



Appeal Decision

Site visit made on 20 August 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2019

Appeal Ref: APP/A3010/W/19/3230602

Robin Hood Inn, High Street, Elkesley DN22 8AJ

- 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 Mrs P Dhanda against the decision of Bassetlaw District Council.
 - The application Ref 18/01197/FUL, dated 13 September 2018, was refused by notice dated 20 February 2019.
 - The development proposed is demolition of garages and construction of 4 dwellings with parking and turning head.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of garages and construction of 4 dwellings with parking and turning head at Robin Hood Inn, High Street, Elkesley DN22 8AJ in accordance with the terms of application 18/01197/FUL, dated 13 September 2018, subject to the conditions listed at the end of this decision.

Main Issues

2. The main issues of the appeal are:
 - The effect of the proposed access and parking arrangements on highway safety;
 - The effect of the development on the character and appearance of the locality; and,
 - The effect of the development on living conditions of existing and future occupiers in respect of noise and gardens.

Reasons

Highway Safety

3. The appeal site is currently open fronted with a row of direct run-off parking set behind a narrow un-kerbed strip currently providing informal pedestrian access across the site frontage. Two additional rows of parking spaces are provided further within the site to give a total provision of 19 spaces. The existing drive access is marked to the western side of the plot immediately adjacent to Little Paddock, a residential property with high fencing and hedging to its nearest side and front boundaries.
4. From my site visit it was apparent that the existing open fronted arrangement - allowing use of the forwardmost marked parking spaces, has a high potential to

- cause confusion, multiple in-highway vehicle movements or waiting within the carriageway as a consequence of the number of access options. Furthermore, on exit, the marked access suffers from poor visibility to the right due to a number of factors. These include the curve of the road; the proximity to the site's side boundary; the high enclosure of the adjacent site; and, the narrow width of the pavement.
5. The proposed access arrangement in contrast provides significant benefits in terms of defining a single point of entry and exit to the site and providing suitable visibility in both directions; particularly improving the view to the right. In addition, the formalising of the footway across the site frontage would benefit pedestrian safety through improved definition. The presence of the bus stop on the opposite side of the road would provide no more interference with the proposed access than it does with respect to the existing parking arrangement.
 6. The Council is satisfied that parking provision for the new dwellings would be at an appropriate level. However, the proposal would result in the loss of 3 spaces in association with the pub use resulting in an overall provision of 16 spaces. It is argued that, in the absence of any knowledge as to how the pub might be used in the future, the Council was unable to determine whether the parking provision was sufficient or not.
 7. However, I have not been provided with any significant evidence to suggest that the level of parking currently associated with the pub has resulted in highway problems. This is despite third party submissions stating it has previously benefitted from buoyant periods attracting visitors from some distance and has been the focus of many local community events.
 8. Local residents have suggested functions could occur regularly at the pub leading to overspill parking within the highway. Even then, I find there is little evidence that this would give rise to significant adverse effects on highway safety. High Street is a local distributor road and not significantly trafficked. It is substantially free from parking restrictions and generally provides suitable kerb space and carriageway width to avoid significant impediment to the free-flow of traffic as a result of any on-street parking which might occur as a result of the proposal. On the infrequent occasions simultaneous large functions at the nearby church and pub take place, local capacity may become stretched. However, the reduction by three spaces is highly unlikely to cause measurable or significant impacts to highway capacity or safety in the locality.
 9. Since the determination of the planning application, the Council's highway advisor has stated no objection to the bin storage and collection arrangements. The proposed layout facilitates suitable kerbside collection and therefore is unlikely to give rise to any significant impact on highway safety or impede the free-flow of traffic in the locality.
 10. For the reasons stated above, I find that the development will meet the requirements of Policy DM4 of the Bassetlaw Core Strategy and paragraphs 108 and 127 of the National Planning Policy Framework (the Framework) as they relate to the provision of safe and suitable access to new development.

Character and appearance

11. I saw that the appeal site lies within the historic nucleus of the village. This is characterised by a loose cluster of early farmsteads and cottages interwoven with later development either side of High Street and its subordinate offshoots. Later infilling has occurred over numerous phases resulting in a largely organic and sporadic arrangement within the immediate settlement pattern. Buildings and plots vary in scale and orientation with early development very much referenced by traditional local red brick and clay tile finishes.
12. The Council states concerns over the proposed layout and question whether this would deliver an attractive form of development. The proposed layout facilitates new development addressing the High Street frontage thereby replacing the existing open car park which contributes little to the character and appearance of the locality. Given the appropriate siting, scaling and design of the frontage buildings, I consider this aspect of the development would result in a visual improvement to the street scene.
13. The siting of the car park behind the existing pub and frontage buildings would result in only limited glimpses of the facility from the surrounding areas. It would therefore have a reduced visual impact on the local character and appearance in comparison to the existing situation.
14. The proposed layout of the site may result in an uncommon approach to the proposed housing to the rear of the site. However, noting the various arrangements of infill and backland developments in the locality, I do not consider this would appear out of context or necessarily provide an unattractive form of development. The units would effectively be enclaved in much the same way as nearby infill developments.
15. Subject to suitable landscaping within the parking court, I consider the proposals would deliver a satisfactory layout and appearance consistent with the local character and therefore meet the requirements of Policy DM4 and the Framework as they relate to preserving local character and distinctiveness.

Living Conditions

16. The Council have expressed concern in relation to the potential for noise and disturbance associated with the use of the pub car park in close proximity to existing and new dwellings. However, I saw that the proposed layout increases the distances between the pub parking provision and existing dwellings to either side of the site therefore any matters of noise and disturbance are unlikely to be exacerbated.
17. The relationship between the pub, its parking facility and the new dwellings would not be dissimilar to that which exists with the neighbouring property at Little Paddock. Such close relationships are not unusual in urbanised centres and any future occupiers of the dwellings would have the benefit of recognising the proximity of the pub.
18. Whilst I accept that there is some opportunity for late night disturbance from the use of the car park and outside areas close to the pub, there are also opportunities within the layout to provide acoustic buffers to limit these impacts. This approach would be consistent with that advocated in paragraph 182 of the Framework requiring the appellant to provide mitigation.

19. The development includes access via the proposed car park and residential parking within it. Given the parking amount, layout and manoeuvring areas, I can find no reason why this could not operate effectively and do not envisage this is likely to cause significant concerns in terms of affecting future occupier's living conditions.
20. The Council's guideline, as set out in the Bassetlaw District Council - Successful Places: A Guide to Sustainable Housing Layout and Design (2013) Supplementary Planning Document (SPD), suggests that for 4-bedroom houses 90 square metres of outdoor amenity space should be provided. The proposed gardens show a single usable space of about 11 metres in length and exceeding the full width of the property. Noting the variation in plot sizes in the vicinity I consider this degree of amenity space would neither be at odds with other examples locally or prejudice the ability of any occupiers to enjoy the outside space. It would be more than sufficient to provide for day-to-day living needs such as laundry drying and outside sitting or play; and is therefore consistent with the aims of Policy DM4.
21. Given the above, I conclude the scheme would deliver a form of development in compliance with Policy DM4 and paragraph 127 of the Framework as they relate to achieving suitable living standards for existing and future residents.

Other matters

22. Concern is raised regarding the effect of the development on the future viability of the public house subsequent to its registration as an Asset of Community Value under the provisions of the Localism Act 2011. The proposals show the public house to be retained albeit with a reduced area of surrounding land. In the absence of any substantive evidence as to whether the reduced site will adversely affect its future viability I am unable to afford significant weight to this argument. Whether the pub progresses as a private enterprise or on a community funded basis is a matter outside the scope of the determination of this appeal.
23. Concerns are raised in respect of other potential impacts on living conditions – particularly in relation to the proximity of the A1 and redevelopment of an adjacent site to provide a service refuge/café. The Council have not raised these as areas of concern and, again, in the absence of any substantive evidence, I am unable to provide a determination on these matters. However, it was apparent from my site visit that several other examples of residential development exist in close proximity to the strategic roadway in the locality.
24. I have had regard to the duty under s. 66 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, given the distance of the development from the nearby listed church. For reasons of distance and the presence of modern dwellings in closer proximity to the church I conclude that the proposed development would preserve the setting of the listed building.

Conditions

25. In addition to the standard time limit condition, I have imposed conditions specifying the relevant drawings as this provides certainty.
26. In the interests of protecting the character and appearance of the area and the setting of the nearby listed building, I have imposed a condition requiring

details of external materials of the buildings to be submitted to the Council for approval. This does not extend to the level of detail suggested by the Council as I do not consider that reasonable.

27. Similarly, in the interests of protecting the character and appearance of the area, as well as securing suitable standards of living conditions for future occupiers, and protecting the setting of the nearby listed building, I have imposed a condition in respect of boundary treatments and landscaping to be provided on the site.
28. To ensure suitable access and parking provision exists for the proposed development, I have imposed a condition to provide those elements of the development before first occupation of the dwellings.
29. To secure the long-term upkeep of road and drainage infrastructure the Council's condition requiring details and agreement of their management and maintenance has been included subject to variation of the timescale for agreement as this is not essentially required before any development takes place.
30. To protect local living conditions, the local environment and highway safety near the site, a condition requiring a construction method statement has been included.
31. The Council suggests the removal of some permitted development rights from the proposed dwellings. However these are not explicitly justified and would unreasonably remove opportunities for future residents to carry out small scale domestic alterations, extensions or outbuildings that would otherwise not require an application for planning permission. I therefore conclude such conditions would fail the tests as set out in the Framework and National Planning Practice Guidance.

Conclusion

32. For the reasons given, the appeal is allowed.

R Hitchcock

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: Location Plan, Drawing 100; Proposed Site Plan, Drawing 151C; Proposed Plans and Elevations Plots 1 & 2, Drawing 250; and, Proposed Plans and Elevations Plots 3 & 4, Drawing 251.
- 3) No development above damp proof course level shall take place until details of all external facing and roofing materials have been submitted to

and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.

- 4) No development above damp proof course level shall take place until a scheme of hard and soft landscaping, including all means of enclosure, has been submitted to and approved in writing by the local planning authority. The approved works shall be carried out in accordance with the approved details before any of the dwellings are first occupied in accordance with the agreed implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All means of enclosure shall be retained in accordance with the approved detail for the duration of the development.
- 5) No dwelling shall be occupied until the driveway affording vehicular access to the dwellings and the parking area to that dwelling have been completed up to binder course level.
- 6) No development above damp proof course level shall take place until details of the proposed arrangements and plan for future management and maintenance of the proposed access road and parking areas including associated drainage have been submitted to and approved by the Local Planning Authority. The streets and drainage shall for the lifetime of the development be maintained in accordance with the approved private management and maintenance details unless an agreement has been entered into under section 38 of the Highways Act 1980 at which point those areas covered by the agreement will not be subject to the approved management and maintenance details.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

End of Schedule.