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| <b>Committee(s)</b>  | <b>Dated:</b>       |
| Policy & Resources Committee   | 15 Dec 2016         |
| <b>Subject:</b><br>Application for designation of the Still & Star Public House as an Asset of Community Value | <b>Public</b>       |
| <b>Report of:</b><br>Director of the Built Environment   | <b>For Decision</b> |
| <b>Report author:</b><br>Peter Shadbolt, Department of the Built Environment                                   |                     |

### Summary

The City Corporation has received a nomination from the Campaign for Real Ale (CAMRA) to designate the Still & Star public house, 1 Little Somerset Street, as an Asset of Community Value. This is the first such application that has been made to the City Corporation.

CAMRA has provided information on the historic use of the pub, dating back to 1820, and of current community use. This information is supplemented by objections to the potential demolition of the Still & Star arising from a planning application for a new office-led development on a wider site (16/00406/FULMAJ). The landowner has objected to the nomination on the grounds that the Still & Star does not serve the local resident community, that objections to the planning application have principally come from outside of the City of London and that it is unrealistic to expect future community use given the intention to redevelop the site.

The information supplied by the applicant and the landowner has been assessed in the context of statutory criteria on the validity of nominations and the City Corporation's guidelines on the assessment public house nominations, which are considered elsewhere on this committee agenda. Although a planning application has been received for the wider redevelopment of this site, it would not be appropriate to give this undue weight when determining this ACV nomination, as to do so would pre-judge the future determination of the planning application by the Planning & Transportation Committee.

This ACV nomination was considered initially at Planning & Transportation Committee on 25/10/16 and after a debate a majority voted that the Committee recommend that Policy & Resources Committee should not designate the public house as an ACV. At the Policy & Resources Committee meeting on 17/11/16 the Committee deferred the decision on nomination and requested that further information be provided to the Committee on guidelines which should be used to determine ACV nominations in the City.

This report assesses the application for the Still & Star public house in the context of the guidelines proposed elsewhere on this committee agenda. The determination of whether the Still & Star should be designated as an Asset of Community Value is a

finely balanced one which Members will need to take on the basis of the evidence submitted by the applicant and the landowner and the assessment set out in the appendix to this report. If material amendments are made to the proposed guidelines for the determination of ACVs, then such alterations will need to be taken fully into account in the consideration of the designation of the Still & Star as an ACV.

### **Recommendation(s)**

Members are recommended to:

- Use their local knowledge and the evidence presented to determine whether the Still & Star public house should be designated as an Asset of Community Value.

### **Main Report**

#### **Background**

1. On 19<sup>th</sup> September 2016, the City Corporation received an application from the Campaign for Real Ale (CAMRA) – East London & City Branch for the designation of the Star & Still public house, 1 Little Somerset Street, as an Asset of Community Value.
2. This is the first such nomination received by the City Corporation. Responsibility for the determination of ACV nominations has not been specifically delegated to a committee and therefore rests with the Policy & Resources Committee. Although the Planning & Transportation Committee is not the responsible Committee for determining ACV nominations, the issues raised were considered to have some overlap with matters within their terms of reference and therefore Planning and Transportation Committee, at its meeting on 25/10/2016, was asked to consider the evidence in this report and provide its advice to Policy & Resources Committee for that Committee's determination. The Planning & Transportation Committee recommended to Policy & Resources Committee that the nomination be refused.
3. The Planning & Transportation Committee's recommendation was reported to Policy & Resources Committee at its meeting on 17 November 2016. The Policy & Resources Committee considered that more detailed information was required on the process for determining ACVs in order for a decision to be made. The Committee deferred the decision on the Still & Star ACV nomination and asked that a policy on the process and guidelines for determining ACV nominations be developed and submitted to the Committee for consideration.
4. The previous reports to Planning & Transportation Committee on 25/10/16 and Policy & Resources Committee on 17/11/16 set out in more detail the legislative basis for ACVs and this is not repeated here. The application is available on the City Corporation's website, along with information supplied by the owner of the Still & Star at: <http://www.cityoflondon.gov.uk/services/environment-and-planning/planning/planning-policy/Documents/still-star-acv-submission->

[20160919.pdf](#) . Members should be aware of the details of the application when determining the application for the Still & Star.

## **Current Position and Evaluation**

5. This report deals with the application for the Still & Star public house in the context of the guidelines contained elsewhere on this committee agenda. Appendix 1 sets out an assessment of the application for the Still & Star against each of the criteria suggested in the earlier report. The assessment is in 2 sections, the first section deals with the statutory requirements for a valid nomination and the potential for future use of the land or building. The second section deals with evidence that the public house use furthers the social wellbeing or social interests of the local community. For the statutory requirements under Section 1, a nomination will need to meet all the requirements to be considered a valid nomination. For the evidence assessment under Section 2, a more flexible approach is taken, with criteria assessed as strong evidence, some evidence, no evidence and uncertain. The overall contribution made to social wellbeing and social interest should be assessed taking all criteria and other local knowledge into account.
6. In terms of Section 1:Validation, the application has been submitted by the CAMRA East London & City Branch. CAMRA is a company limited by guarantee which does not distribute any surplus to its members. The East London & City Branch exists to campaign for and support pubs and real ale in the E and EC post codes and has a total of 1,581 members resident within these post codes. CAMRA meets the regulatory requirements as an eligible body, with a local connection, to submit nominations for ACV under the Regulations. The Still & Star's primary lawful use is as a drinking establishment under Use Class A4 and it does not fall within any of the exempt land uses. The application is therefore valid.
7. In terms of whether this building can continue to provide social wellbeing and social interest in the future, no specific evidence is required by the legislation to support this and the applicant has provided none. The landowner has argued that, since they intend to undertake a wider office-led development which involves the demolition of the public house, the current use cannot realistically be expected to continue. However, this is dependent on the determination of a current planning application and it would not be appropriate to give this undue weight in advance of this determination by the Planning & Transportation Committee. There is no other information or evidence to suggest that the pub use will not continue and therefore at the present time the application does pass this test.
8. Section 2 of the assessment relates to whether the Still & Star furthers the social wellbeing and social interest of the local community. Appendix 1 shows that the public house hosts a range of events and activities which benefit the community, including hosting a local darts team which competes in a local league, regular meetings of clubs and societies and themed events. There is also evidence that the pub has been recognised as a community public house by participation at the City of London Annual Community Fair. The Still & Star also has a long history of

use as a public house and has local social and cultural associations with this part of the City.

9. The application suggests that the Still & Star serves local residents and workers and a wider visitor community, but does not provide detailed evidence. This has been highlighted by the landowner, who considers that the community should be limited to local residents. The City Corporation's guidelines suggest that the community should include the City's working and resident community and this is also recognised in the City's Statement of Community Involvement. There is no requirement in the legislation for an applicant to define a local community beyond meeting the definition of being a local community organisation.
10. Objections to an office-led development on a wider site, which would require the demolition of the public house (16/00406/FULMAJ), also identify support for the designation of the Still & Star as an ACV. The landowner, however, has drawn attention to the fact that all but 5 of these objections have been made by people from outside the City.
11. No information has been provided by either the applicant or the landowner to identify the consequences to the community if the public house use were to be lost. In considering the impact of any loss, Members will need to take into account whether there are any unique features associated with the Still & Star which could not be easily replicated elsewhere.

### **Procedural Next Steps**

12. If the nomination is refused, there is no right of appeal for the applicant. There is, however, no restriction on the number of nominations relating to the same site that can be made for ACV status. Each would need to be considered on its merits.
13. If the nomination is approved and the ACV designated, the landowner has a right of appeal. In the first instance the appeal is to a senior officer within the City Corporation who has not been involved in the determination of the initial application (this would be through the Town Clerk or other nominated senior officer). If this appeal fails, there is provision for a second independent appeal to the First Tier Tribunal.

### **Corporate & Strategic Implications**

14. The consideration of the Still & Star public house as a possible Asset of Community Value accords with Corporate Plan aims to provide modern, efficient and high quality local services for workers, residents and visitors, and to provide valued services, such as education, employment, culture and leisure, to London and the nation.

## **Implications**

15. The proposal to designate the Still & Star Public House as an ACV will impact on the owner of the building, through a requirement to seek planning approval for demolition of the pub and through a requirement for a 6 month moratorium prior to any future sale. Although the designation will be a material consideration in the determination of any future planning application, any such application would need to be determined on the basis of its individual merits and its accordance with the Development Plan. Designation as an ACV would not fetter the Planning & Transportation Committee's consideration of the wider merits or otherwise of a planning application.
16. The Localism Act and Regulations make provision for the possible payment of compensation by the local authority to the landowner of such amount as the local authority may determine for any incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed as an ACV. Specific reference is made in Regulation to compensation arising from a delay in entering into an agreement to sell (due to the moratorium) and for reasonable legal expenses incurred in a successful appeal to the First-Tier Tribunal, but Regulation also permits any other claim in respect of loss or expense. Non-statutory guidance on ACVs issued by DCLG in 2012 indicates that central Government will meet the costs of compensation claims of over £20,000 in any financial year. The first £20,000 of any claim is to be met by the local authority.

## **Conclusion**

20. The City Corporation is required by the Localism Act 2011 to consider this nomination and if, in its opinion, the pub furthers the social wellbeing or social interests of the local community and will continue to further these interests in the future, then the City Corporation must designate the building as an ACV. The ACV status is time limited and will lapse after 5 years.
21. CAMRA has provided evidence of the use of this building as a public house since 1820 and evidenced its use by the local community and the City's working community. A separate planning application has been received for the redevelopment of the public house and surrounding buildings which has generated over 260 objections, 87 of which identify the pub as a community asset and 224 refer to the loss of a valued heritage asset.
22. The landowner has objected to the nomination on the grounds that the pub does not further the social interest or social wellbeing of the local resident community, that objections are not made by people living in the City, and that the pub will not perform such functions in the future due to the intention to redevelop the site for an office-led development, subject to the grant of planning permission. However the implications of the current planning application for redevelopment of the site should not be given undue weight as this would pre-judge the future determination of this application by the Planning & Transportation Committee.

## **Appendices**

- Appendix 1 – Assessment of the application for ACV status for the Still & Star public house

## **Background Papers**

Report to Planning & Transportation Committee 25/10/2016 and Policy & Resources Committee 17/11/2016, Application for designation of the Still & Star Public House as an Asset of Community Value.

Report to Policy & Resources Committee 17/11/2016. Application for designation of the Still & Star Public House as an Asset of Community Value – Report of Planning & Transportation Committee.

The application for ACV status and related representations can be viewed at:

<http://www.cityoflondon.gov.uk/services/environment-and-planning/planning/planning-policy/Pages/localism-and-neighbourhood-planning.aspx>

### **Peter Shadbolt**

Assistant Director (Planning Policy)

T: 020 7332 1038

E: [peter.shadbolt@cityoflondon.gov.uk](mailto:peter.shadbolt@cityoflondon.gov.uk)