



Appeal Decision

Hearing Held on 12 January 2021

Site visit made on 12 January 2021

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/Z0116/W/20/3257409

Giant Goram Public House, Barrowmead Drive, Lawrence Weston, Bristol BS11 0JT

- 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 Planning Developments Limited against the decision of Bristol City Council.
 - The application Ref 19/05311/F, dated 29 October 2019, was refused by notice dated 19 February 2020.
 - The development proposed is the demolition of the former Giant Goram public house and the development of 7 dwellings with associated private amenity space and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-
 - a) The effect of the proposed development on the local community, and whether or not it has been adequately demonstrated that the Giant Goram is no longer economically viable or whether there is a diverse range of public house provision in the locality,
 - b) The effect of the proposed demolition on the character and appearance of the area, and
 - c) Whether or not contributions towards highway improvements are justified, and, if so, whether or not such contributions are secured.

Reasons

3. The Giant Goram public house lies within the Lawrence Weston residential area of Bristol, which was developed during the post war period. The pub itself was built about 1959, and is now the last surviving of five pubs in the area. The pub ceased trading on 12 September 2019 following its purchase by Hawkfield Homes (Bristol) Ltd. Prior to this it had been owned by the Wellington Pub Company and operated latterly on a Tenancy at Will basis.

Viability

4. Policy DM6 of the Bristol Local Plan – Site Allocations and Development Management Policies (LP) deals specifically with the subject of public houses. It makes clear that the loss of established public houses will not be permitted unless it is demonstrated that the pub is no longer economically viable or that a diverse range of public house provision exists within the locality. In respect to viability the justification for the policy specifically mentions that regard should be had to the Campaign for Real Ale’s public house viability test (VT), and I have been supplied with this document.
5. The VT highlights eleven criteria that should be considered in such cases. These include an assessment of local trade, customer potential, competition, flexibility of the site, parking, and the potential for multiple use.
6. The evidence before me does not deal in any detail whatsoever with any of the above issues. It does however deal with the marketing that has been carried out.
7. The pub was first marketed by Fleurets in 2007 on the basis of a lease on the premises and removed from the market in 2008 following little interest being shown. It was then offered, again by Fleurets, on a free of tie basis in 2016 until 2019. Between March and September 2019 Fleurets offered the pub for either sixth months lease or freehold and it was at this stage that the appellant’s purchased the property. Following their refusal of planning permission the appellants instructed both Sidney Phillips and Goodman & Lilley to offer the freehold for sale but no offers were forthcoming.
8. The pub has therefore been on the market for several periods. Notwithstanding this however, I have been given no substantial evidence to show the details of this marketing, in terms of the saturation or the applicable conditions. Furthermore, the most recent marketing was carried out mainly during the ongoing pandemic by a residential estate agency rather than a specialist licenced premises agent.
9. In terms of price, the pub was offered for sale at £395,000 but eventually bought by the appellants for £331,000. I have not been supplied with any evidence to show that the original asking price was reasonable or in line with the value of other pubs of a similar size and in a similar location.
10. I have been supplied with two documents which purport to evidence the unviability of the Giant Goram. One of these is from Sidney Phillips and this document essentially summarises the marketing history of the pub and also lists some of the publications in which it has appeared. This document also acknowledges that the premises have lacked investment due to the inability to attract a landlord/lady but I have been given no evidence to show that this factor has been taken into account in terms of the offer price in the more recent marketing.
11. The other document is from Goodman & Lilley, but this merely informs that the market in general has been buoyant and that the pub has been advertised on Rightmove. As stated previously however, Goodman & Lilley are residential estate agents, so I give little weight to this document.
12. I acknowledge that the pub has latterly been run on a Tenancy at Will basis and that therefore accounts are difficult to come by. I have not however been

supplied with any accounts whatsoever but am nonetheless aware that the pub has continued to function in one form or another until September 2019. Whilst the pub may not have been seen as a profitable enterprise by the Wellington Pub Company, from the information provided I am not persuaded that other models of ownership/operation have been fully considered and could not be successful.

13. I am aware that the Giant Goram was placed on the Assets of Community Value list but that no community group expressed an interest in purchasing the property. This does not however outweigh the negative factors that I have identified above.

Alternative provision

14. Manual for Streets (MfS) indicates in section 4.4 that walkable neighbourhoods are typically characterised as having a range of facilities within 10 minutes' walk, which it deems to be up to about 800m. The nearest alternative pub to the Giant Goram is the Hope and Anchor, about 0.6 miles to the west, considerably further than 800m. Furthermore, the Hope and Anchor is not actually within Lawrence Weston itself and, given that the Giant Goram is located towards the south-west of Lawrence Weston, a large proportion of the residents of that community would be even further away. It cannot be said therefore that a diverse range of public house provision exists within the locality.
15. From the foregoing it follows that it has not been demonstrated that that the pub is no longer economically viable or that a diverse range of public house provision exists within the locality. Conflict therefore exists with policy DM6.
16. Policy BCS12 of the Bristol Development Framework Core Strategy (CS) requires that existing community facilities should be retained unless it can be demonstrated that there is no longer a need to retain the use or where alternative provision is made. To my mind the Giant Goram has to be defined as a community facility. It is the last of the original five pubs in Lawrence Weston, a community that has also lost many of its other facilities. I am also aware that further housing in the community is due to be developed in the near future. It has not been shown that there is no longer a need to retain the pub and alternative provision has not been made. Therefore, conflict with BCS12 exists.
17. Conflict would also exist with policy CSF1 of the Lawrence Weston Neighbourhood Development Plan, which requires that community facilities should be retained unless they are replaced with services or facilities of an equal or higher value to the community.

Character and appearance

18. The Giant Goram is a locally listed building. It was listed for its architectural, historic and communal values. It is a pub typical of the architectural design and character of its era and is one of only 14 remaining from an original 38 of its type, and the only one that is locally listed. The proposed development would result in the total loss of the significance of the asset.
19. Policy BCS22 of the CS makes clear that development proposals will safeguard or enhance heritage assets including locally listed assets. Policy DM31 of the LP requires that proposals affecting locally important heritage assets should

ensure that they are conserved having regard to their significance and the degree of any harm or loss of significance. Paragraph 197 of the National Planning Policy Framework (the Framework) makes clear that in weighing applications that directly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.

20. I acknowledge that the interior has been changed a great deal and is in fact now in a very poor state. I have also been provided with evidence from Nash Partnership (NP) that considers the future options for the building. In terms of re-purposing the NP report is very brief and starts off by assuming that the financial viability of the site as a public house is non-existent. However, I have found that this has not been adequately demonstrated. The report then looks at the possibility of turning the pub into three dwellings and concludes this would present serious challenges including overlooking and harm to its character and appearance.
21. I acknowledge that the age, layout, siting and structure of the building make it a challenge to retain and that demolition could be seen to be the obvious answer. However, I am not persuaded that every possible option has been thoroughly and comprehensively evaluated. Consequently conflict with policies BCS22 and DM31 would occur.

Contributions

22. The Council required a contribution towards highway improvement works including parking restrictions and pedestrian crossing points. These requirements have been justified by the submission of policies and other evidence and the appellant has not objected to these contributions. Whilst I have been supplied with a draft unilateral undertaking (UU) which the Council have indicated would satisfy their requirements, I have not been supplied with a signed and dated one. Therefore, even if I had not found against the appellant on the first two main issues, the lack of a signed UU would have constituted a reason for dismissing the appeal.

Planning balance

23. I have found that the proposed development would be in conflict with policy DM6 due to the fact that it has not been demonstrated that the pub is no longer economically viable and because a diverse range of public house provision does not exist within the locality. There would also be conflict with policies BCS12 and CSF1. Conflict would also exist with the development plan in relation to the loss of the heritage asset.
24. Against this has to be balanced the benefits of the scheme. This would primarily be the provision of 7 new homes on previously developed land. I am also aware that the existing pub is in a very poor state of repair inside and has suffered from some damage to the exterior.
25. However none of these factors to my mind outweighs the conflict with the development plan that has been identified.

Conclusion

26. Therefore, for the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mrs Clare Hillier Brown Planning Developments
Mr Chris Beale
Mr Greg Beale
Mr Richard Jones
Ms Penelope Merrick

FOR THE LOCAL PLANNING AUTHORITY:

Mr Conrad Rodzaj
Mr David Martyn

INTERESTED PERSONS:

Councillor Jo Sergeant	Ward Councillor
Mr C Faulkener Gibson	CAMRA
Ms Tara Baker	Ambition Lawrence Weston
Mr Roger Sabido	Ambition Lawrence Weston
Mr Mark Pepper	Ambition Lawrence Weston
Mr David Gundry White	Local resident