



Appeal Decision

Site visit made on 12 March 2019

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/L5240/W/18/3216439

The Welcome Inn, 300 Parchmore Road, Thornton Heath CR7 8HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Wellington Pub Company against the decision of the Council of the London Borough of Croydon.
 - The application Ref 18/01213/FUL, dated 8 March 2018, was refused by notice dated 24 July 2018.
 - The development proposed is described as alterations including construction of single storey addition to the rear outbuilding and partial demolition of single storey rear extension to existing pub in connection with the retention of the A4 public house use at the basement and ground floor levels, and conversion of the upper floors to provide 4 X 1 bed flats and conversion of the rear out building to provide a 1 bedroom maisonette cottage.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 6 June 2019.

Decision

1. The appeal is allowed and planning permission is granted for alterations including construction of single storey addition to the rear outbuilding and partial demolition of single storey rear extension to existing pub in connection with the retention of the A4 public house use at the basement and ground floor levels, and conversion of the upper floors to provide 4 X 1 bed flats and conversion of the rear out-building to provide a 1 bedroom maisonette cottage at The Welcome Inn, 300 Parchmore Road, Thornton Heath CR7 8HB, in accordance with the terms of the application, Ref 18/01213/FUL, dated 8 March 2018, subject to the conditions shown in the attached schedule.

Main Issue

2. The main issue is whether the proposal would be acceptable having regard to planning policy concerning the protection of public houses.

Reasons

3. The appeal site is an existing public house called The Welcome Inn and is a three-storey building located on the junction of Northwood Road and Parchmore Road. The ground floor and basement are in A4 public house use and the first and second floors are in use as ancillary residential accommodation as a licenced HMO, which has direct access from the ground floor bar area. There is an outbuilding at the rear, currently used for ancillary storage for the A4 use.

4. The existing ground floor has a bar, pool table, darts board and a raised stage area. To the rear of the property is a beer garden. The basement is used for keg storage and other ancillary storage uses. The council has stated that whilst it is not currently designated as an Asset of Community Value, it demonstrates many of the characteristics of a community pub.
5. The development proposed would retain the A4 public house use on the ground floor and basement; provide a beer garden to the rear; convert the outbuilding to a self-contained residential unit with its own dedicated outdoor space and convert the upper floors into four autonomous, one bed residential flats with communal outdoor space, incorporating cycle parking and the main residential entrance.
6. The external and internal floorspace areas in the public house use would be slightly reduced. That part of the ground floor, where the pool table is located, would be demolished to create the space for the proposed beer garden which would have an area of approximately 19m². Whilst the configuration and area of the beer garden is different to that existing, given the internal alterations proposed to the ground floor, it would be a reasonable scale of provision, particularly as it would be more directly accessible from the bar area and would provide the staff with an improved level of monitoring.
7. Whilst the internal ground floor area of the public house would be reduced, the council states by approximately 26%, the appellant has submitted evidence which indicates that it's area would be sufficient for a viable public house operation. Whilst this assessment has been contested by third parties, based on the evidence submitted, I find no substantive reason to conclude that the scheme would not be viable. Further, as it is proposed to retain the current mix of facilities on offer to the patrons including the pool table, darts board and performance area, albeit in different locations on the ground floor, the public house would continue to demonstrate those attributes of a community pub.
8. The development proposed would not provide a commercial kitchen. I have had regard to the reference made by third parties regards the loss of an existing kitchen facility currently on the first floor. However, it is not clear if this is for the use solely by the occupiers of the upper floors or whether it is used, in addition, on an occasional basis by the public house to provide catering for events. Whilst the appellant has stated that a commercial kitchen could be provided in the basement, in my view this is not a feasible option due to the low floor to ceiling height observed during my site visit. In any case there is no requirement by the council to replace as existing and the viability report submitted by the appellant does not indicate a need for such a use to be provided. As the need for such a facility is not considered by the appellant to be essential for the retention and future viability of the public house, it is a neutral factor and has not altered my decision.
9. On the basis that it is not proposed to demolish or change the use of the public house on the ground floor and basement and those characteristics of a community pub are proposed to be maintained, I conclude that the development proposed would not be contrary to policy DM21 of the Croydon Local Plan (2018) (LP), which seeks to protect a public house which displays the characteristics of a community pub.

Other Matters

10. I have taken into account all of the concerns raised by third parties. I note that the council has raised no objections with regards the loss of the HMO and whilst there is reference to the London Plan, this indicates that there is a general, rather than a mandatory requirement to protect an HMO even if the standard of the accommodation provided is of a reasonable quality. Further, the council has not raised objection to the conversion of the upper floors and outbuilding to five autonomous residential units and there is no other reason to conclude that they would not make a useful contribution to the housing mix within the council's area. I have also noted the reference to the London Plan policy which seeks to protect public houses. As I have concluded that a viable public house would be retained, which is compliant with the LP policy, I consider the development proposed would be compliant with the London Plan in this regard.
11. A wide range of other evidence was submitted including views taken on the viability assessment submitted by the appellant and the general trends in public house management; the closure of public houses in the surrounding area; the effect of the loss of the outbuilding and storage area; the effect of the residential use on the upper floors on future licencing arrangements; the affordability of the residential units; the possible spill over of patrons onto the street due to the reduced area of beer garden and the assertion that the development proposed would lead to the eventual closure of the public house use. Whilst I have had regard to this evidence, as I have concluded that the development proposed would not be contrary to policy DM21 of the LP and the public house would continue to be a viable commercial operation, I have not pursued them further and as a result they have not altered my decision.

Conditions

12. The council has proposed a number of conditions which I have considered, making amendments if necessary, to ensure compliance with the tests contained in the Planning Practice Guidance. The council had proposed a condition which required windows to be designed to control the noise from a railway, which given the location and distance from the nearest location is unnecessary. Given the proximity to the highway and the rear upper floor windows being in close proximity to the proposed beer garden, I have amended the condition accordingly. The council also proposed a condition regards a target for the limitation of water usage which should only refer to the residential use of the property and not the A4 use proposed. I have therefore amended it accordingly.
13. Condition 1) is the statutory time period for commencement; 2) to create certainty; 3) and 4) to ensure that an acceptable standard of development is undertaken and to create certainty; 5) to ensure adequate arrangements in the interests of amenity; 6) in the interests of amenity and hygiene; 7) to ensure adequate cycle storage facilities are provided; 8) in the interests of highways and pedestrian safety; 9) and 10) to comply with policies in the Croydon Local Plan and the London Plan; 11) to comply with the relevant development plan policies; 12) to protect neighbouring residents from noise and disturbance; 13) to protect the amenities of adjoining occupiers and to maintain the character and appearance of the area; 14) to safeguard the public house use.

Conclusions

14. For the reasons set out above, the appeal is allowed.

Paul Wookey

INSPECTOR

Schedule - Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed: 0102-DR-0012/P01; 0102-DR-0013/P01; 0102-DR-0014/P01; 0102-DR-0015/P01; 0102-DR-0016/P01; 0102-DR-0017/P01; 0102-DR-0018/P01; 0102-DR-0019/P01; 0102-DR-0020/P01; 0102-DR-0021/P01; 0102-DR-0022/P01; 0102-DR-0023/P01; 0102-DR-0024/P01; 0102-DR-0100/P01; 0102-DR-0101/P01; 0102-DR-0102/P01; 0102-DR-0103/P01; 0102-DR-0104/P01; 0102-DR-0110/P01; 0102-DR-0111/P01; 0102-DR-0112/P01; 0102-DR-0113/P01; 0102-DR-0114/P01; 0102-DR-0115/P01; 0102-DR-0116/P01; 0102-DR-0117/P01
3. Notwithstanding any materials specified in the application details all external materials to be used on the development including the proposed elevation treatment to the building and window treatment shall be submitted to and approved by the local planning authority in writing before those particular parts of the development commences. The development shall be carried out in accordance with the approved materials.
4. No windows or glazed doors shall be formed in the building other than those specified on the approved plans.
5. The following details shall be submitted to the local planning authority in writing for approval before those particular parts of the development commence and shall be carried out in accordance with the approved details:
 - a) Hard and soft landscaping – including species /and permeable surfaces
 - b) Boundary treatment – including side access gates, private amenity space enclosures.
 - c) Details of servicing arrangement
 - d) Ventilation equipment
 - f) Window design to control noise from the highway and beer garden at the rear.
6. Details of refuse storage facilities shall be submitted to the local planning authority for prior approval before the occupation of the flats and the approved details permanently retained thereafter for the users of the development before the use of the properties as flats commences.
7. Details of cycle storage facilities shall be submitted to the local planning authority for prior approval before the occupation of the flats and permanently retained thereafter for the users of the development before the use of the properties as flats commences.
8. Notwithstanding anything contained in Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any amendment or replacement thereof), prior to the commencement of any building or engineering operations, a Construction Logistics Plan shall be submitted to the Local Planning Authority for approval. The Statement shall include

amongst other things the following information for all phases of the development, which shall only be implemented as approved:-

- (1) hours of deliveries,
 - (2) parking of vehicles associated with deliveries, site personnel, operatives and visitors,
 - (3) facilities for the loading and unloading of plant and materials, guard against dust
 - (4) details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway.
 - (5) Access arrangement to the site during the demolition and construction periods.
 - (6) For major developments details of the routes commercial vehicles would use within the borough to gain access to the site.
9. The development shall achieve a reduction in carbon dioxide emissions of 19% beyond the 2013 Building Regulations.
 10. The residential element of the development shall achieve a water use target of 110 litres per head per day.
 11. Details of Sustainable Drainage Measures shall be submitted to the local planning authority and approved in writing before implementation of these measures. The measures as approved shall be implemented and remain for the life time of the development.
 12. The proposed development shall be carried out in accordance with the recommendations of the Noise Report 16705.NIA.01 dated 6 February 2018.
 13. Notwithstanding anything contained in Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015, or any amendment or replacement thereof, no enlargement of the approved scheme shall be carried out without the express permission of the Local Planning Authority.
 14. The proposal would restrict the use of ground floor and basement to a Public house. (Class A4) and for no other purpose (including any other within Class A4) of the Schedule to the Town and Country Planning (Use Classes) Order 2015 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

End of Schedule