



Appeal Decision

Site visit made on 14 November 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 27 December 2017

Appeal Ref: APP/M2515/W/17/3181055

The Lincolnshire Poacher, Bunkers Hill, Lincoln LN2 4QT

- 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 Marston's Estates Ltd against the decision of Lincoln City Council.
 - The application Ref 2016/1246/FUL, dated 20 December 2016, was refused by notice dated 10 March 2017.
 - The development proposed is the erection of a lodge style hotel (C1) together with landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a lodge style hotel (C1) together with landscaping and associated works at The Lincolnshire Poacher, Bunkers Hill, Lincoln LN2 4QT in accordance with the terms of the application, Ref 2016/1246/FUL, dated 20 December 2016, subject to the conditions in the attached schedule.

Procedural Matters

2. This appeal must be determined on the basis of the development plan as it exists at the time of my decision. Subsequent to the date of refusal of the application, the Council has adopted the Central Lincolnshire Local Plan (CLLP) in April 2017. I have therefore considered the appeal against the relevant development plan policies and make no further reference to the previous development plan.
3. Both the location and description of development in the heading above have been taken from the planning application form. These differ from those stated on the Council's decision notice. Also, in Part E of the Appeal Form it is stated that the description of development has not changed and the appellants have entered the same description as given on the planning application form. Neither of the main parties has provided written confirmation that a revised wording for the location or the description of development has been agreed. Accordingly, I have used those given on the original application.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposal would make suitable provision for the parking of vehicles; and,

- The effect of the proposal on the living conditions of residents in the area with regard to outlook, privacy and light.

Reasons

Parking

5. The proposed hotel would be located on a car park to the rear of the Lincolnshire Poacher Public House (PH) which has 120 parking spaces. The appeal site is bounded by the residential cul-de-sac of Sympson Close.
6. The proposal would result in a reduction in the number of parking spaces as well as a reconfiguration of the parking area. A new total of 100 parking spaces would be provided to serve both the proposed hotel and the existing PH. The Council's first reason for refusal states that the number of parking spaces would be inadequate and would cause an impact on residential amenity with cars parked on adjacent streets.
7. To assess current parking demand, the appellants have surveyed the parking generated by the PH over a three day period in November 2016. This was undertaken on a Friday, Saturday and Sunday to assess parking on a weekday and over the weekend. This identified the peak demand for parking as being on Sunday lunchtime.
8. The parking demand arising from the hotel was then calculated using an industry-standard database, which gave a combined peak parking requirement of 79 vehicles for both the proposed hotel and the existing PH. The limited cumulative increase from the peak associated solely with the PH is due to the uses being complementary to a degree, with the peak periods of demand for each use not being coincident. The identified cumulative peak demand of 79 vehicles would clearly be within the overall proposed provision of 100 spaces.
9. The Council contends that the survey submitted by the appellants is not robust, as it was not undertaken over a suitable timescale and does not assess periods of heightened demand such as summer weekends or the lead up to Christmas. However, I consider that the timescale of the survey was appropriate as it represents the busiest weekday and a typical weekend. The survey identifies Sunday lunchtimes as being the time of peak demand associated with the PH and this reflects the comments raised locally. Whilst there may be periods of heightened parking demand outside of the survey period, the appellants' evidence identifies significant excess parking capacity which provides flexibility for such eventualities.
10. The Council also states that the survey should assume full occupancy of the hotel with all guests arriving by car. However, I am not persuaded that such a scenario is reasonable as some guests would be likely to arrive by means other than a private vehicle.
11. I have assessed the comments raised locally in relation to parking associated with the existing PH stating, for example, that 101 vehicles have been observed parked on the site. However, these comments are not supported by such detailed evidence to override that provided by the appellants on matters such as the timing of peak demand or the context in which it occurred. On balance, I am therefore able to give only limited weight to the evidence raised locally in my consideration of this matter.

12. However, even if I were to conclude that the 'worst case' scenario as proposed by the Council is likely to occur, I note that vehicles may park legally on the highway of Sympson Close. I also saw that cars are able to park on the highway without unduly limiting the flow of traffic. In such circumstances, although residents may be aware of traffic movements and the comings and goings of customers, I do not consider that this would lead to disturbance of such a degree or frequency that would mean that the appeal should be dismissed.
13. In my consideration of this matter, I have been mindful that the Local Highway Authority has not objected to the proposal, either on the basis of inadequate evidence or on the effects that may arise. In the absence of any detailed technical evidence to the contrary, I have given the lack of objection from the Highway Authority substantial weight.
14. Read objectively and in context, I find the evidence provided by the appellants in relation to parking provision to be reasoned, thorough and logical. In the absence of any detailed technical or compelling evidence to the contrary, I conclude that the proposal would make suitable provision for parking to serve both the hotel and the PH. In this respect the proposal would not cause a significant impact on residential amenity as a result of on-street parking. The proposal would therefore not conflict with Policy LP26 of the CLLP which states that the amenities of occupants of neighbouring land or buildings must not be unduly harmed as a result of development.

Living Conditions

15. The proposed hotel would be of a conventional design, consisting of a two storey building with a pitched roof. To an extent it would therefore reflect the height and design of the dwellings on Sympson Close.
16. However, the hotel would also consist of a single block extending to roughly the equivalent of three individual housing plots on the adjacent estate. The gable walls would also be significantly wider than the nearby dwellinghouses. Whilst the variation in materials and the inclusion of a small step back in the main elevations would break up the façade to a degree, the proposed building would still be apparent as a single block. Furthermore, the building would turn its back onto the cul-de-sac and would face onto the car park within the site. In these respects the proposal would contrast with the suburban character of the detached houses on Sympson Close.
17. The Council's reason for refusal states that the scale and mass of the building would have a harmful impact on the adjacent properties. At my visit I was able to view the site from within a number of houses which face onto the site and I saw that the building would be prominent in views from nearby properties. I acknowledge that as a single block the building would be of a different character to the adjacent houses. However, due to the two-storey height, conventional design as well as the context established by the commercial nature and height of the PH, I do not consider that the proposal would appear as an incongruous or unduly obtrusive addition to the area.
18. I also consider that there would be an appropriate separation distance between the facades of the nearby dwellings and the proposed building which is representative of separation distances on a typical housing estate. Due to the height of the proposal and the separation distance from dwellings, the proposal

would not have an overdominant relationship to residential properties and would also not result in significant loss of light, sunlight or privacy.

19. The effects of the proposal would be further ameliorated by landscaping, including trees, retained on the site boundary and which would have a softening effect as well as reducing overlooking. At the time of my site visit the trees were not in leaf and had some gaps, but I saw that they were still of some benefit in breaking up views of the site.
20. For the reasons stated above, I conclude that the proposal would not lead to undue harm to the living conditions of nearby residents in respect of outlook, privacy and light. In this regard, the proposal would therefore not conflict with Policy LP26 of the CLLP.

Other Matters

21. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the proposal on the nearby Grade II listed building of the Lincolnshire Poacher Public House and attached boundary wall. The significance of this property is summarised by the list entry description. I saw that the effect of the proposal is such, taking into account matters of design, scale, arrangement and physical separation, that the setting of the listed building and its significance would not be adversely affected. I note that this reflects the Council's conclusion on this matter.
22. The proposal would involve the loss of a number of trees. I saw that the trees with the greatest amenity value are those on the boundary of the site which add to the character of the streetscape and would also soften views of the proposed development. It is proposed to retain the trees on the boundary and this can be ensured with an appropriate condition. The trees that would be removed are within the body of the car park and, although they add to the overall tree canopy, I saw that they are not as prominent or of such high value to the appearance of the area as the trees on the site boundary. I consider that the limited amenity value of the trees within the car park would mean that harm arising from their removal would not be sufficient to refuse planning permission. Furthermore, due to the limited number of trees which would be removed, I do not consider that this would have a material impact on air quality or biodiversity.
23. Comments raised locally have referred to the parking of service vehicles on the highway near to the junction between Sympson Close and the A15. This reflects my own observations where I saw a goods lorry parked on the highway and which reduced the width of the carriageway adjacent to the junction. However, this matter relates to the operation of the existing PH and I note that the hotel would be serviced from within the car park. Although the proposal would increase the number of vehicle movements through the junction, any potential increase in conflict with parked vehicles would be limited due to the intermittent nature of the current on-street parking. I therefore do not consider the effect of the proposal would be so severe in this regard as to warrant the refusal of planning permission.
24. Concern has also been expressed in relation to noise arising from the proposal. Due to the location of the hotel and reconfiguration of the site, there may be an increase in activity on that part of the car park closest to the residential properties. However, the appellants state that comings and goings from the

hotel would be characterised by guests arriving in the early evening and checking out the following morning and I concur with that assessment. Whilst the nature of the use of the car park would change as a result of the proposal, I do not consider that noise and disturbance arising from this would create a significant adverse impact compared to current activity associated with the PH.

25. The proposal includes a plant compound which nearby dwellings would face onto. However, issues of noise in relation to this can be addressed by a condition requiring a noise assessment and appropriate mitigation. Noise and disturbance arising from the construction period, deliveries and waste collection can also be controlled by conditions specifying appropriate times.
26. Reference has been made to flooding and drainage issues on the site and the extent of hard surfacing. However, no substantive evidence has been provided to me in relation to problems arising from surface water drainage, that the site is at risk from flooding or that the proposed extent of hard surfacing would lead to such problems. Based on the evidence before me, matters relating to flooding, surface water and drainage would not be reasons to dismiss the appeal.
27. The matter of whether there are alternative sites available for the development has also been raised. However, I note that the appellants intend to operate the hotel in conjunction with the PH, with breakfast and other catering provided within the PH. I therefore do not consider it unreasonable that the appellants have selected the site on that basis. I have also had regard to the Sequential Assessment submitted by the appellants, the contents of which the Council has accepted. Furthermore, the property has no site specific designation in the CLLP and I have therefore considered the proposal on its own merits.

Conditions

28. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance and retained Annex A (model conditions) of former Circular 11/95: Use of Conditions in Planning Permission. As a result, I have amended some of them for clarity.
29. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the approved plans. A condition in relation to the provision of electric vehicle recharge points prior to the occupation of the hotel is required in the interests of air quality and sustainable transport. In the interests of character and appearance, conditions are imposed requiring approval prior to the commencement of development of external materials and a landscaping scheme including protection of retained trees.
30. To safeguard the living conditions of residents in the area, I have imposed conditions requiring a noise assessment and details of lighting. For the same reason I have also imposed conditions in relation to hours of deliveries, waste collection and construction. I have also amended the suggested hours of deliveries on weekdays during the construction period to reflect the times of construction work. A condition in respect of the implementation of parking provision and manoeuvring space prior to occupation is required in the interests of highway safety. A condition in respect of contamination is necessary to afford protection to human health and the environment. A

condition in relation to archaeological investigation and work is required in the interests of conserving the historic environment.

Conclusion

31. For the reasons given above, and having regard to all material planning considerations, I conclude that the appeal should be allowed.

David Cross

INSPECTOR

Schedule of 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: J8792/50, J8792/51, J8792/52, J8792/53, J8792/54, J8792/55 Rev B, J8792/56 Rev A, J8792/60, J8792/61 Rev A and J8792/62.
- 3) Prior to the commencement of the development, details of a scheme for the provision of a minimum of three electric vehicle recharge points to serve the hotel shall be submitted to the planning authority for approval. The approved scheme shall be implemented prior to the occupation of the hotel and shall be maintained thereafter.
- 4) Samples of all external materials to be used in the development shall be submitted to and approved by the Local Planning Authority before the development commences. The development shall be carried out in accordance with the approved sample details.
- 5) Prior to the installation of any external lighting at the development, an assessment of the offsite impact of all external lighting shall be undertaken and submitted to the planning authority for approval. The impact assessment shall identify any mitigation measures that are necessary to minimise the impact of light from all external lighting. The approved mitigation measures shall be implemented prior to the commissioning of the lighting and shall be maintained thereafter.
- 6) Prior to the installation of any stationary external plant or machinery, a noise impact assessment report shall be submitted to the planning authority for approval. The report shall identify any mitigation measures that are necessary to minimise the impact of noise from the stationary external plant or machinery. The approved mitigation measures shall be implemented prior to the commissioning of the plant or machinery and shall be maintained thereafter. (The background noise survey shall be carried out in accordance with methodology prescribed in British Standard BS4142 (2014): Methods for rating and assessing industrial and commercial sound).
- 7) The development hereby permitted shall not be brought into use until space has been laid out within the site in accordance with drawing no. J8792/55 Rev. B for vehicles to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and

- leave the site in forward gear. That space shall thereafter be kept available at all times for those purposes.
- 8) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
 - 9) Commercial deliveries shall be taken at or despatched from the site only between 07:00 to 19:00 Monday to Saturday and 08:00 to 19:00 on Sundays and Bank or Public Holidays.
 - 10) Waste collections from the development hereby permitted shall only take place between the hours of 07:00 to 19:00 Monday to Saturday.
 - 11) Construction works shall take place only between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays, except in relation to internal plastering, decorating, floor covering, fitting of plumbing and electrics and the installation of kitchens and bathrooms. Any deliveries associated with the construction of the development hereby permitted shall only be received or despatched at the site between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays and shall not take place at any time on Sunday or on Bank or Public Holidays.
 - 12) The programme of archaeological work shall be completed in accordance with the approved Written Scheme of Investigation, including any necessary fieldwork, post-excavation analysis, report writing and archive deposition, as detailed in the approved scheme. The report shall be prepared and deposited with the City Council's Heritage Team and the Lincolnshire Historic Environment Record, within six months of completion of the archaeological works. The archive shall be deposited with The Collection (Lincolnshire Museums) within twelve months of the completion of site works. No variation shall take place without prior written consent of the Local Planning Authority.
 - 13) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. No tree on the site shall be lopped, topped, felled or uprooted without the prior written consent of the local planning authority.

End of Schedule