

PLANNING APPLICATION OFFICERS REPORT



Application Number	24/01145/FUL	Item	01
Date Valid	04.09.2024	Ward	SUTTON AND MOUNT GOULD
Site Address	The Grenville Hotel, 82 - 84 Grenville Road Plymouth PL4 9PZ		
Proposal	Change of use of ground floor from public house (Sui Generis) to 3no. flats (Class C3)		
Applicant	Mr A Cotterell		
Application Type	Full Application		
Target Date	30.10.2024	Committee Date	12.12.2024
Extended Target Date	20.12.2024		
Decision Category	Councillor Referral		
Case Officer	Mr Sam Lewis		
Recommendation	Grant Conditionally		



The application has been referred to the Planning Committee by Cllr. Sue Dann.

1. Description of Site

The Grenville Hotel is a public house on the corner of Grenville Road and Cromwell Road. Whilst the first floor was previously converted into 3no. flats, the ground floor remains a pub in planning terms - although it is currently not trading. The site falls within the Sutton and Mount Gould ward of the city.

2. Proposal Description

The proposal seeks to convert the ground floor of the pub into 3no. 1-bed flats. No external alterations are proposed.

3. Pre-application Enquiry

None.

4. Relevant Planning History

17/00640/FUL - Conversion of existing first floor accommodation into three one bedroom flats (Granted Conditionally).

24/00413/FUL - Change of use of ground floor from public house (Sui Generis) to 3no. flats (Class C3) (Refused). The refusal reason stated:

REFUSAL: LOSS OF PUBLIC HOUSE

The scheme would lead to the loss of a public house in an area which is considered to be lacking in suitable alternatives and it has not been demonstrated that the pub's loss is the only viable option. As such, the scheme is considered to be at odds with policies SPT2 and DEV18 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019), particularly DEV18.6 which makes reference to the loss of community facilities (including pubs), and paragraph 97 of the National Planning Policy Framework 2023.

5. Consultation Responses

Highway Authority - Raised no in-principle objections to the proposal but recommended a condition pertaining to cycle storage.

Public Protection Service - No objections.

Economic Development - No response received.

Community Connections - No objections.

Environment Agency - No response received.

Natural England - Requested more information pertaining to the potential impacts on designated sites.

Campaign for Real Ale - No response received.

Lead Local Flood Authority - No objections.

6. Representations

43 letters of representation have been received by Officers, although some individuals submitted multiple letters. 19 of these letters express support for the proposal whilst 24 object to it. The reasons raised in support include:

- The public house sector is struggling;
- The site was not added to the Asset of Community Value (ACV) register;
- There is a need for housing;
- Reduction in noise impacts.

These issues will be discussed in Section 8 of this report. Additionally, it has been raised that the pub itself does not meet current planning policy. As the pub is historic, there is no requirement for it to retrospectively accord with current policies.

The reasons raised in objection include:

- Loss of local public house provision;
- Concerns raised with the supporting alternative provision/viability information provided;
- Offers have been made to purchase the pub, but these have been turned down;
- Parking concerns in the area.

These issues will be discussed in Section 8 of this report.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, national development management policies, local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 19th December 2023 the Department for Levelling Up, Housing and Communities published the HDT 2022 measurement. This confirmed the Plymouth, South Hams and West Devon's joint measurement as 121% and the policy consequences are none. Therefore, no buffer is required to be applied for the purposes of calculating a 5-year land supply at a whole plan level. The combined authorities can demonstrate a 5-year land supply of 5.35 years at end of March 2024 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2024 (published 14th October 2024).

Other material considerations include the Joint Local Plan Five Year Review Report (March 2024), policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the scale and urgency of the climate change emergency, Plymouth City Councils Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030 and the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022. Additionally, the following planning documents are also material considerations in the determination of the application:

- o Plymouth and South West Devon Joint Local Plan 2014-2034: Supplementary Planning Document (SPD) (July 2020);
- o National Planning Policy Framework 2024 (Draft Consultation Version). Given this consultation is at an early stage, limited weight is given to these emerging policies;
- o Technical Housing Standards: Nationally Described Space Standards (March 2015);
- o Review of City, District and Local Centres in Plymouth for the Joint Local Plan (March 2017).

8. Analysis

8.1 This application has been considered in the context of the development plan, the Framework, and other material policy documents as set out in Section 7.

8.2 Principle of Development

8.2.1 Prior to assessing the specifics of the development, Officers first need to consider the principle of the proposal. Although not designated in the Local Plan, the use of the site as a public house is afforded some protection as a community facility under JLP policies SPT2 and DEV18.6, plus paragraph 97 of the NPPF. Redevelopment of the ground floor for residential use would therefore result in a loss of the pub for community use. Other JLP policies, however, including DEV7 and DEV9, plus section 5 of the NPPF, provide strong support for the delivery of new housing in

sustainable locations, including giving 'great weight' to the benefits of using suitable sites (windfall sites) within existing settlements for homes (NPPF paragraph 70(d)).

8.2.2 Loss of Community Facility:

At a high level, paragraph 97 of the NPPF states that to provide social, recreational, and cultural facilities and services the community needs, planning policies and decisions should: 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.

8.2.3 SPT2 of the JLP sets out the Plan's 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 (SPT2.9).

8.2.4 DEV18 of the JLP looks to protect local services and facilities, with DEV18.6 specifically stating: *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.*

8.2.5 The implementation of DEV18.6 in the Plymouth Policy Area is supported in part by paragraph 5.60 of the SPD. It states that:

For development which looks to change the use of a community facility, in order to demonstrate that there is no reasonable prospect of a community facility continuing, 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), registered agent as a business (not as a development opportunity for an alternative use) for its existing use without development potential for a minimum of 12 months.

8.2.6 These are the key policies and guidance against which the principle of the loss of the public house as a community facility will be considered against.

8.2.7 This application follows 24/00413/FUL, which was refused in July 2024. The application was refused on the basis that the public house is in an area which is considered to be lacking in suitable alternatives, and it was not demonstrated that the pub's loss was the only viable option. As such it was considered contrary to policies SPT2, DEV18.6, and paragraph 97 of the NPPF.

8.2.8 Whilst this proposal is for the same development as the scheme which was refused, the applicant has submitted more supporting information to justify the pub's loss - and has also attempted to detail local alternative provision.

8.2.9 The first matter Officers need to consider is the level of harm to the provision of services locally. In the absence of any study previously, Officers referenced a few relatively close establishments and came to the view that the harm would be significant. In support of this proposal the applicant has provided a detailed list of alternatives - including the distance of them from the site. With this information, Officers have been able to undertake a more meaningful and detailed assessment. Whilst SPT2 does not specifically reference pubs, it generally considers that 800m is a reasonable walking distance to various types of community use - with 800m in planning terms generally equating to a 10-minute walk. Using mapping, Officers have been able to plot an indicative 10-minute walking radius around the site. This map has been added to with similar 10-minute walking areas from other nearby pubs so that Officers could see where there is overlap. Whilst not an exact representation of the likely situation, the mapping exercise suggests that approximately two-thirds of the site's estimated catchment area would be within a 10-minute walk of at least one of the other pubs identified. This would leave approximately a third without such coverage. This suggests a level of harm to local provision, but Officers are not of the view that the level of harm would be

significant as set out in DEVI8.6. Officers note that part of the area not serviced by another pub is taken up by both Tothill Park and the railway line - which limits connectivity from parts of Mount Gould to the north to the site, and further supports Officers in coming to the view that the level of harm is not significant.

8.2.10 The second element of DEVI8.6 turns to more viability-related issues with Officers needing to consider whether there is a reasonable prospect of the business or community use continuing. For this assessment regard is had to paragraph 5.60 of the SPD which requires the business to have been actively marketed for its existing use for a minimum of 12 months. The pub ceased trading earlier in the year. The applicant has submitted evidence which includes Profit & Loss Accounts from 2019-2023 in order to demonstrate viability issues. The reports show that for three of the four trading years the business made a net loss and that as such the business is unlikely to be sustainable in its current form over the long-term. The financial struggles of the pub are also set out in the statutory declarations from the applicant and the former leaseholders.

8.2.11 In accordance with the guidance set out in the SPD, evidence has also been provided relating to the property's marketing history - showing that it was on the market between July 2022 and February 2024, during which time the price was dropped twice. It also states that the property went to auction and little interest was forthcoming. During the time that the property was on the market, it received three viewings. No formal offers were made. It has been stated that no 'for sale' signage was erected at the site so as not to damage the pub's trade - but that the site was marketed online and via social media in ways typical to such properties. It was reported in the press during the previous application that an offer was made whilst the application was being considered which the applicant turned down. The applicant's statutory declaration states that the offer was made informally over the phone and not formally in writing via an appropriate agent or with any verifiable evidence of sufficient funds in place. This is disputed in some of the letters of representation received, but no evidence has been submitted to substantiate the offer being made and therefore Officers are unable to give much meaningful weight to this in the planning balance. Officers therefore consider that the information provided demonstrates adequate marketing for a period in excess of the specified 12 months and further supports that there is no reasonable prospect of the business continuing alongside the other information provided.

8.2.12 Some of the letters of representation question the financial information provided and put forward the theory that the pub could be profitable if it was run differently. In particular it has been stated that the business could be run more as a community venture rather than strictly for profit and/or with a more limited floor area. However, it is noted that no offer on these grounds has been made for the pub within the above specified period of marketing, or via the formal agent, and as such the proposal is considered to satisfy the tests of DEVI8.6 and SPD paragraph 5.60.

8.2.13 Housing Delivery:

Paragraph 70 of NPPF highlights the important contribution small sites can make to the housing requirement of an area. Support is provided for windfall sites, with great weight being given to the benefits of using suitable sites within existing settlements for homes. This is supported by policy SPT3 of the JLP which expects windfall sites to make an important contribution to the overall housing supply.

8.2.14 Paragraph 124 of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for housing. This is supported by JLP policy SPT1 which promotes the effective use of land for development through optimising the use of previously developed sites. Alongside supporting the provision and retention of community facilities, SPT2 welcomes a good balance of housing types and tenures to support a range of household sizes, ages, and incomes to meet identified housing needs. DEVI7 then further expands on the housing need for Plymouth, noting a key need for smaller dwellings most suited to younger and older people.

8.2.15 The development would provide 3no. 1-bed flats in an area where the predominant form of development is terraced housing. Officers therefore consider the development would positively add to the housing mix of the locality

8.2.16 Planning Balance:

In conclusion, Officers are of the view that, on balance, the applicant has demonstrated that the scheme complies with DEV18.6. It is noted that not all of the site's catchment would be covered by the catchment of another alternative pub, but quite a large portion of it would be, and the financial information provided appears to demonstrate that the site is no longer viable as a pub. Officers note the public opposition to the proposed change of use but consider the evidence submitted satisfies the requirements of DEV18 and the guidance in the SPD - and adequately demonstrates the loss can be supported. Furthermore, the development would provide for 3no. 1-bed flats to help meet local housing need in a sustainable location as supported by SPT3 and DEV7. As such, Officers consider the proposal to be acceptable in principle.

8.3 Visual Impact

8.3.1 As no external alterations are proposed to the property, Officers consider that the scheme would not alter the site's existing visual impact in line with DEV20 of the JLP. It is noted in one of the letters of representation received that neither the existing nor proposed plans show the property's chimneys. It has been confirmed by the applicant that no alterations to the chimneys are proposed. Any changes to such would require planning permission and this has been reiterated in an Informative below.

8.4 Amenity Impact

8.4.1 This section of the report will consider the impact of the proposal on the surrounding residents as well as the enjoyment of it by its future occupiers.

8.4.2 Regarding the impact of the proposal on neighbouring properties, Officers do not consider that it would be significant. The area is largely residential in nature so the proposal would be in-keeping with the area and is not considered to lead to any noises/activities which would be out of character. As no extensions to the building are proposed and no additional windows are to be inserted, Officers consider that the building's existing privacy, massing, and light impacts would remain. It has also been noted in some of the letters of representation that the loss of the pub would reduce local noise and other amenity impacts. Any impacts relating to the pub's operation are long-established at this point, though, so this point has been afforded limited weight.

8.4.3 Regarding the quality of the accommodation which the proposed flats would provide their future occupiers, Officers consider that it would be of an acceptable standard. All of the flats would meet the Nationally Described Space Standards for a 1-bed 2-person flat and all of the flats would be served by appropriate levels of natural light. There would be a shared courtyard to the rear, but this would not provide a significant amount of useable amenity space. Given the location of the site, though, the lack of meaningful outdoor space is not uncommon - and Officers do not consider this a reason to recommend refusal. This yard would largely be used for bin and bike storage. Whilst the space is constrained, the submitted plan shows that there would be space for 12no. bins - which is what the site would require if 6no. flats were present. Cycle storage is also proposed within the yard.

8.4.4 Officers therefore consider that the scheme would not have a significant amenity impact on neighbouring properties in line with DEV1 and DEV2 of the JLP and would provide an acceptable level of accommodation for any future occupiers in line with DEV10 of the JLP.

8.5 Highway Impact

8.5.1 The Highway Authority were consulted on the scheme and they did not object to it. Whilst no off-street parking is proposed, and parking concerns have been flagged in the letters of representation received, Officers do not consider that the scheme would have a significant parking impact. The parking demand of the pub would exceed that of the 3no. flats proposed according to the indicative levels set out in Table 31 of the SPD and the site is also covered by a Controlled Parking Zone (CPZ) which the flats would be exempt from obtaining permits for. This CPZ is only in force for an hour a day, though, but the difference between the parking demand for the pub and the proposed flats means that Officers consider the proposal to be acceptable without off-street parking. The cycle storage referenced above has been conditioned below.

8.5.2 Officers are therefore of the view that the scheme is acceptable in line with DEV29 of the JLP.

8.6 Climate Emergency Considerations

8.6.1 As this proposal seeks the partial change of use of an existing building, with part of the building to remain as is, Officers are satisfied that the reuse of this vacant area makes effective use of brownfield land and is in line with DEV32 of the JLP and the CEPS in this instance.

8.7 Biodiversity Net Gain

8.7.1 Due to the proposed scale of development the scheme would be exempt from the mandatory requirement to deliver biodiversity net gain. The proposal is considered 'de minimis' because no habitat is impacted by the development.

8.8 Other Matters

8.8.1 As the site falls within a Critical Drainage Area, the Lead Local Flood Authority were consulted on the proposal. No objections were raised in line with DEV35 of the JLP.

8.8.2 Additionally, the proposal underwent a Habitat Regulations Assessment (HRA) to ascertain whether there would be an impact on the Tamar Estuary Marine Site. The scheme would trigger a sum of money to be paid through the HRA, however, given that the scheme is £0 CIL liable, this money would not have come from the applicant.

8.8.3 Officers are aware of attempts to place the pub on the Asset of Community Value (ACV) register. Officers note that an application has been considered and rejected. It is understood that a further application may be made to the Council. This is not a material planning consideration and would only be so if the application had been successful. ACVs are judged under different legislation to planning applications so no regard has been given to that process here.

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended).

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development

acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations are not required due to the size of the proposal.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal is acceptable and accords with policies SPT1, SPT2, SPT3, DEV1, DEV2, DEV7, DEV10, DEV18, DEV20, DEV29, DEV32, and DEV35 of the Plymouth & South West Devon Joint Local Plan. Whilst the loss of the pub is regrettable, Officers consider this would not result in significant harm to the provision of facilities locally and that sufficient evidence has been submitted to demonstrate that there is no reasonable prospect of the establishment reopening. Furthermore, the development would deliver 3no. 1-bed flats, which would meet an identified need for smaller dwellings. Therefore, in accordance with paragraph 11 of the NPPF, which states that development proposals that accord with the development plan should be approved without delay, this application is recommended for conditional approval for the reasons discussed throughout this report.

14. Recommendation

In respect of the application dated 04.09.2024 it is recommended to Grant Conditionally.

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

1 CONDITION: APPROVED PLANS

Proposed Conversion of Ground Floor into 3 One Bedroom Flats 82 84 Grenville Road Plymouth
2814 2 Rev A received 04/09/24
Location Plan 04092024 received 04/09/24

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 CONDITION: COMMENCE WITHIN 3 YEARS

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

3 **CONDITION: CYCLE PROVISION**

PRE-OCCUPATION

The 3no. flats hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for a minimum of 3no. bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall then remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with policy DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019).

4 **CONDITION: BIN STORAGE**

PRE-OCCUPATION

The 3no. flats hereby approved shall not be occupied until the bin storage area shown on the approved plans has been made available for use. This area shall remain available for its intended purpose and shall not be used for any other purpose without the written consent of the Local Planning Authority. Bins shall be stored in this area at all times except for collection day.

Reason:

To prevent street clutter and polluting effects from refuse storage in accordance with policies DEV1, DEV2, and DEV31 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

INFORMATIVES

I **INFORMATIVE: (£0 CIL LIABILITY) DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see www.plymouth.gov.uk/cil for guidance.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructurelevy>

More information and CIL Forms can be accessed via the Planning Portal:

https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

2 **INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)**

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

3 **INFORMATIVE: PROPERTY RIGHTS**

Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

4 **INFORMATIVE: COUNCIL CODE OF PRACTICE**

The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):

<https://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>

5 **INFORMATIVE: BIODIVERSITY NET GAIN EXEMPTION**

In accordance with The Biodiversity Gain Requirements (Exemptions) Regulations 2024, this application is exempt from mandatory BNG as the development is subject to the de minimis exemption (development that does not impact a priority habitat and impacts less than 25sqm of habitat).

6 **INFORMATIVE: CHIMNEYS**

For clarity, this grant of planning permission permits no alterations (including the removal of) to the site's chimneys.