



Appeal Decision

Site visit made on 9 October 2020

by Baljit K Muston BA(Hons) PGDip MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/E5330/W/20/3251463

The Glenmore Arms, 41 Edison Grove, Plumstead, London SE18 2DW

- 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 The Glenmore Arms Limited against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 19/1463/F, dated 16 April 2019, was refused by notice dated 29 November 2019.
 - The development proposed is a change of use of the vacant ground floor Public House (Class A4) to Residential (Class C3) use (3 x 2-bed units), alterations to the ground floor front facade and previously approved rear and side extensions, with associated vehicle parking and bicycle storage, including enclosed waste and recycling storage.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of the vacant ground floor Public House (Class A4) to Residential (Class C3) use (3 x 2-bed units), alterations to the ground floor front facade and previously approved rear and side extensions, with associated vehicle parking and bicycle storage, including enclosed waste and recycling storage, at The Glenmore Arms, 41 Edison Grove, Plumstead, London SE18 2DW, in accordance with the terms of the application, Ref 19/1463/F, dated 16 April 2019, subject to the conditions contained in the schedule of conditions set out below.

Main Issue

2. The main issue is whether the loss of the public house use is justified, with particular regard to the marketing carried out and the economic viability of a public house on the appeal site.

Reasons

3. Policy EA(b) of the Royal Borough of Greenwich Local Plan: Core Strategy with Detailed Policies (2014) (CS) states that the Council *"supports the retention of pubs that have a community role and will resist the change of use or demolition except where continued use as a pub is no longer economically viable."* It goes on to explain that, to show a lack of economic viability, *"Evidence must be submitted to clearly demonstrate that reasonable attempts have been made to actively market the site as a pub for at least two years."*
4. Supporting text to this policy in paragraph 4.2.33 of the CS says that *"Evidence will need to be submitted and this should include evidence of the appointment of a property consultant/ estate agent to handle the marketing of the property and records of where and how the property has been marketed."* It also says

that “*Applicants should also carry out an assessment of the needs of the local community or community facilities to show that the pub is no longer needed and that alternative provision is available*”, and that “*Regard will be had to the Campaign for Real Ale (CAMRA) public house viability test.*”

5. It is clear from the evidence before me that The Glenmore Arms has been vacant for over 4 years, and that it has been marketed since 2016 for continued use as a public house. The appellant submitted a viability assessment in support of the planning application, which demonstrated that the public house was no longer commercially viable and that there was unlikely to be demand for the premises from public house operators. The appellant also submitted a completed CAMRA Viability Test. As part of the consideration of the application, the Council employed their own independent viability consultant to evaluate the assessments submitted by the appellant. The Council’s consultant agreed that running a public house on the appeal site was not economically viable and described the marketing undertaken at the appeal site as “*extensive*”.
6. In its statement of case, the Council asserts that the submitted marketing and viability evidence provided by the appellant was not “*comprehensive enough or fair*” and alleges that it was “*considerably watered down following the sale in 2016*”. From the evidence before me, the appeal premises appears to have been adequately marketed since 2016. In late 2016, the Prideview Group, a firm of commercial estate agents, took over the marketing of the property. Their involvement is in line with the advice in the CS that a property consultant/estate agent should handle the marketing of the property. In my opinion, evidence has been submitted “*to clearly demonstrate that reasonable attempts have been made to actively market the site as a pub for at least two years*”, as required by CS Policy EA(b).
7. The Council also alleges that the marketing campaign was insufficiently robust and that the premises may not have been marketed at the correct price. However, I have seen no compelling evidence to substantiate these claims.
8. The appellant has also carried out an assessment of the likely demand for public houses in the area and the extent of alternative provision. I noted on my site visit that the appeal site is in a relatively low density residential area and was able to see some of the other public houses in the wider area. The appellant has calculated that there are 23 within a 1.5 mile (2.4 kilometre) radius, and the Council’s Committee report advises that there are three other pubs within walking distance (0.7 miles or 1.12 kilometres). It is clear to me that alternative provision is available.
9. The Council considers that The Glenmore Arms is a social community asset, whilst the appellant argues that it is not. However, Policy EA(b) of the CS makes it clear that, even where a pub does “*have a community role*”, its change of use may be allowed where its continued use as a pub is no longer economically viable and where appropriate marketing has been carried out. From the evidence before me, these criteria have clearly been met.
10. I therefore conclude that the loss of the public house use is justified, with particular regard to the marketing carried out and the economic viability of a public house on the appeal site, and that the proposal complies with Policy EA(b) of the CS.

Conditions

11. In addition to the standard time condition, another listing the submitted plans is required, to provide certainty as to what has been approved. I also agree that a condition requiring the submission of samples of external materials is needed, and others requiring the submission and implementation of hard and soft landscaping schemes, in the interests of the character and appearance of the area. Conditions requiring the provision of car and cycle parking, and its retention, are necessary, in the interests of highway safety and encouraging sustainable travel. A condition requiring a privacy screen in relation to Unit 3 is also necessary, to prevent overlooking of an adjacent property.
12. I have imposed the conditions relating to these matters, as suggested by the Council and agreed by the appellant, amended where necessary to reflect the advice in the government's Planning Practice Guidance (PPG), including the advice discouraging the use of pre-commencement conditions.
13. The Council has also suggested conditions covering water usage, the details of proposed boilers and accessibility, which either require compliance with the Building Regulations (BR) or deal with matters dealt with by the BR. However, the PPG makes it clear that conditions requiring compliance with other regulatory regimes will not meet the test of necessity and should not be imposed. I have therefore omitted those suggested conditions

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed and planning permission should be granted subject to the conditions.

Baljit K Muston

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2433-PL01 Rev H, 2433-PL02 Rev F, 2433-PL03 Rev G, 2433-Suv01, 2433-Suv02, 2433-Suv03.
- 3) Full details of the hard landscaping including details of the car parking layout shall be submitted to and approved in writing by the local planning authority, and the approved details shall be completed, before the development is first occupied. The car parking and hard landscaping shall be maintained thereafter.
- 4) No external materials shall be installed until a detailed schedule and specification of all external materials and finishes/windows and external doors/roof coverings to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

- 5) Prior to occupation of the development hereby approved a minimum of 12 secure and dry cycle parking spaces shall be provided within the development and retained for the lifetime of the development.
- 6) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development hereby permitted. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 7) Prior to the occupation of Unit 3, forming part of the development hereby approved, a scheme for an 1800mm high privacy screen to prevent overlooking into the rear garden of No 23 Combeside Road from the private amenity space of Unit 3 shall be submitted to and approved in writing by the local planning authority. The privacy screening shall be installed prior to the occupation of Unit 3, in accordance with the approved details, and shall be maintained for the lifetime of the development.