

# **Last Orders? Preserving Public Houses**

## **Supplementary Planning Document**

June 2014

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# 1. Introduction

- 1.1** This Supplementary Planning Document (SPD) explains the Council's overall guidance on the retention of public houses (pubs) in the borough. It seeks to protect pubs not just for their value as community assets but also for the contribution these buildings often make to the character of the borough. The SPD will be used to help determine planning applications relating to the loss of a pub whether open or closed.
- 1.2** This document is a response to community concerns regarding the declining number of pubs in the borough. With only 28 pubs still in operation, a figure which is low for London, it is clear that doing nothing is not an appropriate response. The rate of decline in Barking and Dagenham is high with a reduction of 41.6 percent over the past twenty six years, with most of this occurring in the last ten years.
- 1.3** Whilst the loss of pubs in the borough is concerning, many of our pubs have managed to stay successful businesses even in testing economic times. Proving that with the right management, sales and offer our local pubs can and do thrive. Nevertheless, the pub industry nationally remains a challenging environment.
- 1.4** Pubs are special, more than private businesses; the local pub often brings people from different walks of life together, supporting community cohesion. Many of the pubs in Barking and Dagenham are also of local and in some instances national historic significance and contribute to the unique character and appearance of the borough, including its conservation areas. To put it simply, our pubs matter and it is for this reason that the Council wants to give pubs a greater level of protection.
- 1.5** The guidance, detailed in Section 6, sets out a level of protection for the Borough's pubs. This SPD is considered a pragmatic and proportionate response to the challenges we face in maintaining the borough's pub stock. It will allow the opportunity for pubs to flexibly change use in appropriate circumstances.
- 1.6** This SPD has been prepared to take into account the following key principles:
- a. The importance of pubs as community gathering spaces which reinforce the importance of community and social interaction.
  - b. A need to preserve the important economic functions of pubs which provide a substantial amount of local employment, providing job opportunities to local people.
  - c. The need to preserve pubs which have an important historical and architectural function, contributing to the local townscape.
  - d. A need to be flexible enough to respond to the changes and realities of the local economy and the wider economic environment.

**1.7** It should also be noted that the guidance is not proposing the use of an Article 4 Direction to remove permitted development rights for pubs to change to cafes and restaurants (A3), financial and professional services (A2) or shops (A1). However, the Council may use an immediate Article 4 Direction on a case by case basis should it be deemed by the Council to be appropriate. Immediate Article 4 Directions can be imposed on specific buildings or land when there is a justified and urgent requirement for the land or buildings protection. The Council as the planning authority would therefore have the right to stop permitted development changes relating to a pub if required.

**1.8** This SPD is supported by national and regional policy (see Section 3 for a review of relevant planning policy). This is reflected by the National Planning Policy Framework (NPPF), which encourages a positive approach towards the protection of community facilities such as pubs (NPPF, Para 70).

**1.9** This SPD will assist the Council to achieve its Community Strategy vision to 'Encourage growth and unlock the potential of Barking and Dagenham and its residents' and the priorities 'Reduce crime and the fear of crime', 'Maximise growth opportunities and increase household income of borough residents' and 'Creating thriving communities.

**1.10** The SPD specifically supplements the following policies and objectives of the Local Plan:

*Core Strategy (2010)*

- CM1: General Principles for Development
- CM5: Town Centre Hierarchy
- CE1: Vibrant and Prosperous Town Centres
- CP1: Vibrant Culture and Tourism
- CP2: Protecting and Promoting the Historic Environment
- CC2: Social Infrastructure to Meet Community Needs

*Borough Wide Development Policies (2011)*

- BE2: Development in Town Centre
- BP11: Urban Design
- BC6: Loss of Community Facilities
- BP2: Conservation Areas and Listed Buildings

**1.11** The SPD does not have the same status as the Development Plan but is a material consideration in the determination of planning applications.

**1.12** The provisions of this SPD will be implemented primarily through the Development Management process and the determination of applications for change of use of pubs. This document is intended to complement rather than duplicate other planning documents. It should be read in conjunction with the Barking and Dagenham Local Plan.

**Public houses - a definition**

**1.13** In planning terms a pub is designated as Use Class A4 Drinking Establishments under the Town & Country Planning Use Classes Order (1987) as amended. Pubs require a premises license under the Licensing Act 2003 which is administered by the Council. Under their license terms, the definition of a 'public house' is framed so as to include all premises licensed for the supply of alcohol for consumption on the premises, including bars and restaurants. The license is valid for an indefinite period once granted and can only be repealed if the proprietor breaks the terms and conditions of their license, or fails to pay their annual fee.

## **2. Status**

**2.1** This guidance has been put together in accordance with the National Planning Policy Framework (NPPF, 2012). The statutory Development Plan is the starting point when determining a planning application for the development or use of land. The Development Plan consists of the London Plan (2011) and the Development Plan Documents within the London Borough of Barking and Dagenham's Local Plan. This SPD provided further detail on the implementation of Local Plan policy that applicants must follow to ensure they meet the policy requirements.

### 3. Planning policy framework

3.1 This Supplementary Planning Document (SPD) has been produced to address the impact of the loss of pubs. The guidance seeks to encourage a diverse and active pubs sector in Barking and Dagenham. It draws upon national and regional planning policy guidance and expands on local policies set out in the Local Plan.

#### The National Planning Policy Framework

3.2 The National Planning Policy Framework (NPPF) recognises the importance of community facilities and seeks to protect against their loss. The NPPF sets the achievement of sustainable development as its main focus. This encompasses three goals; economic, social and environmental. Pubs help contribute to supporting all three. First, in terms of their social contribution, the borough's pubs provide a social meeting place for the community. Second, in terms of economic contributions, local pubs are an important source of local employment and support the local economy<sup>1</sup>. Lastly, environmentally, many of our pubs contribute to the history and architectural heritage of our borough and are therefore identified as heritage assets in their own right. A thriving local pub sector is therefore important to achieving the principle function of national planning policy; achieving sustainable development.

3.3 The NPPF provides a wealth of general support for those community facilities which can promote social inclusion whilst supporting the economy. In particular paragraph 70 defines pubs as community facilities. The Council's Local Plan does not include pubs as a community facility. However, the Council intends to use the more recent definition of community facilities in the NPPF in implementing its Local Plan policies including CC2 and BC6. Paragraph 70 of the NPPF recommends that planning policies and decisions 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 communities ability to meet 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*

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<sup>1</sup> An 11 percent decline in the national pub stock was recorded in the UK public house stock between 2007 – 2011. Source: British Beer and Pubs Association, <http://www.beerandpub.com/statistics>

- *Ensure an integrated approach to considering the location of housing economic uses and community facilities and services*

- 3.4** The NPPF also places great emphasis on maintaining the character and distinctiveness of an area. Paragraph 50 expects development to respond to local character and history whilst demonstrating an understanding of the defining characteristics of an area.
- 3.5** Some pubs may make a positive contribution to the character and appearance of conservation areas. Under the NPPF Loss of those that do should be treated as either harm or substantial harm to a designated heritage asset, as appropriate, taking into account its contribution to the significance of the conservation area.
- 3.6** Substantial harm to a conservation area should be refused unless it can be demonstrated that this is necessary to achieve substantial public benefits that outweigh that harm or loss, and that sufficient viability testing has been carried out, including appropriate marketing (paragraph 133).
- 3.7** Local Authorities are required to look for opportunities for new development within conservation areas to enhance or better reveal their significance.
- 3.8** Under the NPPF Local Authorities should require developers to record and advance understanding of the significance of heritage assets to be lost in a manner proportionate to their significance. English Heritage has provided guidance on the appropriate level of building recording, available at [www.english-heritage.org.uk](http://www.english-heritage.org.uk)
- 3.9** Paragraph 153 of the NPPF states that Supplementary Planning Documents should only 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 on development. With relation to this, it is considered that this SPD is required to assist applicants make successful planning applications in respect to development involving a pub. It is not considered that this SPD adds unnecessarily to the financial burdens on development. The guidance set out in Section 6 provides appropriate and proportionate criteria to protect and retain pubs. When reading the NPPF as a whole, it can be seen that the SPD will aid the delivery of sustainable development by aiding in the retention, where viable, of valued community facilities.

### **London Plan**

- 3.10** At the London (regional) level, the London Plan (2011) forms part of the development plan for the area. Pubs can be considered to be social infrastructure when read in alignment with the NPPF which, as set out above, consider pubs community facilities. London Plan Policy 3.16 – Protection and Enhancement of Social Infrastructure, in part states:

*Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure*

*premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.*

**3.11** Other London Plan policies that are relevant to the protection of pubs include:

- Policy 2.5: Town Centres
- Policy 3.1: Ensuring equal life chances for all
- Policy 4.1: Developing London's economy
- Policy 4.6: Support for and enhancement of arts, culture, sport and entertainment provision
- Policy 4.8: Supporting a successful and diverse retail sector
- Policy 7.1: Building London's neighbourhoods and communities
- Policy 7.4: Local character
- Policy 7.8: Heritage assets and archaeology

**3.12** In January 2014, the Mayor of London published his Further Alterations to the London Plan (FALP) for consultation. Paragraph 4.48a provides further detail to policy 4.8 of the London Plan and is relevant to this SPD. This states that the Mayor recognises the important role that London's public houses can play in the social fabric of communities and recent research highlights the rapid rate of closures over the past decade. As a consequence the FALP advises where there is sufficient evidence of need, community asset value and viability in pub use, boroughs will be encouraged to bring forward policies to maintain, manage and enhance public houses. Although proposals set out in the FALP are at the consultation stage, it demonstrates the direction of travel within London on the issue of public house protection.

### **Barking and Dagenham Local Plan**

**3.13** At the local level, the Barking and Dagenham Local Plan is divided into a portfolio of Development Plan Documents (DPDs) which includes:

- Core Strategy (DPD)
- Borough Wide Development Policies (DPD)
- Site Specific Allocations (DPD)
- Barking Town Centre Area Action Plan (DPD)
- Proposals Map
- Joint Waste Development Plan (DPD)

### **Barking and Dagenham Core Strategy (2010)**

**3.14** The Core Strategy is considered the principle planning document within the Local Plan. It sets out the strategic policies which guide all planning decisions. The document shapes strategic growth in the borough. It sets a range of policies which are relevant to the issue of the protection of pubs.

**3.15** Core Strategy Policy CC2 – Social Infrastructure to Meet Communities Needs seeks to resist the loss in community facilities. It states the following:

*To maintain and improve community wellbeing; support will be given to proposals and activities that protect, retain or enhance existing community facilities, or lead to the provision of additional community facilities.*

*The loss of community facilities will only be allowed in exceptional circumstances.*

*Community facilities should be sustainable and accessible. For example they should:*

- *Be located where they can be accessed on foot, bicycle or public transport, rather than only by car.*
- *Be located in premises that comply with the access requirements of the Disability Discrimination Act 2005.*
- *Where possible, be developed as part of mixed-use developments so that facilities are better linked to housing, jobs, shopping, leisure and other local service, in order to minimise travel distances.*
- *Where possible, be located in close proximity to the community that the facility will serve.*

*Where appropriate, the dual-use of premises for a range of community uses will be encouraged. Appropriate locations may include underused existing community facilities or vacant premises within retail parades in designated town centres, subject to the provisions of town centre retail policy.*

**3.16** Other Core Strategy policies which are relevant to the protection of pubs include:

- CM1: General Principles for Development
- CM5: Town Centre Hierarchy
- CE1: Vibrant and Prosperous Town Centres
- CP1: Vibrant Culture and Tourism
- CP2: Protecting and Promoting the Built Environment
- CC2: Social Infrastructure to Meet Community Needs

### **Barking and Dagenham – Borough Wide Development Policies (2011)**

**3.17** The Borough Wide Development Policies (DPD) provides further interpretation and further detail to Core Strategy policies. Policy BC6 Loss of Community Facilities states:

- *Planning permission that will result in the loss of a community facility will only be permitted where one of the following criteria is met:*
- *The facility is replaced within the new development.*
- *The facility is relocated or a better facility is provided in a more appropriate building or location on another site which improves its*

*accessibility for its users in terms of proximity, walking and public transport, safety (real and perceived) and physical accessibility.*

- *The Council is satisfied that the facility is no longer needed and there are no reasonable prospects of reuse by an alternative community use despite attempts (over a minimum period of 12 months) to market it.*

**3.18** Other Borough Wide Development policies which are relevant include:

- BE2: Development in Town Centre
- BP11: Urban Design
- BC6: Loss of Community Facilities

### **Legislation Review - Planning Law and Public houses**

**3.19 The Town and Country Planning (Use Classes) Order 1987 (as amended)**

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. In general terms, a use class can be considered a grouping of similar uses. Planning permission is generally not required when both the present and proposed uses fall within the same use class; this is considered permitted development. In some cases planning permission is also not required when changing from one use class to another.

**3.20** In the case of Pubs planning permission is not required to change use to a shop (Use Class A1), a financial or professional service (Use Class A2) or a restaurant or cafe (Use Class A3). This is considered to be permitted development.

**3.21** In addition since 2013, pubs under 150 metres can change to a B1 business use for a temporary period of two years. A pub can also change use to a state funded school for a single academic year provided it is approved by the Secretary of State. In both cases the Council must be notified first and a number of restrictions apply.

### **Listed Buildings**

- 3.22** Listed buildings are given statutory legal protection due to their national historical or architectural interest. Any works which affect their character as buildings of historic or architectural character require listed building consent, including, for example, historic interiors.
- 3.23** Under the NPPF listed buildings are considered designated heritage assets. At paragraph 133 the NPPF requires Local Planning Authorities to refuse consent in cases of substantial harm, unless it can be demonstrated that this is necessary to achieve a number of public benefits which outweigh that harm. In assessing any proposals for listed pubs which require planning permission Local Authorities must give great weight to the asset's conservation"
- 3.24** There are two statutory listed pubs in Barking and Dagenham (detailed in Table 9).

### **Locally Listed Building**

- 3.25** Locally listed buildings are properties which have been listed by the Local Authority due to their local historic or architectural importance. These buildings are not deemed to be of national importance but are of local value. The National Planning Policy Framework (NPPF) classifies a locally listed building as a non-designated heritage asset; as distinct from those buildings which are statutorily listed and classified as designated heritage assets. The NPPF makes clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining a planning application.
- 3.26** Barking and Dagenham's locally listed pubs not only have an innate heritage value but make a positive contribution to the borough's local character and sense of place. The Borough has 20 locally listed buildings which are or were pubs, 12 of which are currently open and 3 of which have closed. In addition the borough also has 5 former pubs which are locally listed where the primary use has changed but the building has been retained.

### **Localism Act 2011**

- 3.27** The Localism Act received Royal assent in November 2011. This introduced Community Right to Bid. Under the Community Right to Bid buildings of community importance, such as local pubs, can be nominated for listing on a register of assets of community value. If the owner of a listed asset of community value wants to sell it they have to notify the local authority. The local authority in turn has to notify any interested parties. If local groups are interested in buying the asset they have six months to prepare a bid to buy it before the asset can be sold.
- 3.28** It has been established that there is a strong planning basis for undertaking this SPD. The NPPF, London Plan and local plan policies demonstrate strong planning policy support for the protection of pubs, for the economic, social and historical contribution they make to the Borough.

## 4. Purpose and scope

- 4.1 Pubs nationally and locally are facing difficult times. Between 2007 and 2011 an estimated 6,396 pubs closed in the UK equating to an 11 percent loss<sup>1</sup>. Indeed, in the second half of 2011<sup>2</sup>, pubs were closing at a rate of 16 a week. Whilst the UK picture is bleak, the rate of decline experienced locally has been over twice that of the national rate. Barking and Dagenham has witnessed a 27.5 percent decline in the borough's pub stock between 2007 and 2011. Yet despite this decline, the pub remains an important and much valued community asset.

### **A place of community cohesion**

- 4.2 The importance of the pub as a community asset has been acknowledged by a range of leading organisations, such as the All Party Parliamentary Beer Group<sup>3</sup> and the British Beer and Pubs Association. In particular, the Institute for Public Policy Research (IPPR) published 'The Social Value of Community Pubs' (2012). This outlines in great detail the social and community importance of pubs. It outlines the importance of pubs as hubs for the development of social networks between local people. A lack of social infrastructure is not just an inconvenience for residents but can have significant long-term consequences, and associated costs, for communities. Social infrastructure and amenities can support wellbeing, health and sustainability agendas.
- 4.3 The IPPRs research, states that local pubs are important to communities for the following reasons:
- Allowing people to strengthen existing social networks by meeting up with friends and family.
  - Extending social networks whilst reinforce community cohesion and community participation.
  - Pubs are perceived by people to be important social institutions for promoting interactions between people from different walks of life.

### **A place of important historical and architectural character**

- 4.4 Like many parts of Britain, pubs have historically played an important role in the cultural, social and communal life of the Borough. As a result they have become repositories of cultural heritage value – archaeological, architectural, artistic and historic. Their historic functions and importance to the community are often reflected in their architectural character, quality and prominence within the townscape hierarchy. Tony Clifford, a local writer and historian, wrote extensively about the Borough's pubs in the mid 1990s. These perhaps above all other sources help to illustrate the wonderful contribution the Boroughs pubs have made to the social character and appearance of the borough<sup>4 5</sup>. Their contribution to conservation areas may also be recorded in conservation area appraisals.

- 4.5** Some local pubs have intrinsic historic and architectural value due to their age and rarity: Clifford's research illustrates how the local pub history dates back long before the formation of the Borough. The earliest currently operating pub is, according to Clifford, a pub which established itself in 1708 as the Queens Head. Known today as the Cross Keys, the building - which itself dates back to the 15<sup>th</sup> century - is a fine timber framed hall house with gabled jettied wings and is considered to be the oldest secular building in the Borough.
- 4.6** It is quite evident to anyone who has visited one of the Borough's historical pubs that they play a very important role in the local townscape. The 15th century Cross Keys building, mentioned above, with its timber framed construction and unique character is an obvious example. Indeed, this is pub is of national important and as such is Grade II listed. More contemporary pubs can also make a fine contribution to the appearance of the borough. The Grade II\* listed Eastbrook pub in Dagenham is one of the Borough's most important buildings. Indeed, it is considered to be within the top 4 percent of all listed buildings in terms of architectural importance across England. A unique modern pub, the Eastbrook is listed in the National Inventory of Historic Pub Interiors published by CAMRA<sup>6</sup>. This guide states that the Eastbrook is the finest 1930s pub in the inventory due to its completeness. The architecture of the pub makes considerable play of panels of brick alternating with render, and hipped roofs with pantile coverings. Its unique character can also be evidenced through its Oak Room and Walnut Room.
- 4.7** The area of the Borough known as the Becontree Estate has an interesting relationship with the pub. Prior to the building of the estate Dagenham was an Essex village. Conceived in the post-Great War years, the Becontree Estate provided some 27,000 new 'Homes for Heroes'. Interestingly, as the area developed in the 1920s and 1930s very few pubs were built. The estate was characterised by large pubs which were few and far between – unlike the rest of London which developed along a pattern of smaller pubs in closer proximity. Records suggest that these larger pubs were not always popular with the new residents of the Becontree Estate who mainly came from the East End of London<sup>7</sup>. This explains why there is a sparse base of local pubs in this area of the Borough.
- 4.8** Any change of use experienced by pubs can have impact on the external appearance of buildings (and therefore on the local townscape) and on historic interiors. A change of use which restricts or removes access to the building undermines the public's ability to enjoy their historic and cultural values as heritage assets. This guidance is therefore an important means of maintaining access to pubs wherever possible so that these buildings can be enjoyed by the public.
- 4.9** Two of the boroughs pubs are statutory listed and a further 12 operational pubs are recognised on the Local List. Barking and Dagenham has relatively few statutory listed buildings and other buildings of architectural and heritage importance when compared to other London boroughs. It is vital therefore to protect the borough's remaining assets, including its pubs.

**4.10** The rest of this Section will establish the rate of pub decline in the Borough and any geographic patterns to their loss. This will inform the guidance set out in Section 6.

#### **Barking and Dagenham - a declining pub sector**

**4.11** An analysis of pubs operating in the borough between 1987 - 2012 has been undertaken to establish when they closed, demolished or changed use. The starting point has been the Council's Local Land and Property Gazetteer and this has been supplemented with planning, building control and historical records. The data supporting these results are presented in Appendix 1 and a dataset which accompanies the SPD. Further to this, Appendix 1 also presents the number of pubs in operation in the middle of 2013.

**4.12** The headline figure from this analysis is that the borough's pub stock has declined by 39.5 percent between 1987 and 2012 equating to a net loss of 19 pubs. This decline has largely been generated over the last ten years, with the rate of stock decline increasing over the five years leading to 2012.

#### **Timeframes**

**4.13** Using the analysis and methods outlined above data has been generated for each five year period in the last 25 years showing how the borough's pub stock has changed. For a detailed breakdown of these results please see Appendix 1.

**4.14** In 1987 there were 48 pubs in the Borough. By the end of 1992 this had declined to 46. Over the five years leading to the end of 1992 a total of 3 pubs closed. The first JD Wetherspoon in the borough opened in 1992 (the Barking Dog) equating to a net loss of 2 pubs between 1987 and 1992.

**4.15** This small decline in the pub stock recovered by the end of 1997. The five years between the end of 1992 and the end of 1997 witnessed no pub closures and two gains. Wetherspoon grew their investment in the borough, opening a further pub in Dagenham in 1993 (the Lord Denman), another pub opened in a former shop on Goresbrook Road (Me'An O'Brien's). This meant that in 1997 there were the same number of pubs as in 1987.

**4.16** Five pubs closed between the end of 1997 and end of 2002, with only one pub opening (Barking Arms); a net loss of 4 pubs, leaving 44 pubs

**4.17** Between 2002 and 2007 4 pubs closed with no gains; leaving 40 pubs.

**4.18** Between 2007 and 2012 12 pubs closed and one opened (Brewers Fayre – Chequers Lane). This has resulted in a net loss of 11 pubs, a 27.5 percent reduction, leaving 29 pubs.

**Table 2 – Number of Pubs in the Borough 1987 – 2012**

Year Ending	Number of Pubs	Net loss/ gain	Cumulative net loss / gain
1987	48	NA	0
1992	46	- 2	- 2
1997	48	+ 2	0
2002	44	- 4	- 4
2007	40	- 4	- 8
2012	29	- 11	- 19

**4.19** In 2013 the Crooked Billet (Marks Gate) closed its doors, leaving 28 pubs open in the borough at the date of publication.

**4.20** Whilst the number of pubs closing has significantly increased over the past twenty five years, during this time five pubs have been gained, as shown in Table 3.

**Table 3 – Number of New Pubs Opened 1987 – 2012**

Pub	Opened
The Barking Dog	1992
Lord Denman	1993
Me'An O'Brien's	1997
Barking Arms PH	2000
Brewers Fayre	2012

**Rate of Public House Decline in Barking and Dagenham**

**4.21** The table set out below shows the rate of decline between 1987 and 2012. What can be clearly deduced is that the loss of pubs has risen substantially in the last ten years and has accelerated over the five years leading to the end of 2012. If the rate of change experienced over the last ten years is maintained over the next ten years then 24 pubs will remain. If the 27.5 percent decrease experienced in the last five years is repeated over the next ten then 11 pubs will remain. Whilst the Council acknowledges that this ignores underlying factors it nevertheless demonstrates that locally the role of the pub as an important social, economic and place making facility is in danger of being consigned to history if the Council does not respond.

**Table 4 – Rate of Public House Decline**

Year	1987	1992	Rate	Annual Rate
Stock Total	48	46	Loss 4.1%	Loss 0.82%
Year	1992	1997	Rate	Annual Rate
Stock Total	46	48	Gain 4.3%	Gain 0.86%
Year	1997	2002	Rate	Annual Rate
Stock Total	48	44	Loss 8.3%	Loss 1.66%
Year	2002	2007	Rate	Annual Rate
Stock Total	44	40	Loss 9.0%	Loss 1.8%
Year	2007	2012	Rate	Annual Rate
Stock Total	40	29	Loss 27.5%	Loss 5.5%

## Public House Closures

**4.22** Over the timeframe period (1987 – 2012) a total of 24 pubs closed. However, a further pub closed in 2013 (the Crooked Billet, Marks Gate) taking the total to 25 closures over the period 1987 – 2013. Table 5 shows those pubs which have been closed between 1987 and 2013.

**Table 5 – Pub Closures 1987 – 2013**

Pub	Address	Demolition Date	Closure Date	Status
Chequers	Ripple Road, Dagenham	1987	1987	Demolished and scheme implemented
Henry Ford	Ballards Road Dagenham	1989	1989	Demolished and scheme implemented
Merry Fiddlers	Wood Lane, Dagenham	1992	1992	Demolished and scheme implemented
The Stag	Ripple Road Barking	1999	1999	Demolished and scheme implemented
The Volunteer	Alfreds Way Barking	2001	1999	Demolished and scheme implemented
The Royal Oak	715 Green Lane, Dagenham	NA	2000	Changed use building retained
The Westbury Arms	Ripple Road	2011	2001	Demolished
Anglers Retreat	New Road, Dagenham	2002	2001	Demolished
Fishing Smack	92 Abbey Road	2008/9	2003	Demolished and scheme implemented
The Pipers	Gale Street, Dagenham	2004	2004	Demolished and scheme implemented
The Church Elm	Church Elm Lane, Dagenham	2008	2005	Demolished and scheme implemented
The Robin Hood	807 - 829 Longbridge Road, Dagenham	2005	2005	Demolished and scheme implemented
Barge Aground	15 Broadway, Barking	NA	2008	Closed
The Red Lion	66 North Street, Barking	NA	2008	Changed use building retained
The Short Blue	Bastable Avenue, Barking	2013	2009	Demolished and scheme implemented
The Britannia	1A Church Road, Barking	NA	2009	Changed use building retained
Captain Cook	Axe Street, Barking	2010	2009	Demolished and scheme implemented
The Bull	2-4 North Street, Barking	NA	2010	Closed
Farmhouse Tavern	649 Dagenham Road, Rush Green	NA	2010	Closed
The Ship & Anchor	Wood Lane, Dagenham	NA	2010	Closed

The Railway Hotel	Shafter Road, Dagenham	NA	2010	Changed use building retained
The Harrow	Ripple Road, Barking	2013	2010	Demolished and scheme implemented
The Hope	170 Gascoigne Road, Barking	NA	2011	Changed use building retained
The Beacon	201 Oxlow Lane, Dagenham	NA	2012	Changed use building retained
The Crooked Billet	Marks Gate	NA	2013	Closed

### Change of Use

**4.23** Of the 48 pubs which existed in 1987, six pubs have changed use but the building has been retained in some form while twelve have been demolished and schemes implemented for a different use. This equates to 37.5 percent of the 1987 pub stock. Table 6 details the nature of these planning applications.

**Table 6 – Implemented Public House Schemes**

Change of Use	Total	Percent
Residential and Residential Led Mixed Use	8	44.5
Supermarket and Supermarket Led Residential	5	28
Transport Improvements	1	5.5
Restaurant	1	5.5
Petrol Filling Station	1	-5.5
Community Facilities	1	-5.5
Place of Worship	1	5.5

**4.24** At the date of publication five previously operational pub sites in the Borough were nearing completion for new uses. As such, these pubs have been included in the above calculations. The Hope has discharged all conditions in connection to its permitted planning permission for change of use to a Place of Worship. It is expected that the applicant will implement the change of use soon and for this reason has been included in Table 6 as 'changed use and building retained'. Short Blue and The Harrow are both in the process of being implemented with demolition having taken place in 2013. The Captain Cook has been demolished and the site is currently being implemented as a sports centre.

**4.25** As can be seen, the change of use to residential or residential-led mixed use development has been the most frequent change of use followed by supermarket development. The table shows that transport improvements, restaurants and a petrol filling station have also replaced pubs.

### Listed Public Houses

**4.26** One of the key reasons for this guidance is to protect against the loss of pubs for the architectural merit and the contribution they make to the character of the local townscape.

**4.27** The Borough has two statutory listed pubs. These are considered to be of national importance and are set out in Table 7.

**Table 7 – Statutory Listed Pubs in the Borough**

<b>Pub</b>	<b>Address</b>	<b>Listing</b>	<b>Status</b>
The Cross Keys	Crown Street, Dagenham	Statutory Grade II	Open
Eastbrook Public House	Dagenham Road, Dagenham	Statutory Grade II*	Open

**Locally Listed Public Houses**

- 4.28** As well as the statutory listed pubs, the Borough has many pubs on its Local List. The Council's regeneration directorate compiles, publishes and maintains a List of Buildings of Local Architectural or Historic Interest - a 'Local List'. This is separate from the national statutory list of Listed Buildings held by the Secretary of State. These are buildings and structures of local importance and are afforded protection under the NPPF, Policy CP2 and Policy BP2 the Local Plan.
- 4.29** Pubs are well represented on the Local List. Currently there are 20 pubs on the Local List out of a total of 124 locally listed buildings. Of these, 12 locally listed pubs are open, three are closed and five have changed use but the buildings and its features have been retained in some form. These comprise: The Britannia, The Red Lion, The Railway Hotel and The Beacon.
- 4.30** The Britannia has been converted to a residential-led scheme with community use on ground floor. Some features have been retained such as the pub's windows and decorative mouldings. The Red Lion has also converted to residential and is also easily noticeable as a former pub. The Railway Hotel has been implemented as a metro supermarket-led development with residential above. The Beacon has also converted to a metro supermarket. Those locally listed pubs which are open are set out in Table 8; locally listed pubs which are closed or have changed use are set out in Table 9.

**Table 8– Open Locally Listed Pubs**

<b>Pub</b>	<b>Address</b>	<b>Listing</b>	<b>Status</b>
The Jolly Fisherman	108 North Street, Barking	Locally	Open
King's Lounge	2 Linton Road, Barking	Locally	Open
Spotted Dog	15 Longbridge Road, Barking	Locally	Open
The White Horse	High Road, Chadwell Heath	Locally	Open
The Admiral Vernon	141 Broad Street, Dagenham	Locally	Open
The Cherry Tree	Wood Lane, Dagenham	Locally	Open
The Harrow	Billet Road, Romford	Locally	Open
The Roundhouse	Lodge Avenue, Dagenham	Locally	Open
The Royal Oak	Longbridge Road, Barking	Locally	Open
The Ship And Shovel	Ripple Road, Barking	Locally	Open
The Three Travellers	Wood Lane, Dagenham,	Locally	Open
The Crooked Billet	113 River Road, Barking	Locally	Open

**Table 9 – Closed and Implemented Locally Listed Pubs**

Pub	Address	Listing	Status
The Bull	2-4 North Street, Barking	Locally	Closed
The Britannia	1A Church Road, Barking	Locally	Changed use building retained
The Hope	170 Gascoigne Road, Barking	Locally	Changed use building retained
The Red Lion	66 North Street, Barking	Locally	Changed use building retained
Farmhouse Tavern	649 Dagenham Road, Rush Green	Locally	Closed
The Railway Hotel	Shafter Road, Dagenham	Locally	Changed use building retained
The Ship & Anchor	Wood Lane, Dagenham	Locally	Closed
The Beacon	201 Oxlow Lane, Dagenham	Locally	Changed use building retained

### Spatial Distribution of Public Houses Closures

**4.31** As noted the boroughs pub stock has declined by 39.5 percent over the last twenty five years with the majority of this loss occurring over the past ten years. Table 10 outlines the loss of pubs and gains by borough ward. It illustrates that, with the exception of Longbridge, Mayesbrook, Parsloes and Alibon, all wards have experienced the loss of at least one pub.

**Table 10 – Pub Losses and Gains 1987 – 2013**

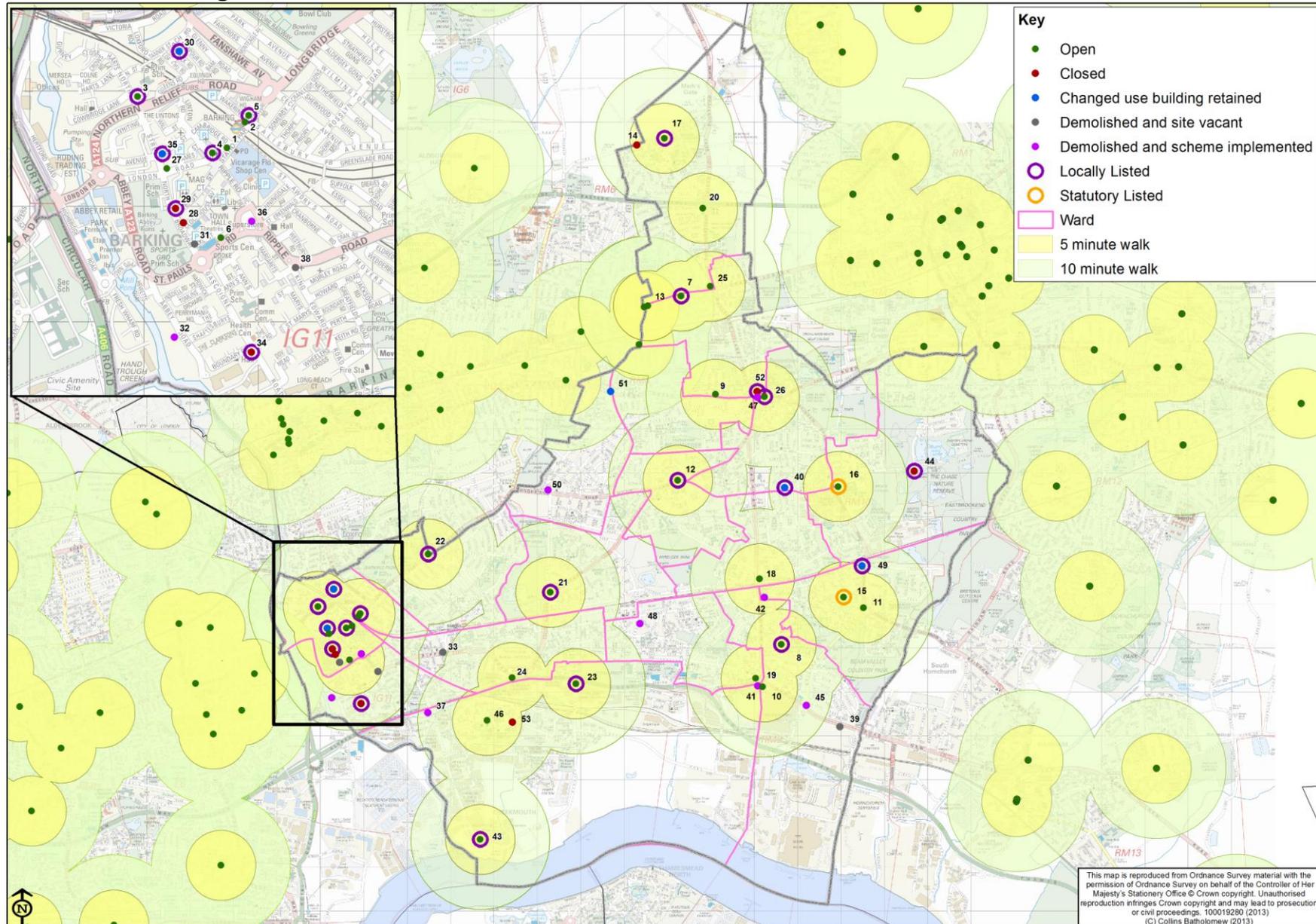
Wards	1987 pubs	Loss	Gain	Net Loss	2013 pubs	% loss/ Gain
Abbey	11	6	2	-4	7	- 36%
Alibon	0	0	1	0	1	+ 100%
Becontree	1	1	0	-1	0	- 100%
Chadwell Heath	6	1	0	-1	5	- 17%
Eastbrook	2	1	0	-1	1	- 50%
Eastbury	2	1	0	-1	1	- 50%
Gascoigne	3	3	0	-3	0	- 100%
Goresbrook	1	1	1	0	1	0%
Heath	3	2	0	-2	1	- 67%
Longbridge	1	0	0	0	1	0%
Mayesbrook	1	0	0	0	1	0%
Parsloes	1	0	0	0	1	0%
River	3	2	1	-1	2	- 33%
Thames	6	3	0	-3	3	- 50%
Valence	1	1	0	-1	0	- 100%
Village	4	2	0	-2	2	- 50%
Whalebone	2	1	0	-1	1	- 50%
<b>Total</b>	<b>48</b>	<b>25</b>	<b>5</b>	<b>20</b>	<b>28</b>	

**4.32** As Table 10 and Figure 1 demonstrate, pub closures have occurred across the whole of the borough, both in urban and more suburban locations. The impact of pubs loss is however perhaps felt more keenly in suburban areas where the

pub stock is already at a low base. As outlined in Table 10, the majority of wards have lost at least one pub over the past 25 years. Abbey ward has experienced the highest loss, with a net loss of four, followed by Gascoigne and Thames which have lost three.

**4.33** Figure 1 also illustrates how there are parts of the Borough which are not within eight hundred metres of a pub (deemed to be a 10 minute walking distance). In terms of being within 400 metres, which is considered a 5 minute reasonable walking distance, it can also be noted that a considerable proportion of the Borough is not within this distance. This is most strongly felt in the suburban areas to the north of the Borough and in Becontree Ward. As Figure 1 shows, Becontree has no pubs and is for the most part outside of the five and ten minute walking distance of a pub. In fact only a small amount of the north east boundary of the Becontree Ward is within an acceptable five or ten minute distance of a pub. As well as Becontree, the wards of Gascoigne and Valence have no currently functioning pubs.

**Figure 1: Public House in Barking and Dagenham**  
**Indicating areas of Pub Deficit**



## Summarising the Data Analysis

**4.34** The data analysis has outlined the significant decline in the pubs stock over the last 25 years leading to 2012. The main messages to take from the analysis are as follows:

- a. There has been a significant decline in the number of pubs. This recent decline can be considered to be higher than the national rate of stock decline. Between 2007 and 2011 the national rate of stock decline was 11 percent where as the boroughs stock decline was 25 percent. Albeit from a much smaller base.
- b. The rate of decline has increased over time. Between 2007 and 2012 there was a decline of 27.5 percent.
- c. The decline has been experienced in both suburban and the more urban wards of the Borough.
- d. Pubs appear under threat from change of use from two main types of development, which could be deemed to be more viable than the pub sector:
  - Residential (43 percent of development)
  - Metro supermarket (36 percent of development)
- e. There have been relatively few pub gains, only five pub openings over the last 25 years.
- f. Many pubs on the Council's Local List have closed or changed use. This has ultimately impacted on the public's ability to interact with these important character buildings.
- g. Between the years 1987 – 2013 a total of 14 pubs have been demolished. twelve of these demolished pubs have been implemented as new development. The remaining two have been demolished but with no schemes coming forward to date, although two have extant planning permissions.

## **5. The guidance**

### **SPD Guidance – Protecting Public Houses**

**1. The retention of public houses (pubs) is supported. The loss, change of use, redevelopment or demolition of a pub will be resisted.**

**2. Proposed change of use of a pub will only be permitted where the applicant has satisfied the following criteria:**

**A.** The pub has been marketed for a continuous period of 12 months as a pub, at a price agreed with the Council, following an independent professional valuation (paid for by the developer) and there has been no interest in either the free or leasehold as a pub. The outcome of this exercise should be presented in a viability report which demonstrates to the Council's satisfaction that all reasonable efforts have been made to preserve the pub use but it has been proven that it would not be economically viable to do so.

**B.** It has been demonstrated to the Council's satisfaction that there are no reasonable prospects of reuse by an alternative community use despite attempts over 12 months to market it. Evidence must demonstrate that it is not economically viable to utilise the building for a community use.

**3. In cases where submitted evidence demonstrates to the Council's satisfaction that criteria A and B are met but where the building is assessed as having historic significance, or making a positive contribution to local character or appearance of the streetscape including conservation areas, the Council will require the ground floor of the building to be retained for a publicly accessible use which maintains an active frontage.**

**4. Where a pub is demolished the replacement development must make an equal or greater contribution to the street scene and community benefit than the building and use it is replacing. Proposals will be expected to either incorporate a community use in the redevelopment or make a contribution towards enhancing community facilities in the locality where appropriate.**

**5. In cases where pubs are demolished but the former pub is considered to make a valued contribution to the Borough's past the applicant will be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) by sending the most important components of the building to the Council for archiving or public display, in line with best practice guidance published by English Heritage.**

## **REASONED JUSTIFICATION**

- 5.1** The London Borough of Barking and Dagenham has witnessed a significant loss of pub stock. Between 1987 and 2012 there has been a 39.5 percent decline in pubs. Most of this loss has taken place over the last ten years with a significant increase in loss over the five years leading to the end of 2012.
- 5.2** Pubs are important community assets, providing both employment and a meeting place for local people, whilst also often adding to the architectural quality of the borough. The Council supports the retention of pubs and will resist their change of use, redevelopment or demolition.
- 5.3** It is not considered desirable to implement a blanket protection of pubs nor is it deemed necessary to remove permitted development rights. Pubs in the borough will retain their right to change use to A1, A2 or A3 uses. This SPD provides guidance where planning permission is necessary. The Council may also utilise an Immediate Article 4 Direction to specific buildings where the threat to the future of that building warrants it.
- 5.4** Criterion A of the guidance requires applicants to demonstrate that all reasonable efforts have been made to preserve the pub use. The Council encourages applicants to speak to the Council before they commence their marketing exercise since some pub sites may have development potential which can compliment rather than threaten the pub building and use. Whilst the Council has not stipulated that the pub should be marketed without a 'tie', which require the purchase of drinks through the vendor and often with restrictive covenants, this is the preferred approach. Marketing without such 'ties' maximises the potential for a continuation of the pub use for other pub operators, breweries, local businesses or community groups.
- 5.5** The pub should be marketed over a continuous period of twelve months at a price agreed by the Council with reference to an independent valuation by a RICS accredited valuer paid for by the applicant. It is important that pubs do not become closed, neglected eyesore sites. Twelve months, in the current market conditions, is considered to be a reasonable timeframe to allow for the marketing of a pub and is consistent with the period set in Policy BE1 for the loss of retail uses. For pubs which have been closed prior to this guidance coming into force the Council will take into account existing marketing exercises.
- 5.6** The outcome of the marketing should be detailed in a viability report which demonstrates that every effort has been taken to maintain the pub use. The report should include analysis of local demand for a pub use as well as the proximity and offer of other local pubs in evidencing that the pub use is not economically viable. The Council maintains a viability spread sheet which enables comparison of site values across the Borough; this will be used when assessing applicants supporting evidence. The viability report should cover different format of pubs with reference to the local demographic and trends in the pub sector since some formats are proving more successful than others. This is supported by the NPPF which:

- Guards 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;
- Ensures 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.

**5.7** Criterion B of the guidance applies when Criterion A has been satisfied. Criterion B seeks to ensure that where the pub use cannot be sustained that an alternative community use is secured. With reference to Policy BP6 of the Local Plan this should be evidenced through proof that the premises has been offered for sale or hire at a reasonable charge to community or voluntary organisations over a twelve month period. The price of hire and use rate should be agreed by the Council before hand. It is appreciated that not all pubs will lend themselves to alternative community uses since they may give rise to unacceptable impacts on residential amenity, parking and road safety. For this reason applicants are encouraged to seek advice from the Council on whether it is necessary to seek an alternative community use. Pubs which are converted to an alternative community facility must be, sustainable and accessible, meeting the following criteria:

- Located where they can be accessed on foot, bicycle or public transport, rather than only by car.
- Located in premises that comply with the access requirements of the Disability Discrimination Act 2005.
- Where possible, be located in close proximity to the community that the facility will serve.

**5.8** This accords with Core Strategy Policy CC2 and Borough Wide Development Planning Policy BC6 and which resist the loss of community facilities.

**5.9** Alternative community uses must be sympathetic to the building's design, character and heritage value, this is especially important for those pubs which are locally listed and statutorily listed.

**5.10** There may be some instances where a pub is located in close proximity to another pub of significantly more valued by the local community and/or of far greater interest architecturally and historically. In these instances the Council concedes that it may not be appropriate to market the building for a pub use or to secure an alternative community use. This illustrates the importance of the applicant speaking to the Council at the earliest opportunity.

**5.11** Where is it not possible to sustain a pub use and the Council is satisfied that it is not appropriate or possible to secure an alternative community use then proposals must be sympathetic to the architectural quality of the building, its heritage value and its contribution to the street scene irrespective of its status, although the Council will prioritise the retention of listed and locally listed buildings. With reference to paragraph 135 of the NPPF the Council regards locally listed pubs as especially significant given the number lost in recent years

and their important contribution to defining Barking and Dagenham's character. Therefore, any proposals involving listed or locally listed pubs must preserve and enhance the building's historic significance and maintain an active ground floor frontage in a use which is accessible to the public.

- 5.12** Should a pub be demolished the Council will expect the replacement building to provide an equal or greater contribution to the street scene, community benefit, and in the case of conservation areas, their historic significance, than the building it is replacing. In this respect the Council will expect proposals to either incorporate a community use in the redevelopment or make a contribution towards enhancing community facilities in the locality where appropriate. This is consistent with paragraph 70 of the NPPF which requires local authorities to plan positively for the provision of community facilities and to 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.
- 5.13** As a last resort, where a pub of local historical value is to be demolished, the applicant will be required to record and advance understanding of the significance of any heritage assets to be lost. This is in accordance with paragraph 141 of the NPPF which requires copies of evidence to be deposited within a local museum or other public depository. In the case of Barking and Dagenham this would be held at Valance House Museum. Applicants should first speak with Development Management for guidance, Officers will then, where applicable, refer the case to the Council's Archivist.
- 5.14** A pub which has lawfully changed to an alternative use will be expected to preserve its important historical details and to retain its character over the entire lifetime of the building. This is regardless of the building's future change of use.

## **6. Monitoring, Implementation and Review**

### **Monitoring**

**6.1** Preparation of Local Plan documents is not a once and for all activity. It is essential to check that the SPD is being implemented correctly, that the desired outcomes are being achieved and if not, what corrective action needs to be undertaken.

**6.2** This will be done through a regular process of monitoring in partnership with the appropriate partner bodies. The Annual Monitoring Report will present the success of the guidance.

**6.3** Such indicators may include:

- The total number of pubs in the borough – monitored on an annual basis in the Authorities Monitoring Report
- Decrease in the annual rate of pub loss
- Success at appeal

### **Implementation**

**6.4** The SPD will be primarily implemented through the development management process and the determination of planning applications. The SPD does not have the status of the development plan, but it will be an important material consideration in determining planning applications.

### **Review**

**6.5** The Council's Annual Monitoring Report will highlight any issues that may need a review.

**6.6** Changes in National or Regional Planning Policy or progress on Development Plan Documents, which form a part of the Local Plan, may also prompt the need for further reviews.

## Appendix 1

Pubs closures and openings 1987-2013							
Pub	Address	1992	1997	2002	2007	2012	2013
Chequers	Ripple Road, Dagenham	-1					
Henry Ford	Ballards Road Dagenham Essex	-2					
Merry Fiddlers	Wood Lane, Dagenham, Essex	-3					
The Stag	Ripple Road Barking Essex	1	1	-4			
The Volunteer	Alfreds Way Barking Essex	2	2	-5			
The Westbury Arms	Ripple Road	3	3	-6			
Anglers Retreat	New Road, Dagenham	4	4	-7			
The Royal Oak	715 Green Lane, Dagenham	5	5	-8			
Fishing Smack	92 Abbey Road, Barking	6	6	1	-9		
The Church Elm	Church Elm Lane, Dagenham	7	7	2	-10		
The Pipers PH / Fanshawe	Gale Street, Dagenham	8	8	3	-11		
The Robin Hood	807 - 829 Longbridge Road, Dagenham	9	9	4	-12		
Barge Aground	15 Broadway, Barking	10	10	5	1	-13	
The Bull	2-4 North Street, Barking	11	11	6	2	-14	
The Britannia	1A Church Road, Barking	12	12	7	3	-15	
The Hope	170 Gascoigne Road, Barking	13	13	8	4	-16	
The Red Lion	66 North Street, Barking	14	14	9	5	-17	
Farmhouse Tavern	649 Dagenham Road, Rush Green	15	15	10	6	-18	
The Railway Hotel	Shafter Road, Dagenham	16	16	11	7	-19	
The Ship & Anchor	Wood Lane, Dagenham	17	17	12	8	-20	
The Beacon	201 Oxlow Lane, Dagenham	18	18	13	9	-21	
The Short Blue	Bastable Avenue, Barking	19	19	14	10	-22	
The Harrow	Ripple Road, Barking, Essex	20	20	15	11	-23	
Captain Cook	Axe Street, Barking	21	21	16	12	-24	
The Crooked Billet	Marks Gate	22	22	17	13	1	-25
The Jolly Fisherman	108 North Street, Barking	23	23	18	14	2	1
King's Lounge	2 Linton Road, Barking, Essex	24	24	19	15	3	2
Spotted Dog	15 Longbridge Road, Barking, Essex	25	25	20	16	4	3
The Victoria	Axe Street, Barking, Essex	26	26	21	17	5	4
The White Horse	High Road, Chadwell Heath, Essex	27	27	22	18	6	5
The Admiral Vernon	141 Broad Street, Dagenham	28	28	23	19	7	6

Beacon Tree	945 Green Lane, Dagenham	29	29	24	20	8	7
The Bull Tavern	Rainham Road South, Dagenham	30	30	25	21	9	8
The Cherry Tree	Wood Lane, Dagenham	31	31	26	22	10	9
The Coopers Arms	2 High Road, Chadwell Heath, Essex	32	32	27	23	11	10
The Cross Keys	Crown Street Dagenham, Essex	33	33	28	24	12	11
Eastbrook Hotel	Dagenham Road, Dagenham	34	34	29	25	13	12
The Harrow	Billet Road, Romford, Essex	35	35	30	26	14	13
The Moby Dick	Whalebone Lane North, Chadwell Heath	36	36	31	27	15	14
The Roundhouse	Lodge Avenue, Dagenham	37	37	32	28	16	15
The Royal Oak	Longbridge Road, Barking	38	38	33	29	17	16
The Ship And Shovel	Ripple Road, Barking	39	39	34	30	18	17
The Thatched House	Ripple Road, Barking	40	40	35	31	19	18
The Tollgate Hotel	High Road, Chadwell Heath	41	41	36	32	20	19
The Three Travellers	Wood Lane, Dagenham, Essex	42	42	37	33	21	20
The White Horse	North Street, Barking, Essex	43	43	38	34	22	21
The Crooked Billet	113 River Road, Barking, Essex	44	44	39	35	23	22
Lighterman	109 Bastable Avenue, Barking, Essex	45	45	40	36	24	23
The Barking Dog	61 Station Parade Barking	46	46	41	37	25	24
Lord Denman	270-272 Heathway Dagenham		47	42	38	26	25
Me'An O'Brien's	26-28 Goresbrook Road		48	43	39	27	26
Barking Arms	25-27 Station Parade, Barking, Essex			44	40	28	27
Brewers Fayre	2 New Road Dagenham					29	28

Closures	3	0	5	4	12	1
Openings	1	2	1	0	1	0
Total pubs open	46	48	44	40	29	28

### Key

	Closed
	New pub
	Open

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## 7. References

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