



Appeal Decision

Site visit made on 5 December 2017

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th January 2018

Appeal Ref: APP/J3720/W/17/3180369

White Lion, Evesham Street, Alcester B49 5DS

- 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 Mr J Westwood of Lombard Group Developments against the decision of Stratford on Avon District Council.
 - The application Ref 16/02722/FUL, dated 16 August 2016, was refused by notice dated 19 April 2017.
 - The development proposed is change of use from public house to two dwellings. Demolition of rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from public house to two dwellings and demolition of rear extension at White Lion, Evesham Street, Alcester B49 5DS in accordance with the terms of the application, Ref 16/02722/FUL, dated 16 August 2016, subject to the following 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 following approved plans: Location Plan 3132 009 Rev A; Existing Elevations 3032 006; Proposed Site Plan 3132 011 Rev D; Proposed Elevations 3032 026; Proposed Elevations II 3032 027; Proposed Ground Floor 3032 025 Rev A; Alternative Floor Plans 3032 028 Rev A; Proposed First Floor 3032 028 Rev A.
 - 3) The external facing and roofing materials to be used in the construction of the development hereby permitted shall match those in the existing building.

Procedural Matter

2. The appellant has invited me to consider a revised plan which has been included as an appendix to its statement. This plan shows a revised proposed parking layout and a revised red line boundary. Whilst this plan has been shared with the Town Council, I have no evidence of it being consulted on with other parties. Having regard to the advice in the *Procedural Guide - Planning Appeals - England*, I have decided not to consider that revised plan in

determining this appeal and instead rely upon the plans which were before the Council at time it made its decision.

Main Issues

3. The main issues are the effect of the proposed development on:
- the character and appearance of appeal building and the Alcester Conservation Area and,
 - highway and pedestrian safety

Reasons

Character and appearance

4. The appeal site is a large public house on a main road into the town centre. It dates from the early 20th Century and is of brick construction with black and white Tudor type boarding at first floor level. It is an imposing building with irregular shaped sides. The car park to the rear is not within the appeal site. The public house has closed down and the building is currently vacant.
5. The appeal site lies within the Alcester Conservation Area which covers much of the town centre and the principal gateways into it including Evesham Street. The appeal building is not listed. The Council has produced the *Alcester Conservation Area Character Appraisal*. This appraisal highlights the importance of the medieval street pattern of the town and its historic buildings and spaces which still form an essential part of its character.
6. Evesham Street has a mix of house styles, types and sizes and in the vicinity of the site there are cottages fronting right onto the pavement as well as large houses standing in their own grounds behind high walls. This variation gives this part of the Conservation Area its character.
7. The proposed development is to convert the building into two dwellings and demolish an extension to the rear. Two car parking spaces would be created to the front of the building and two further spaces to the side. The Council is satisfied that the conversion of the building itself and the demolition of the rear extension would not be harmful to the character and appearance of the area or the Conservation Area. I agree with that position given that the rear extension does not contribute positively to the character and appearance of the area and the conversion to the building itself would be mainly internal works.
8. The proposed two car parking spaces to the side of the building would not be prominent in views along Evesham Street. Indeed they would not be visible in views up and down the street as they would be largely hidden by the building itself. They would also be located in an area of the current public house car park entrance where cars could park as part of the existing use.
9. The proposed other two car parking spaces would be located in front of the building itself between the building and the pavement. This area is currently paved and fenced, and formed part of the sitting out area for the public house. On my visit there was still signage and tables and benches in this area. The area does not protrude out further than the wall and building line of the properties on the town centre side of Evesham Street. On the non-town centre side of the appeal building, the pavement on Evesham Street widens out. The appellant has referred me to the presence of cars being parked on this wider

pavement area and I did see this on my site visit. However I have not placed any significant weight upon this issue in reaching my decision given that such parking may not be being carried out legally.

10. The proposed two spaces in front of the building would be laid out such that the two vehicles would sit sideways on to the building. This would help to reduce the visibility of the parked vehicles in views along Evesham Street. Proposed landscaping at the front of the proposed parking bays would also help to reduce the visual impact of the two cars parked in the spaces.
11. I consider that the creation of the two bays would have no greater impact on the character and appearance of the building or the Conservation Area than the current sitting out area does.
12. For the reasons above I conclude that the proposal would not be harmful to character and appearance of the appeal building or the Alcester Conservation Area and would accord with Policy CS.8 and CS.9 of the *Stratford on Avon District Core Strategy* (the Core Strategy) which respectively seek to protect and enhance the historic environment; and seek to promote good design. It would also accord with Policy CS.5 of the Core Strategy which seeks to secure developments which respect landscape and townscape character, and CS.20 of the Core Strategy which sets down guidelines for conversions and changes of use of buildings into dwellings.
13. Having regard to the statutory duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the proposed development would preserve and enhance the character and appearance of the Alcester Conservation Area.

Highway and pedestrian safety

14. The proposed development provides for four car parking spaces, two in front of the building and two along the side of the building.
15. The Council's Committee report states that officers considered that the provision of the four spaces in the configuration proposed would be acceptable and accord with policy. Swept path analysis has been provided for the two spaces in front of the building which demonstrates that a vehicle can be manoeuvred in and out of those spaces successfully. There would be a degree of conflict with potential pedestrian movement in the accessway to the former public house car park and the narrow lane, the Lion Tuery, on the other side of the building. However, I consider this risk to be low given the small number of vehicle movements which would be expected with the proposed development. Any right of access across non-highway land would be a private matter.
16. The two parking spaces proposed in the accessway to the rear car park are a mirror of the two spaces which currently exist in this location and therefore I consider that they would be acceptable.
17. For the reasons set out above, I conclude that the proposed development would not cause harm to highway or pedestrian safety and would accord with Policy CS.26 of the Core Strategy which sets down transport requirements for new developments.

Other matters

18. Representations have been made concerning the loss of the public house and that if it is to be lost, a commercial use should be found. The Council was satisfied that appropriate marketing exercises had been undertaken and that given the existence of other facilities nearby, the relevant policy tests relating to the loss of a community asset were met. I have no evidence to depart from that view.
19. Representations have also been made relating to the loss of the public house car park, as it currently used by those visiting shops and services in the town. Whilst the public house car park may be informally being used as parking for people visiting the town centre, this is not a matter to which I have placed any significant weight in reaching my decision. The future management of the car park is not a planning matter before me in determining this appeal.
20. The County Council's ecologist is satisfied with the Bat Roost Characterisation Survey submitted with the application and that sufficient information has been produced to inform an application for a European Protected Species Mitigation Licence. I have no evidence to depart from that view.

Conditions

21. I have considered the Council's suggested conditions in accordance with Planning Practice Guidance and the National Planning Policy Framework. In addition to the standard condition relating to the time period for implementation of the permission, there is a need for a condition specifying the plans to which the permission relates, in the interests of certainty and clarity. There is also a need for a condition relating to materials in the interests of the character and appearance of the area. I have not been provided with evidence as to why conditions relating to the provision of a water butt or refuse collection bins are necessary to make the scheme acceptable in planning terms.

Conclusion

22. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be allowed.

Mike Worden

INSPECTOR