



Appeal Decision

Site visit made on 27 January 2009

by **RN Parry BA DipTP MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
2 February 2009

Appeal Ref: APP/B1605/A/08/2088458

The Greyhound Inn, 198 Hewlett Road, Cheltenham, GL52 6UP

- 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 Brian Williams against the decision of Cheltenham Borough Council.
- The application Ref. 08/00612/FUL, dated 23 April 2008, was refused by notice dated 21 August 2008.
- The development proposed is conversion of existing public house into 5No. apartments (4No 1 bed and 1No 2 bed).

Decision

1. I allow this appeal and grant planning permission for the conversion of an existing public house into 5No.apartments (4No.1 bed and 1No.2 bed) at The Greyhound Inn, 198 Hewlett Road, Cheltenham, GL52 6UP, in accordance with the terms of the application, Ref 08/00612/FUL, dated 23 April 2008, and the plans submitted with it, as altered by revised plan 07.044 Greyhound conversion Rev B, subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
 2. Prior to the commencement of development, a detailed specification of all external materials and finishes, including all windows and external doors, shall be submitted to and approved in writing by the Local Planning Authority.
 3. A detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved.
 4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all of the existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, the treatment of paved areas and areas to be grassed. All planting, seeding or turfing comprised in the approved details shall be carried out in accordance with the attached specification and be completed to the satisfaction of the Local Planning Authority within 12 months of the completion of the scheme. Any trees that die, or are removed or seriously

damaged within a period of 5 years from the completion of the development shall be replaced in the same places by others of a similar size and species in the next planning season unless the Local Planning Authority gives written consent to any variation.

5. Notwithstanding the submitted details, a scheme in respect of access and areas for the parking and turning of vehicles shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved scheme has been implemented. The parking areas shall thereafter be kept available for parking and not used for any other purpose.
6. Prior to the occupation of the development the approved cycle storage facilities shall be constructed and retained for that use thereafter.
7. Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details before the development is occupied.
8. Notwithstanding the approved details, there shall be no access to the roof area above the ground floor on the north-western corner of the building.

Procedural matter

2. In response to the Council's refusal to grant planning permission, the appellant submitted a revised plan as part of the appeal process (07.044 Greyhound conversion Rev. B). In dealing with this appeal I have taken the revised plan into account. This is important inasmuch as a letter from the Council dated 28 November 2008 confirms that the revised plan addresses one of the reasons for refusing to grant planning permission, more precisely reason No.2 which refers to the loss of amenity for the occupiers of No 196 Hewlett Road due to the provision of a roof terrace for one of the apartments.
3. It also seems to me that the revised plan seeks to address reason No.3 of the decision notice. This refers to the adverse impact on the street scene of a 1.8m tall fence and an overprovision of car parking/hardstandings. As the revised plan does not include the 1.8m tall fence it must follow that the Council's concern on this point is met. Confirmation is provided by the letter from the Council dated 12 November 2008. While the deletion of 4 of the dedicated car spaces must also alleviate the Council's concern regarding an overprovision of car parking/hardstandings, the same letter does not indicate if the Council's concerns on this point are fully met. Notwithstanding my uncertainty on this matter, I am satisfied that the concern can be addressed via a condition attached to a grant of planning permission. This would leave the issue of car parking/hardstandings for later approval.

Main issue(s)

4. Bearing the above in mind I consider that the main issues in this case are as follows. Firstly, whether the conversion is acceptable given the loss of a public

house and, secondly, whether the proposal would have an undue impact on the street scene due to the loss of the curved bay window on the front elevation.

Reasons

5. As part of its case for resisting the loss of the existing public house the Council draws attention to Policy RC1 of the adopted Cheltenham Local Plan. This states that the loss of premises which meet the needs of the community will not be permitted unless certain criteria are satisfied. One criterion, the need for the site to remain in community use, is said to be of especial relevance. To help clarify this point a note is attached to the policy referring, amongst other things, to the availability or otherwise of adequate facilities to meet the needs of the community.
6. While the Council is satisfied that the policy is relevant whenever the loss of a public house is in prospect, the appellant argues that the policy is not intended to apply to public houses and other commercial establishments. Having read the policy and its supporting text carefully it seems to me that the relevance of the policy to a public house is open to doubt. I say that as there are no references to the retention of public houses (or other commercial establishments) in either the policy or its supporting text. The Local Plan, rather, highlights the importance of retaining community venues for evening classes and club meetings. While these activities can and do take place in public houses, I am doubtful if this brings such places within the terms of the policy. I note also that the Inspector appointed to hold the inquiry into objections to the Local Plan expressed the view that Policy RC1 did not relate to commercial establishments.
7. Irrespective of whether Policy RC1 is relevant, I am in no doubt that The Greyhound Inn is a valued and popular destination for a miscellany of leisure activities. Many letters and a petition have been submitted in support of its retention, not least because of the use of its skittle alley by many individuals and local groups. Furthermore, I accept that the loss of a public house serving the local community is a material consideration in this case. That said, this is not an instance where the loss of the public house would leave a village or some other isolated community bereft of a public house with all of the leisure and community benefits that it can provide. Significantly, the local community in the vicinity of the Greyhound has easy access to at least 2 other public houses. The Hewlett Arms is situated within 300m walking distance of the appeal site and the Cat and Fiddle is less than 500m away. And within 1000m of the Greyhound, the distance often used to judge accessibility on foot, there are at least 2 further licensed premises. Nearby public transport facilities would also allow local residents easy access to the many public houses located elsewhere in Cheltenham.
8. While the service provided by the current landlord of The Greyhound Inn is clearly much appreciated by the local community, it seems to me that easily accessible alternative facilities are available nearby where people can socialise and spend their leisure time. The loss of the Greyhound may mean that some customers would need to travel further to play skittles but in that regard I note that there are over 30 places to play skittles in Cheltenham, and that a number of these are within 1000m of the appeal site.

9. In addition I note that within the same 1000m distance of the appeal site there are Community Centres and other venues available for public use. Bearing all of the above in mind, I consider that even if Policy RC1 properly applies to public houses, contrary to my understanding, it does not follow that the appeal proposal is contrary to the policy given the availability of "adequate" alternative facilities.
10. I now turn to the second main issue. The Greyhound Inn is not a listed building but the papers on file suggest that it may recently have been added to the list of locally important buildings. Converting the public house into 5 apartments significantly alters the internal building arrangements but the external appearance of the building would be little altered. Even so the Council is concerned that the removal of the curved bay window at the front of the building would diminish its overall appearance and in turn damage the wider street scene. Relevant to this I note that the revised plan submitted by the appellants actually retains the bay window, albeit in a modified form.
11. In my view the Council's objection to the wholesale removal of the bay window is well founded. The loss of this feature is undesirable since it does help to enhance what, to my eyes at least, is otherwise a somewhat ordinary 1930's building. While the modified bay window in the revised plan is a somewhat contrived response to the Council's concern, in my view this feature does not itself warrant a refusal of planning permission. I am satisfied that the proposal is not contrary to Policy CP7 of the adopted Local Plan.
12. I have taken account of all of the other matters drawn to my attention but they do not outweigh my conclusions on the main issues.
13. Finally the Council has put forward a list of conditions that it considers should be attached to any grant of planning permission. In addition to the standard time condition, the conditions relate to materials, boundary enclosures, cycle provision and landscaping. In my view these all need to be imposed to ensure an acceptable standard of development. I have also attached conditions to help protect the amenities enjoyed at No.196 Hewlett Road and in respect of access and the provision of car parking/hardstandings.

R n Parry

Inspector