



TECHNICAL CONSULTATION ON PLANNING – 2014

CAMRA Greater London Region Response

The following are responses to the consultation submitted on behalf of the Greater London Region of the Campaign for Real Ale (CAMRA). The region supports and endorses the official response submitted by CAMRA's National Planning Advisor, not least with regard to the vital role of English Heritage in protecting public houses from detrimental development and demolition. The following comments focus on additional London-specific threats to our community pubs and contain examples from our detailed and extensive experience in frontline pub campaigning.

Question 2.3: *Do you agree that there should be permitted development rights, as proposed, for laundrettes, amusement arcades/centres, casinos and night clubs to change use to residential (C3) use and to carry out building work directly related to the change of use?*

No. Town centre public houses with late licences could subjectively be described as “night clubs”. Whilst CAMRA has its own established definition of a public house, there is no agreed legal definition outside the generic term used in the use class order – *drinking establishment*. It is a matter of interpretation whether some premises that have evolved from traditional pubs in order to reflect the changing patterns of demand in our town centres would now more appropriately be described as night clubs. Most local planning authorities do not keep a record of which use classes premises fall into. Some pubs fall into use class A3 and permitted development rights already allow change of use from A4 to A3. We are aware of developers seeking to redesignate pubs in planning use class terms in order to achieve sequential change of use and circumvent planning policies which seek to protect pubs. England currently loses 31 pubs each week. In the Greater London Region these pub losses are being driven by the high prices of land and fierce competition from alternative uses, more profitable in the short-term. We submit that some pubs would be further threatened by this proposal as developers would seek to redesignate late trading pubs as night clubs in order to exploit this permitted development and to change the use of the pub to residential without planning permission. Examples of London pubs that might fall into this category are the Dolphin on Mare Street, Hackney, the Plough on Homerton High Street, Hackney, the World's End on Camden Road, Camden, the Old China Hand on Tysoe Street, Clerkenwell and the Dogstar on Coldharbour Lane, Brixton.

Question 2.5: *Do you agree that there should be a permitted development right from May 2016 to allow change of use from offices (B1(a)) to residential C3?*

We are aware that since the introduction of temporary permitted development rights allowing pubs to be operated as offices, at least two developers have converted pubs to unused offices in a deliberate attempt to circumvent planning policy which aims to protect pubs. See, for example, the case of the Chesham Arms in Hackney: www.savethechesham.org We would wish to see restrictions on the sequential conversion of pub to office to house. We object to the permitted development right which allows pubs to change into offices and we wish to see this withdrawn along with all permitted development rights that allow change of use of pubs. If this new permitted development right is introduced in the meantime, it is imperative that it only applies to established B1(a) offices and not A4 pubs in temporary use as B1(a) offices.

Question 2.8: *Do you agree that the shops (A1) use class should be broadened to incorporate the majority of uses currently within the financial and professional services (A2) use class?*

Yes. The broadening of the A1 use class is necessary so that the remaining uses within the A2 class, namely betting shops and pay day loan shops, may be neatly restricted such that no new change of use into this class can occur without the benefit of planning permission. This is a very sensible and appropriate reform. By the same token, the A4 use class only contains pubs so that no such “enabling” tweaks to the use class order are necessary. Please see our answer to Question 2.9.

Question 2.9: *Do you agree that a planning application should be required for any change of use to a betting shop or pay day loan shop?*

We welcome the reforms which allow communities a say in the number of new betting shops and pay day loan shops in their neighbourhoods. We have supported local authorities who have been calling for such controls via the Sustainable Communities Act 2007. We would further wish to see similar measures introduced to bring the change of use of pubs under planning control so that communities also have a voice when their local pubs are threatened with development. The Planning Minister claims to have “put communities in the driving seat”. For many years CAMRA has been calling on government to close the planning loopholes which allow the change of use or demolition of our pubs without planning permission. We have been told that such a move would be against the principle of reducing regulatory burden. Communities up and down the country have been denied a say when perfectly viable and profitable pubs have been converted to alternative uses via permitted development. This denies local authorities the opportunity to implement and apply adopted planning policy, including the policy of positive protection and promotion of pubs required at Paragraph 70 of the National Policy Planning Framework. It also leaves local people powerless and voiceless when established community social facilities, embodying generations of history and culture, vanish overnight. This is not at all conducive to the aims of the localism and big society agenda. Registration as an Asset of Community Value does nothing to save a pub if the owner wishes to exploit permitted development rights. This is evidenced by the fact that half of the ACV registered pubs in London are closed or in alternative use; from shops to offices to land-banked development sites. Pubs are severely threatened with over a quarter of the nation’s stock lost over the past 25 years. In the Greater London Region, 100 pubs close each year. Nationally, two pubs each week are converted to supermarkets via permitted development. Removal of permitted development rights into use class A2 may add to the regulatory burden but it is the right thing to do. There is widespread support from local authorities and the communities they represent. Likewise, there is widespread support from local authorities and the communities they represent to remove permitted development rights that see the continued destruction of our pubs. Such a change would also add to the regulatory burden but it too is the right thing to do.

Famous and valued community pubs that have fallen foul of PD and been converted into betting shops include the Railway on Amhurst Road, Hackney, the Queens Head on Whitechapel Road, Tower Hamlets, the Bakers Arms on Lea Bridge Road, Leyton and the Old Suffolk Punch on Green Lanes, Haringey.

We would propose an extension to the reforms on new betting shops to include removal of permitted development rights for changes of use away from class A4. This small planning reform would save hundreds of valued pubs each year.

Question 2.10: *Do you have suggestions for the definition of pay day loan shops, or on the type of activities undertaken, that the regulations should capture?*

We support a very broad definition. The activities that should be captured are those which offer credit in the form of a loan or modern day pawnbroking activities e.g. Cash Converters. These are distinct from ordinary retail in the sense that their business model relies on purchasing saleable second-hand goods at a below market rate for instant cash payment, then selling on at a substantial margin. Such “shops” entice people to part with possessions in exchange for immediate cash. The low overheads and quick setup nature of such businesses means they are amongst those competing uses that target our pubs.

Suggested Definition:

A high street business offering the following services to members of the public: cash loans, cashing of cheques, money transfers, pawnbroking, the buying and selling of personal possessions and household items including jewellery, entertainment items, musical instruments, tools, media, appliances, cameras, phones etc.

Question 2.22: *Do you have any other comments or suggestions for extending permitted development rights?*

Yes. Permitted development rights have contributed hugely to the chronic loss of pubs in England over the last decade or so. As already noted, two pubs each week turn into supermarkets, without the local community or their representatives having a say. Whilst a restaurant or café (A3) might be considered to offer a similar community function to a public house, a betting shop, pay day loan shop, supermarket or convenience store is quite a different proposition. An estate agents’ practice or accountancy business is in stark contrast to a traditional pub. The 2013 amendments to the GPDO introduced a new permitted development right to operate A1, A2, A3, A4, A5 premises as a B1(a) office for a temporary period of up to two years. This has already resulted in the loss of two treasured London pubs. Such permitted development rights are exploited by developers to erase the memory and practice of pub use on an established site, in order to pave the way for further conversion. We firmly believe that pubs offer such a unique and special community function that they should be exempt from permitted development. CAMRA recently launched a national planning reform campaign, *Pubs Matter*. See www.pubsmatter.org.uk This campaign has cross-party support in Parliament. We are renewing our calls to see planning loopholes closed which allow the demolition or change of use of pubs without planning permission.

The British Pub is an iconic global institution. It is amongst the most popular attractions that tourists desire to visit on any trip to the country. According to Pubs Minister Kris Hopkins MP, the pub industry sustains hundreds of thousands of jobs and contributes £21 billion to the economy every year. The Minister also acknowledges that pubs are a vital part of the country’s history, tradition and culture. There is no other equivalent social community amenity in our neighbourhoods. Pubs are special. Pubs are unique. Pubs matter. In London they play an additional role in the tourist and leisure industry with globally-famous iconic pubs such as Ye Olde Cheshire Cheese on Fleet Street, the Prospect of Whitby on Wapping Wall, the Grapes on Narrow Street, the Angel at Rotherhithe, the Harp on Chandos Place and the Red Lion on Parliament Street, to name but a handful of quintessential London pubs. Although they have been around for generations (Ye Olde Cheshire Cheese contains wooden panelling from 1666, immediately after the great fire), they are not safe from the threat of PD. The last pub on Oxford Street, the Tottenham, is currently threatened with change of use to A1 retail by the freeholder. Although the Tottenham is a Grade II* listed building, the change of use to A1 is allowed by PD. This is the only remaining pub (from a peak of 38) on Oxford Street. London’s heritage and culture are under threat of permanent loss, driven by greed and allowed by PD.

Unfortunately, free market economics will not protect pub use for our communities. Pub buildings will always be worth more in the short-term as residential property. Furthermore, permitted development allows pubs, which often occupy substantial prime sites, to be demolished without planning permission. This paves the way for new intensified residential accommodation with the associated lucrative returns from the incessant demand for housing stock. Permitted development also allows precious pubs to change into alternative uses which offer little or no community value, and without local people having any power or input over the development. The planning system exists to safeguard communities from the negative impacts of development and to strike a balance of uses such that development is sustainable and accords with established policy. Permitted development is riding roughshod over such admirable aims. The government has recognised that free market economics will naturally lead to a very high concentration of betting shops and has taken measures to rebalance this by granting local authorities some decision power through the planning process. We simply ask for equal treatment for our pubs.

Tesco alone has converted 37 valued and entirely viable London pubs into supermarkets in the last four years. (See appendix) They have targeted the often indebted pub estate company, made an above-market offer, and exploited permitted development rights to change the use of the pub into a convenience store without the local community, including users of the pub, having any say. This cannot be fair or just and is quite contrary to the aims of the government's admirable localism agenda.

We propose a simple change to the GPDO such that demolition or any change of use of property falling within use class A4 is not permitted development and will require the benefit of planning permission.

Question 2.23: *Do you have any evidence regarding the costs or benefits of the proposed changes or new permitted development rights, including any evidence regarding the impact of the proposal on the number of new betting shops, and the cost and benefits, in particular new openings in premises that were formerly A2, A3, A4 or A5?*

We submit that harm is caused by the loss of an A4 use on established premises. Permitted development rights have allowed pubs to be transformed into other uses against the wishes of their communities. Registration as an ACV may be a material planning consideration but carries no weight or materiality where the change of use is permitted development. Government advice is for local authorities to make Article 4 Directions. This has hardly happened. We are aware of only six A4Ds in the Greater London Region out of a stock of some 3600 pubs. Note that that stock is currently depleting at a rate of 100 pubs each year. There is a variety of reasons why authorities are reluctant to use A4Ds. Chief amongst these is the complexity of the process and the risk of compensation. There is a conflict between the aims of the Localism Act and the community right to bid and the GPDO. The most popular building category registered as ACVs is public houses which currently account for 36% of all ACV land. British people value their pubs. Any permitted development which allows change of use of A4 will lead to loss of social cohesion, more drinking in the street and antisocial behaviour or unsupervised drinking at home, further social alienation, depression, destruction of heritage and culture and ultimately further social disintegration with the associated costs to society and government.

Question 2.24: *Do you agree (i) that where prior approval for permitted development has been given, but not yet implemented, it should not be removed by subsequent Article 4 Direction and (ii) should the compensation regulations also cover the permitted development rights set out in the consultation?*

We believe that the use of Article 4 Directions to protect pubs is a complex and unwieldy solution to a very simple problem. Removal of permitted development rights as per our answer to Question 2.22 would completely obviate the need for Article 4 Directions and thus remove all the fear and uncertainty on the part of local authorities. This would serve to reduce the regulatory burden. As things currently stand, despite its sparse use, the Article 4 Direction is one of the few tools in the hands of local authorities and any moves to weaken its impact should be avoided.

We would welcome a situation where Article 4 Directions are redundant. Until that is achieved, we do not support the above proposal in (i) and we would wish to see local authorities free to make Article 4 Directions in any circumstances where they see them as justified and proportionate.

We do not support the concept of compensation. Developers should never assume that a change of use would be appropriate or welcomed by the community. The risk should be carried by those that make their purchase decisions and the market price should reflect the current lawful use of the land. We do not believe that this risk should be borne by the tax payer.

Question 4.3: *Do you agree with the proposed changes to the requirements for consulting and notifying English Heritage set out in Table 3? If not, please specify what change is of concern and why? Do you agree with the proposed change to remove English Heritage's powers of direction and authorisation in Greater London? If not please explain why.*

We do not agree with the proposed changes. Our experience has shown that local planning authorities do not always pay sufficient heed to the heritage aspects of planning proposals. Many of London's pubs are Victorian with a handful of significantly older assets such as The George at Southwark, The Marquis of Lansdowne in Hoxton and The Widow's Son in Bow which has recently been the subject of three separate enforcement actions by the local authority. The heritage aspects of development must be considered as laid out in Paragraphs 130 to 135 of the Framework. Local authorities do not always have the expertise or resources to properly scrutinise and evaluate the level of harm. This was recently brought to light in the enforcement action over The Chesham Arms in Hackney. The unauthorised works clearly caused substantial harm to a designated heritage asset yet the local Council's enforcement notice failed to make mention of this fact.

The majority of listed pubs in London are in the Grade II category. The proposal is to remove the consultation requirements in Greater London which would place this important stock of heritage assets in a more vulnerable position and expose them to insensitive, inappropriate or harmful development. English Heritage represents a much needed important additional layer of control in the planning process.

Executive Summary of Responses

Question Number	Short Response	Summary Detail
2.3	No	We recognise a risk that developers will seek to redesignate or describe certain pubs as night clubs in order to exploit this permitted development right and change the use of A4 pubs to C3 residential without planning permission and without local consultation.
2.5	No	We are concerned that there could be a sequential loss of pubs through conversion to offices, followed by conversion to residential. We wish to see permitted development rights which allow the change of use of pubs removed. At the very least there should be restrictions on this new proposed right to exclude A4 pubs in temporary use as B1 offices.
2.8	Yes	We understand and support the proposal to tidy up the use class order so that A2 will encompass only betting shops and payday loan shops. We recognise that this is necessary to allow change of use <u>into</u> the use class i.e. new instances of betting shops etc to be brought under planning control and to allow communities a voice. We would point out that the A4 use class only includes drinking establishments, the majority of which are pubs. This conveniently allows a straight-forward mirror image reform which would restrict change of use <u>away from</u> class A4. Please see our answer to Question 2.9.
2.9	Yes	We welcome the proposal to bring the proliferation of betting shops and pay day loan shops under planning control. Local people should be engaged in the planning process and have a say on the balance of facilities in their neighbourhoods. Many valued pubs have been converted to betting shops via the permitted development route over the past decade. We support any restrictions which would reduce the threat of change of use. We would further like to see removal of permitted development rights which allow change of use away A4.
2.10	Yes	The definition of pay day loan shop should be as broad as possible and include modern day pawnbrokers e.g. Cash Converters where goods are bought and sold to and from members of the public.
2.22	Yes	The GPDO should be amended such that demolition or any change of use of property falling within use class A4 is <u>not</u> permitted development and should be subject to planning control.
2.23	Yes	Pubs provide our feel-good factor. They are a constant reminder of our cultural identity in an evolving society. Permitted development rights allowing change of use of a pub lead to the further loss of pubs in our society. This in turn leads to an increase in lone drinking at home, unsupervised drinking in streets and public places, social alienation, a loss of social cohesion and the destruction of heritage and culture. These are all negative impacts which have an associated cost to society and government.

Question Number	Short Response	Summary Detail
2.24	No to (i)	<p>We would welcome a situation where Article 4 Directions are redundant. Until that is achieved, we do <u>not</u> support the proposal in (i) and we would wish to see local authorities free to make Article 4 Directions in any circumstances where they see them as justified and proportionate.</p> <p>We do not support the concept of compensation. Developers should never assume that a change of use would be appropriate or welcomed by the community. The risk should be carried by those that make their purchase decisions and the market price should reflect the current lawful use of the land. We do not believe that this risk should be borne by the tax payer.</p>
4.3	No	<p>We do not agree with the proposal to remove English Heritage's power of direction and authorisation in Greater London. Many Greater London pubs are Grade II listed and they are an important part of London's cultural heritage. They are designated heritage assets by definition and are afforded protection under the Framework and under the Planning (Listed Buildings and Conservation Areas) Act 1990. English Heritage possesses the necessary expertise, qualifications, experience and passion to make appropriate representations and valid input to the planning decision making process on heritage assets. The current arrangements are not a hindrance but an important part of ensuring compliance with statute and planning policy. We do not recognise any need to change the current arrangements.</p>

Approved by:

Geoff Strawbridge,
Regional Director
24th September 2014

APPENDIX – TESCO STEALTH PUB CONVERSIONS 2010 – 2014

Green Gate	E13, Plaistow	2014	Punch
Pigeons	E15, Stratford	2011	Enterprise
Marlborough	RM7, Romford	2013	ex-Star
Beacon	RM10, Dagenham	2012	Punch
Railway	RM10, Dagenham	2012	Punch
Cherry Tree	RM13, South Hornchurch	2012	Enterprise
Orange Tree	N11, New Southgate	2011	S&N Pub Co
Golden Stool	N15, South Tottenham (was Mitre)	2011	Independent (ex Bass)
Sapphire Lounge	N20, Whetstone (was Rising Sun)	2011	Independent (ex M&B late 2010)
Britannia	NW6, Kilburn	2010	Greene King
Misty Moon	NW10, Neasden (was Outside Inn)	2012	Three Wishes (ex-JD Wetherspoon)
Apollo	HA1, Harrow	2010	Spirit
Desi Dons	HA0, Wembley (was Hop Bine)	2010	Enterprise
Queen Adelaide	SE20 Penge	2011	Independent
Jack Stamps	SE27, West Norwood (was Thurlow Arms)	2010	Faucet Inn
Slug & Lettuce	BR1, Bromley (was Parisa)	2013	Stonegate
Style & Winch	DA8, Erith (was Boundary)	2012	Enterprise
Swan & Sugarloaf	CR2, South Croydon	2012	Whitgift Foundation (leased to Pubs 'n' Bars)
Duchess of Edinburgh	DA16, Welling	2012	Independent (ex-GK)
Infernos	DA16, Welling (was Station)	2012	Independent (ex-Whitbread)
George IV Music Bar	SW2, Brixton (was George IV)	2013	Independent
Salisbury Tavern	SW6, Fulham	2011	Punch
Prince of Wales	SW11, Battersea	2014, pending	Enterprise
Rose & Crown	SW16, Streatham	2011	Punch
Prince of Wales	SW17, Summerstown	2013	Young's
Grid Inn	SW18, Southfields	2012	JD Wetherspoon
Grove	SW19, South Wimbledon (was Grove Tavern)	2012	Independent
Angel	SM1, Sutton	2013	Punch
Woodman	SM1, Sutton	2013	Enterprise
North Pole	W10, North Kensington	2013	Independent, ex-Massive
Old Bull & Bush	W12, Shepherds Bush (was Travellers Rest)	2012	Greene King
Crown & Sceptre	TW14, Feltham	2013	Punch
Horse & Groom	TW13, Feltham	2011	Punch
Warren	TW4, Hounslow	2012	S&N Pub Co
North Star	UB2, Southall	2012	Independent
Red Lion	TW1, Twickenham	2010	Enterprise
Fox & Pheasant	UB7, West Drayton	2012	Enterprise