



Appeal Decision

Site visit made on 13 December 2024

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/N1160/W/24/3350873

The Grenville Hotel, 82-84 Grenville Road, Plymouth PL4 9PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Cotterell against the decision of Plymouth City Council.
 - The application Ref is 24/00413/FUL.
 - The development proposed is change of use from public house (Sui Generis) to residential apartments (Use Class C3).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from public house (Sui Generis) to residential apartments (Use Class C3) at The Grenville Hotel, 82 – 84 Grenville Road, Plymouth, PL4 9PZ, in accordance with the terms of the application, Ref 24/00413/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by the appellant against the Council. This application is subject of a separate decision.

Preliminary Matters

3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have submitted comments in relation to the implications of the same, thus avoiding any prejudice. The Council's update in relation to the Framework includes an acknowledgement that the current housing land supply position is that it can only demonstrate a supply of 2.53 years against the 5-year requirement with relevant buffer. The appellant has not offered any evidence to the contrary on this particular point.

Main Issue

4. The main issue is whether the public house has prospects of remaining open as an economically viable business and the availability of alternative similar, local venues.

Reasons

5. The proposal seeks to convert the ground floor of the pub into 3no 1-bed flats. No external alterations are proposed. The upper floor of the building has previously been subdivided into three flats.

6. Policy SPT2 of the *Plymouth and South-West Devon Joint Local Plan* (2019) (JLP) sets out the strategic approach to delivering sustainable linked neighbourhoods, which includes providing for appropriate levels of facilities to meet the identified needs of the local community, including cultural and community facilities. Policy DEV18(6) of the JLP indicates that the change of use to other uses of facilities of local community importance, such as local convenience shops, post offices, public houses, cafes, restaurants and community facilities, will only be supported where there is no significant harm to the level of service locally and where there is no reasonable prospect of the business or community use continuing.
7. The *Plymouth and South West Devon Joint Local Plan Supplementary Planning Document* (2019) (SPD), in paragraph 5.60, sets out that the premises needs to have been marketed through appropriate channels (such as local, national and specialist agents, publications and websites relevant to the nature of the facility), via a registered agent as a business (not as a development opportunity) for its existing use without development potential for a minimum of 12 months.
8. In terms of the prospects of the business continuing, the pub ceased trading earlier in 2024 and it is reported that the public house had previously ceased trading under earlier proprietors. Accounts from the recent leaseholders detailing profits and losses for the years 2019 to 2023, also demonstrate that the business was unviable, with three of those four years being shown as loss making rather than profitable. The one profitable year ending 5 April 2022, only generated a marginal profit of in £4,154.
9. There are a number of objectors that indicate that the pub has been a valued meeting place for local residents over many years. However, if the number of objectors is in any way representative of the size of the regular customer base in recent times, it is understandable that the business has fallen into economic decline given the increase in costs over the same period. Furthermore, I am mindful of the relatively close proximity of the city centre and waterfront area which offer an attractive range of destinations for drinking and dining. The prospect of the business being reconfigured in such a way that would diversify and increase its income also seem limited, given factors such as its scale, location and licensing restrictions.
10. Therefore, taking the above points into account, in addition to the business difficulties detailed in statutory declarations of both the appellant and former leaseholders leading to its eventual closure in 2024, it is evident that there is no reasonable prospect of the public house reopening to run as an economically viable business.
11. The premises was marketed via a specialist commercial agent between July 2022 to February 2024 using unambiguous marketing terms including reference to the public house. It was advertised via mailing list, web portals such as Rightmove Commercial, Zoopla Commercial, BusinessesForSale.com, Realla, Loopnet, Facebook, LinkedIn, Google Ads and Instagram. That there were no advertising boards on the premises so as to avoid diverting custom is not unusual. There is also suggestion that an auction was advertised but that little interest was forthcoming.
12. Despite there being 3 viewings and reductions in the asking price on two occasions during the entire marketing period, no formal offers were received.

Whilst there is evidence to suggest that interest was expressed by someone known to the business, this does not appear to have been made as a formal offer via the appropriate channels or at the appropriate time.

13. As such, the marketing period of around 20 months surpasses the requirement of the SPD of 12 months and the marketing appears to have been undertaken as required by the Policy DEV18(6) and the SPD.
14. In respect of the level of service that would remain locally in the event of the public house closing permanently, the surrounding area is not specifically defined within the JLP beyond being located within the 'East End' neighbourhood, but is referred to in the evidence of interested parties as the Prince Rock and St Jude area. It is a predominantly residential area that has containing features to the north and east that limit its connectivity in those directions.
15. My attention has been drawn to the fact that there are at least 4 traditional pubs within a distance of around 800m - 1.2km from the appeal site, which are: Thistle Park Tavern, The Fareham Inn, the Kings Head and The Swallow. Whilst slightly different in format to a traditional pub, there are also a small number of other alcohol-licensed premises and social clubs within similar or closer proximity of the appeal site, including Cattedown Social Club and Vessel Beer Shop. The distances to these alternative venues, whilst in some cases slightly beyond the 800m optimum¹, are not prohibitive for those that can walk or use non-car modes, but, if necessary, it is sufficiently short a journey over which to utilise an alternative means of transport, such as a taxi. The alternative venues in the area also appear to cater to a wide demographic and cover a range of social activities, including coffee mornings, live music and televised sporting events. I have seen no evidence to suggest that the Grenville Hotel offered anything particularly unique that is not available at at least one or a number of the aforementioned alternative venues within reasonable proximity.
16. In view of the above, the public house does not have prospects of remaining open as an economically viable business and there are a sufficient range of alternative venues so as to avoid significant harm to the level of local service. The proposal therefore complies with, in particular, JLP Policies STP2 and DEV18 of the JLP.

Other Matters

17. The Council has not taken issue with the absence of parking given that the parking demand of a pub exceeds that for the 3 proposed flats and a Controlled Parking Zone exists in any event. In addition, cycle storage would form the requirement of a planning condition.
18. My attention has been drawn to a separate process in relation to the listing of the appeal site as an Asset of Community Value (ACV) which has concluded with the Council deciding not to include the premises on list of assets. I have taken this into consideration, but it has not directed me to an alternative conclusion.
19. I have considered the suggestion that not all of the evidence before me was available to interested parties at the time that the Council made its decision. The appeal and submitted material have been consulted upon in the usual way and I do not consider that taking the submitted evidence into account would cause

¹ As set out in SPT2 as being the optimum maximum distance to many community uses, albeit without specific reference to pubs

prejudice. I also note that the same evidence has been submitted in relation to another application on which the Council has run separate consultation with interested parties.

20. I have also taken account of the suggestion that the public house is a non-designated heritage asset (NDHA) in its own right. From the evidence of the internal fixtures and fittings, I am not of the view that the internal fabric of the building could be considered to contribute to its significance, and whilst the building has historic and architectural merit, the exterior would not be altered by the proposal. The use of the appeal building for residential purposes would not continue the historic role of the pub as a social space within the community, however, the external fabric and features will be retained and will allow the continued appreciation of its historic role. Therefore, under the terms of the Framework, I consider that the public benefits of the proposal, from the provision of three dwellings, would outweigh the harms, relative to the significance of the building as an NDHA.

Protected Sites

21. The appeal site is within the 12.3km Zone of influence (ZOI) for Plymouth Sound and Estuaries Special Area of Conservation (SAC) and within the 12.3km ZOI for the Tamar Estuaries Special Protection Area (SPA). The SAC and SPA, hereafter collectively referred to as the Protected Sites, are designated for their marine habitats such as sandbanks, estuaries, shallow inlets and bays, reefs and saltmarshes. These sheltered waters are home to the protected Allis shad migratory fish and other protected species. They also provide important feeding and roosting areas for little egret and avocets which are both protected birds.
22. New residential development within these ZOIs, in combination with other developments, will increase the human population and this will result in an increase in the level of marine recreation, which will result in contamination, physical damage, loss of habitat and bird disturbance. These impacts affect the status and distribution of key species and features and therefore act against the stated conservation objectives of the Protected Sites. Whilst there would be no other potentially damaging direct impacts, harm to integrity of the Protected Sites from the recreational effects cannot be 'screened out' under the Conservation of Habitats and Species Regulations 2017, as amended. As such, the following constitutes an appropriate assessment undertaken in respect of the same.
23. In recognition of the potential effects on integrity, the Council has developed the *Plymouth Sound and Estuaries EMS Recreation Mitigation and Management Scheme* November 2019 ('the Mitigation Scheme'). This contains a package of mitigation measures which have been costed and divided by the anticipated housing supply within the ZOI to provide the level of financial contribution required per new dwelling, based on tariff per number of bedrooms, to deliver the required mitigation. For a one bed dwelling, the charge rate is £236.62 and for three no. 1 bed units, the total cost is £709.86. The SPD confirms that within the Plymouth City Centre administrative area, mitigation contributions will be taken from the Community Infrastructure Levy (CIL) contributions, whilst the other joint authorities will collect by planning obligation. The Council has set the CIL level but has designated a specific 'city centre exempt zone' in which no CIL will be chargeable to reflect the viability issues that exist within the city centre. The appeal site falls within the city centre CIL exemption zone.

24. The Council, in its draft Habitats Regulation Assessment, confirm that it draws down the total mitigation amount from the CIL pot based on the total number of houses delivered as identified through the annual monitoring process every year and commits this amount to the delivery of the Tamar Estuaries Management Plan and the Yealm Estuary Environmental Management Plan in line with the Mitigation Scheme. Undertaking these steps ensures that the proposed development and other CIL-exempt developments within the city centre, are appropriately mitigated under the Mitigation Strategy.
25. The comments of Natural England, the Statutory Nature Conservation Body (SNCB), refers to the strategic mitigation solution and seeks to ensure the measures are implemented to prevent adverse effects on the integrity of the Protected Sites. As the proposal only engages recreational effects and there is a Mitigation Scheme solution on which the Council and SNCB are content to rely, I am satisfied that the proposal would not harm the integrity of the Protected Sites.

Conditions

26. In addition to the statutory time limit condition, a condition is needed to specify the approved plans in the interests of certainty.
27. To maintain the character of the area and avoid environmental hazards, the provision of waste storage is required by planning condition.
28. In order to facilitate sustainable modes of travel, it is also necessary to secure the provision of cycle storage in accordance with the approved plans by way of planning condition.

Conclusion

29. In view of the above, I find that the scheme is in accordance with the development plan when taken as a whole. There are no considerations of such materiality to indicate that a decision should be taken otherwise than in accordance therewith.
30. For the reasons given above the appeal should be allowed.

H Nicholls

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan 0204 received 04/04/24
 - Elevations and Floor Plans 2814-2 received 04/04/24
- 3) The flats hereby approved shall not be occupied until a plan and accompanying information has been submitted to and approved in writing by the Local Planning Authority providing bin storage details for the site. The approved bin store shall then be installed prior to the flats' occupation. This area shall remain available for its intended purpose and shall not be used for any other purpose. Bins shall be stored in this area at all times except for collection day.
- 4) The flats hereby approved shall not be occupied until a plan and accompanying information has been submitted to and approved in writing by the Local Planning Authority providing space for at least 3no. bicycles to be securely parked. The storage area shall then be installed prior to the flats' occupation. The secure area for bicycles shall remain available for its intended purpose and shall not be used for any other purpose.

----- END OF SCHEDULE -----