and financial constraint on future developers and, under the terms of the SPD as currently drafted, would apply to all public houses regardless of whether or not they have any community value. The indiscriminate application of such a policy will ultimately discourage investment in underused sites which are in need of regeneration and which would be better suited for alternative uses.</p> <p>Para. 14 of the NPPF makes clear that in respect of both plan-making and decision-taking, sustainable development should be supported unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.</p> <p>The proposed SPD fails to accord with para. 70 of the NPPF as it includes no test of the value of the facility and also fails to take account of other core planning principles set out in the Framework such as the support for sustainable economic growth and the re-use of previously developed sites. Our client raises strong objection to the fact that it could be adopted as a 'material consideration' in future planning decisions despite this obvious conflict with national policy and without it having been subject to the rigours of independent examination.</p> <p>In assessing criterion F2 of CP10, the Council have chosen to adopt an approach which seeks to establish the existing provision of public houses across the Borough in respect of their accessibility to local residents. This is contained in Section 6 of the draft SPD and requires evidence that alternative public</p>	<p>A marketing period of 12 months is considered reasonable. It is a relatively short time frame in terms of development cycles, and is considered the shortest amount of time required to be certain that the public house does not have a viable future. We would require similar evidence in support of the loss of other uses and this is consistent with approaches elsewhere.</p> <p>The SPD adds clarity to the issues to be considered when the loss of a public house is proposed, and enables the component parts of sustainable development to be weighed fairly and reasonably.</p> <p>Officers do not agree with the assertion that there is an obvious conflict with national policy. The NPPF states that policies should plan positively for the provision and use of community facilities in order to enhance the sustainability of communities. Policy CP10 of the Core Strategy accords with this principle. The SPD provides clarity of the application of policy CP10 in the context of public houses. It is absolutely in keeping with the spirit of the policies in the NPPF.</p>

Respondent	Response	Officer Comment
	<p>houses are within easy walking distance of the public house the subject of any application.</p> <p>It is considered that this is an entirely inappropriate criterion to adopt since it assumes that only a public house can meet the needs of the community and fails to take account of the appropriateness of such facilities and of developing social trends.</p> <p>Public houses can undoubtedly, in certain areas, provide a significant community facility. However the very nature of their use makes them inherently unsuitable to serve various parts of the community (e.g. children) as a result of their opening hours, sale of alcohol, potential to attract anti-social behaviour etc. Other community venues, such as schools, community halls, or leisure centres may be much more appropriate in serving the needs of the wider community.</p> <p>In addition, the requirement for there to be an alternative public house within walking distance is out-moded and fails to take account of changing social interactions resulting from social media and a boom in coffee shops.</p> <p>Objection to the Inclusion of Ham and Blackbird as 'Safeguarded' Site</p> <p>The Ham and Blackbird Public House was closed in March 2014 as the owner (not our client) considered that its continued operation was unviable. Since this time, two planning applications have been submitted for the redevelopment of the site for alternative purposes comprising residential development and the provision of a community venue with associated areas</p>	<p>If the existing, established use is a public house, then it is entirely appropriate to ensure that the loss of such a use would not affect the community's ability to meet its day-to-day needs i.e. the community who choose to drink in public houses. A school would not meet the needs of this section of the community.</p> <p>Again, users of a public house are unlikely to value a coffee shop as an alternative.</p>

Respondent	Response	Officer Comment
	<p>of public open space.</p> <p>The most recent application was consideration by the Council's Planning and Development Committee on 7th January 2015 (ref: 14/00702/FULPP). In respect of the loss of the public house, it concluded "the loss of the public house is considered to be acceptable having regard to the particular circumstances of this case in the light of the guidance provided by the NPPF concerning community facilities, and would not conflict with the requirements of Core Strategy Policy CP10".</p> <p>Since the principle of the loss of the Ham and Blackbird Public House has already been considered by the Local Planning Authority and deemed to be acceptable, it would be totally inappropriate to include it on the list of 'safeguarded' sites. In the eventuality that the SPD is adopted and an alternative scheme is proposed for the site, an unreasonable requirement would be placed on the applicant in order to justify an action already accepted by the LPA.</p> <p>Accordingly, it is requested that the Ham and Blackbird Public House be removed from the list of 'safeguarded' sites contained within Section 7 of the draft SPD.</p> <p>Conclusions  Para. 70 of the NPPF indicates that planning policies should guard against the loss of valued community facilities. The draft SPD does not contain any assessment of the community value of a site and imposes blanket requirements that would apply to all sites currently or formerly in public house use.</p> <p>The requirements are overly onerous and would impose</p>	<p>By its nature, planning policy will change over time. Once adopted, the SPD will provide additional guidance to support CP10 of the Core Strategy.</p> <p>It is proposed to retain the Ham and Blackbird Public House on the list of 'safeguarded' sites until a point when the principle of the use of the land has changed.</p>

Respondent	Response	Officer Comment
	<p>indiscriminating and unjustified restrictions on all new development on public house sites contrary to the objectives and policies of the Framework.</p> <p>In failing to assess the value of an existing facility and in requiring alternative accessible public house provision, the Council is failing to take account of the changing nature of social interactions and how they are increasingly being met through the use of social media and in alternative community venues such as coffee shops and leisure centres.</p> <p>The loss of the Ham and Blackbird has already been deemed acceptable by the LPA and so it should be removed from the list of safeguarded' sites set out within the document.</p> <p>I would be grateful if our client's strong objection could be taken into account and that, if the Council continues with its proposal to provide supplementary planning guidance on this subject, the draft SPD be significantly modified in order to address the concerns outlined above.</p>	
<b>Rodney Roadknight</b>	<p>While I understand the concerns over the closing and changing of Public House's in Aldershot the point has to be noted that there are far too many in this area.</p> <p>People aren't going to them as much as they are becoming expensive and people can buy drinks far cheaply from supermarkets.</p> <p>If they close, i would much rather see them changed into house's or local shops than just be boarded up for years on end.</p>	<p>Comments noted. The SPD seeks to ensure that every opportunity has been made to retain the public house. The loss of the use will be subject to the applicant demonstrating that the public house is no longer viable or valued by the local community.</p>
<b>Roger Deason</b>	<p>A few comments in response to your current consultation.</p> <p>1) The documents lists the period for which the pub is to be offered at a realistic price etc. as 6 months at one point and 12</p>	<p>Comments noted. Change has been made to ensure the document is consistent (i.e. 12 months).</p>





Respondent	Response	Officer Comment
	<p>effect on design, character and heritage of the existing premises and / or locality.</p> <p>All in all though I welcome the concept of a Pubs Protection Policy and think the policy being consulted on is an improvement on where we are now. I hope that you will look at strengthening it as it moves forward to possible adoption.</p>	<p>Comments noted.</p>
<b>vendin@talktalk.net</b>	<p>Marketing has to be with an accessible estate agent. With the Garden Gate, it was a one man band who never returned calls.</p> <p>Pubs may be left empty, but in some cases they are occupied and a retrospective planning application is put in for permitted development.</p> <p>In some cases a pub can be viable with change of landlord.</p>	<p>Comments noted.</p>
<b>Waverley Borough Council</b>	<p>Thank you for consulting Waverley on the above documents. We do not have any comments to make.</p>	<p>Comments noted.</p>