



Appeal Decision

Site visit made on 16 July 2019

by Mike Robins MSc BSc(Hons) MRTPI

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

Decision date: 13th September 2019.

Appeal Ref: APP/Y9507/W/19/3221987

Red Lion, 3 College Street, Petersfield GU31 4AE

- 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 JD Wetherspoon Plc against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/00925/FUL, dated 16 February 2018, was refused by notice dated 6 December 2018.
 - The development proposed is a two-storey hotel building to accommodate 22no. bedrooms, plus new landscaped garden area including fixed booth seating, 2no. disabled parking spaces, cycle parking and alterations to existing access to facilitate off-street delivery route.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by JD Wetherspoon Plc against South Downs National Park Authority. This application is the subject of a separate Decision.

Main Issues

3. There are three main issues in this case: firstly, the effect of the proposed development on the setting of nearby listed buildings and on the character or appearance of the conservation area; secondly, the effect on living conditions of future guests, with regard to noise and disturbance and the provision of a legal undertaking; and thirdly, the effect on parking.

Reasons

4. The appeal site is currently a car park associated with the Red Lion, a public house that is Grade II listed and has an attached Masonic Hall, also Grade II listed. The site lies within the Petersfield Conservation Area (the CA) and within the South Downs National Park (SDNP). The proposal is to remove the car park replacing it with a hotel building to the rear with gardens, seating and a delivery layby to the front.
5. Reportedly associated with the London to Portsmouth coaching route, the Red Lion is a substantial pub, finished in white render and occupying a prominent position near to the junction of College Street/Dragon Street and the High Street. It forms an important building at a key entrance point to the town, which is identified as a principal focal point in the CA Appraisal. The Masonic Hall is set to the rear and is a later and more functional brick building with a

number of blind arch windows to its side elevation. A lapsed planning permission for the conversion of the Hall and part of the Red Lion to hotel accommodation has been recently re-applied for.

6. The CA Appraisal identifies Petersfield as a small market town developed from the 12th Century onwards, and parts of the medieval core are still visible with original burgage plots local to the appeal site. This appraisal includes reference to this area, in association with the nearby Festival Hall, as being appropriate for a well-considered development proposal. An inset map is indicative of development on the car park site. This is further developed in the recently adopted Petersfield Neighbourhood Plan, the NP, which includes Tourism Policy TP1, which supports hotel development in the Festival Hall/Red Lion area and a Vision for that area, which identifies the need for a holistic development carefully considering the entire site and the setting of the four listed buildings, two of which I have identified as being those immediately adjacent to the appeal site.

Setting of Listed Buildings and the Conservation Area

7. In this context, any development on the car park must draw on the setting of not only the listed buildings, but the contribution that the site might make to the wider CA. I note that the appellant has produced a Statement of Significance as part of the application, supported by a Heritage Impact Assessment and Heritage Statement submitted to this appeal.
8. The Red Lion and the Masonic Hall are buildings whose historic use and architecture are important in the development of Petersfield. The prominent location of the Red Lion, at the entrance to the historic town centre with what appear to be a largely intact front elevation and gable end, makes a significant contribution to local character through its vernacular architectural features. Its position on the historic coaching route and established use, also gives rise to a significant depth of historic continuity.
9. It is reported that the appeal site had associated structures, including brewery buildings and stabling or garaging up until the 1990s, although some buildings were removed much earlier than that. Nonetheless, this meant that the more functional Masonic Hall was set to the rear and not prominently positioned in the same way as the Inn. It nonetheless also represents strong historical connections with the town and together the two listed buildings provide an important contributor to the significance of the CA.
10. Other buildings also contribute, with the unlisted Folly Market on the other side of the road, and the interlacing of commercial and residential 18th or 19th century properties together lending the area an historic, but also highly varied character. The mix of materials, roof styles and heights are a particular feature, although the most visually striking element when approaching the site is the large first-floor bay window in the Red Lion.
11. While the function of the appeal site has changed, and the existing car parking offers little visually to the value of the listed buildings or the CA, the now open area functions within their setting allowing views towards the listed buildings from Tor Road and the Festival Hall Car Park.
12. These factors are recognised in the Statement of Significance and Heritage Assessments, and the positioning of the proposed hotel, while it would truncate

views filtered by trees of the Masonic Hall from Tor Road, would retain those views towards the Red Lion that encompass the bay window. Furthermore, it is legitimate to suggest that the Masonic Hall, with its blind arched elements to the now open elevation, was not designed to be seen from this vantage. Consequently, my concerns lie not with the positioning of the proposed, hotel nor with the principal of developing on this open area, but with the scale and design.

13. I note that the ridge and eaves heights are proposed to be lower than those of the Masonic Hall and this is important to ensure that the proposed building does not compete with the neighbouring listed buildings. However, the large scale of the building requires that it be designed sensitively to ensure it is sympathetic to its setting. The Statement of Significance notes this, in referring to the need for some simple articulation to respond to the varied roofscape, and I note that the Heritage Statement argues that the building has been 'articulated by the interaction between the constituent ranges', suggesting that the design presents 'three ranges arranged around a central yard'.
14. However, the design before me has this level of articulation reserved almost solely for the south elevation, immediately adjacent to the Masonic Hall. This is the least visible of the elevations, and the one where a somewhat pastiche approach is least favourable, in my view. The remaining eastern and western elevations are relatively repetitive and monolithic, with little variation in the roof slope, while the northern elevation, facing onto the area of public green space, would appear to have largely false windows and again a relatively featureless façade and roof slope.
15. In the acknowledged context of a varied typology of traditional forms, the only reference to the architectural qualities of the area would appear to be in the proposed materials. Otherwise the large expanse of roof slope presented with no substantive articulation on the elevations most clearly perceived from public views, represents a poor response to the requirements of this sensitive site. While I accept that the existing car park is relatively unprepossessing and have noted that its loss is, in principle, acceptable, its open nature allows for appreciation of the assets, and the introduction of a building and landscaping cannot be assumed to automatically be an improvement.
16. I note the Council's additional concerns regarding the provision of a delivery layby as part of the outside seating area and landscaping. While I accept that this could be a detracting feature if designed and delivered poorly, I am satisfied that such issues could be addressed through the sensitive use of design, materials and delivery plans, all of which could be addressed by condition.
17. Notwithstanding this, the proposal would represent the introduction of a building of poor design at a key point on the entrance to the town. It would harm the setting of the listed buildings with the large, relatively uncompromising elevations and roof contrasting sharply with the varied features of the existing buildings. It would fail to preserve the character or appearance of the CA. It would, therefore, conflict with Policies CP29 and CP30 of the East Hampshire District Joint Core Strategy (the JCS), Policies HE4 and HE12 of the East Hampshire Local Plan Second Review, Policies SD12, SD13 and SD15 of the SDNP Local Plan, formally adopted July 2019, and Policies

BEP1, BEP2 and BEP3 of the NP. These policies together seek a sensitive and high quality of design that should respect with the existing townscape and conserve and enhance the historic environment, making a positive contribution to the area.

18. The proposal would further conflict with paragraph 192 and 194 of the National Planning Policy Framework (the Framework), and, in accordance with paragraph 196, I classify the harm in this case as being less than substantial.

Living Conditions

19. The proposed beer garden lies directly in front of the ground floor windows of six of the proposed hotel bedrooms. There are limited opportunities highlighted for separation, and the use of the proposed seating areas in such close proximity would represent potential noise and disturbance issues, in particular were the hotel use to be separate from the use of the Red Lion. This is recognised by the appellant, who confirmed that their intention was to operate as a single unit and were content to complete a legal undertaking to ensure that this relationship was retained.
20. However, no such legal undertaking has been provided. The appellant refers to conversations with the Council suggesting that this could be a condition of any planning permission. To control such matters directly through a condition would not be appropriate, and while I note the appellant's presumption that any condition should only serve to ensure submission of a scheme to address the matter, such an approach is only considered appropriate in exceptional circumstances.
21. The Planning Practice Guidance deals with this¹, stating that such an approach may be used for complex development schemes where delivery would be at serious risk. Such circumstances do not apply here, and in absence of a legal undertaking to ensure that the hotel and public house would operate under the same management then harm to the living conditions of future guests must be concluded. This would conflict with Policy CP27 of the JCS, which seeks that development not result in pollution, including noise pollution, and with the requirements of the Framework, which identifies that development should result in a high standard of amenity for future users.

Parking

22. The Council raise concerns that the loss of the existing parking spaces and the introduction of requirements for hotel guests, associated with both the conversion of the Masonic Hall and the appeal proposal, would unacceptably increase pressure on the local car parking provision. I also note the concerns of local residents and the Parish Council, who refer to the lack of capacity of the Festival Hall car park.
23. However, the appeal site car park could be converted without the need for any permission, and the strategic approaches, referred to earlier in this decision, acknowledge the need to develop tourism and hotel use on this site, effectively accepting that the private car park currently associated with the Red Lion is likely to be lost. Consequently, the issue is whether there would be sufficient parking available to support the needs of guests without significantly compromising the existing capacity.

¹ Paragraph 010, Reference ID: 21a-010-2019072

24. I have noted that Hampshire County Council withdrew non-residential parking standards in 2014 and their position in relation to this application would appear accepting of the principle of development. However, although not raising objection, they clearly refer to the need for the East Hampshire traffic officer, as the parking authority, to confirm if the proposals are adequate. The response set out in the Council's delegated report would appear to reflect only on the initial morning parking survey² carried out by the appellant. It is clear that a further evening survey³ was also submitted later, but within time for consideration, and was taken when there was reported to be a performance on at the Festival Hall.
25. Policy, notably JCS Policy CP31 and SDNP Policy SD22, refer to the provision of vehicle parking where appropriate. Many hotels operate in town centres with little or no parking, furthermore, it is agreed between the main parties that the site is highly sustainable and public transport options and easy accessibility to the town centre is available.
26. A transport assessment was submitted, which found peak demand of 32 spaces with 22 required as a maximum overnight, and, even if assessed alongside the likely development of the rest of the site for hotel use, this requirement was 55 peak with 38 required overnight. It must be accepted that not all bedrooms would be occupied and not all guests would be reliant on a car, nonetheless, these represent the maximum potential parking demand.
27. The survey carried out addressed the Festival Hall car park. Although there are others in the town, realistically most guests would choose this car park out of preference due to its location. The surveys suggested that some 77 spaces minimum were available in the evening period.
28. I accept that this was only a snapshot, but no other assessments have been put to me to assess the pressure on capacity here. However, I do accept that at certain times and when certain performances are on at the Festival Hall, there is likely to be increased pressure on this car park. Nonetheless, I noted that within a very short walk of the appeal site there was another, larger car park, the Central car park. Here the survey recorded approximate percentage availability indicating an additional 73 spaces minimum.
29. While I accept that the proposal, were it to go ahead, would increase the pressure on car parking in the town, nothing has been put before me to suggest that the proposal must provide additional capacity, nor is parking a necessary or expected requirement for those visiting town centre hotels. On the evidence before me, there would appear to be sufficient capacity to meet the additional demand of the proposal; it consequently would comply with JCS Policy CP31 and SDNP Policy SD22 in this regard.

Planning Balance and Conclusion

30. I have found that the proposal would result in harm to the living conditions of guests, in absence of a legal agreement to control activity on the site, to which I afford moderate harm, as well as to the character and appearance of the CA and the setting of the listed buildings. The Framework sets out that great weight should be afforded to conservation of heritage assets. Although I have

² 21 September 2018

³ 11 May 2018

identified the harm as less than substantial, it must still be assessed as having considerable importance and weight.

31. I note that planning permission was granted in 2006 for a 31-bedroom hotel on the site⁴. However, this would have predated much of the policy basis now seeking to conserve heritage assets, and I can give little weight to this. I note also that the appellant refers to the principle of a legal agreement to secure the delivery of heritage benefits associated with the proposal for conversion of the Masonic Hall and Red Lion. However, this scheme is subject to a re-application following the lapse of the previous permissions, and in absence of such a legal undertaking and any further details relating to this proposal, I can give this little weight.
32. I accept that the proposal would provide significant economic benefits, and that it responds in part to a strategic vision for tourism development in this area. However, I do not consider that this outweighs the harm I have identified as a result of the proposed design of the scheme and the impact on future guests.
33. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Mike Robins

INSPECTOR

⁴ F.20357/024/FUL