
Appeal Decision

Hearing held on 11 September 2019

Site visit made on 11 September 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2019

Appeal Ref: APP/Y2810/W/18/3217345

The Red Lion, Harborough Road, Brixworth NN6 9BX

- 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 the Co-operative Group against the decision of Daventry District Council.
 - The application Ref DA/2018/0580, dated 2 July 2018, was refused by notice dated 29 October 2018.
 - The development proposed is the demolition of public house and construction of new A1 retail unit.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The draft Daventry District Settlements and Countryside Local Plan (Part 2) (LPP2) has been examined, and the Council is consulting on a number of main modifications. I therefore accord its policies significant weight.

Main Issues

3. Taking account of all the representations I have read and heard, the main issues are:
 - the effect of the demolition of the building and the redevelopment on the character and appearance of the Brixworth Conservation Area (CA) and on the setting of surrounding listed buildings; and,
 - whether it would provide sufficient parking, access, and servicing facilities.

Reasons

Significance of the CA and the setting of listed buildings

4. The CA is significant for retaining the character of a small, rural village, with ironstone buildings clustered around its medieval street layout, looked over by the Anglo-Saxon church, at the top of the hill. In this section, the buildings hug the line of the old coaching route, save opposite the entrance to the former parkland, which retains its enclosing boundary wall of stone, and where an open section has formed. In addition to the layout of the streets and plots, the CA is distinctive here, architecturally, for the gentle interplay of roofs and walls
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in shifting orientations and delicate variations in form and detailing, following a broadly similar rural vernacular language using local stone.

5. Brixworth History Society's research suggests that an inn has stood on the appeal site since at least 1822, attracting passing trade on the turnpike road, with the present pub built in around 1931. Though the evidence about the date of construction of the Red Lion is inconclusive, it shares the distinctive characteristics of the buildings of the improved pub movement between the wars, when many public houses were rebuilt. For instance, unlike the previous inn on the site, which extended from the terrace to its south, the Red Lion is detached and set back from the road, with a pull-in for cars at the front and a garden to the rear. Its layout, form, detailing and street presence follow the aspirational Brewers' Tudor style, with a big, bright interior to moderate drinking, a garden to attract families, and a tall, modelled roofscape of large gables, projecting chimneys and part-timbered bays seeking nostalgic succour after the trials of the first World War.
6. The George Inn, a late C17 public house with stone walls and gables, listed grade II, stands a few metres to the south of the site on the opposite side of the street. The later Coach and Horses public house, listed grade II, stands further to the north on the same side of the street. Like the George it has stone lintels over its ground floor openings and timber to the upper floor, but it has retained its thatched roof. Immediately to the south of the Coach and Horses, is the grade II stone-clad and thatched Pound House with a datestone showing 1594, and beside it the grade II, mid C18 Lodge with a late C18 wrought iron gate, also listed. These listed buildings share a similar texture from their ironstone walls and their ashlar gabled parapets, and a coherence in the appearance of their pitched roofs over generally solid walls.

Effect of the redevelopment on heritage assets

7. It was agreed at the Hearing that the Red Lion has little archaeological value, and that architecturally, it is not an outstanding example of its kind. It has communal value to those who would have enjoyed its bars and rooms, though the lack of attachment to it in the representations in this appeal indicates that this is limited.
8. Nonetheless, it has been recorded¹ by the Council as a positive building, who also recognised it in determining the planning application, as a non-designated heritage asset. I accept that the architectural features described above, especially given its prominence on the bend in the street, place the Red Lion somewhat at odds with its more modestly scaled and more humbly detailed rural, vernacular setting. Notwithstanding this, its distinctive design and its command of the corner, despite its different language, adds to the architectural character of the CA. It adds to the historic significance of the CA as a marker of the social changes to drinking and public house design in the early C20, particularly so given its rural location, and the size of the village.
9. For these reasons, and despite its departure from its rural, village vernacular context, the building has sufficient historical and architectural significance to justify that attribution. Its demolition would harm the character of the CA, placing it in conflict with policy BN5 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014 (CS) which seeks to conserve and enhance

¹ Brixworth Village Conservation Area Appraisal and Management Plan 2017

- designated and non-designated heritage assets and their settings, saved policies GN1, GN2, and EN2 of the Daventry District Local Plan 2007 (LP) and policies 8 and 9 of the Brixworth Neighbourhood Development Plan 2016 (NP) which require development to preserve or enhance the significance and character of a conservation area and the setting of listed buildings, and to reflect the general architectural character of the existing buildings, as well as eLP policy ENV7 which seeks to sustain and enhance the historic environment by supporting proposals that make a positive contribution to the significance of designated heritage assets. I turn now to the building proposed to replace it.
10. Given the size of the Red Lion, the footprint of the proposed building would not be so different from the present grain in this part of the CA. Its overall height, lower than the Red Lion, would be sensitive to the ridge heights of the buildings surrounding it. I acknowledge that the elevation towards the street would be active, however, bringing the area of the back of house means of escape to the street frontage would weaken the animation of the street scene and sever the visual connection of the proposed shop from its neighbours.
 11. The frontage to the car park would reflect something of the vertical grain of the surrounding buildings, but it would be only skin-deep, lacking any physical modelling or depth differentiation. The truncated gable forms are familiar in the CA, though they generally enclose roofs of steeper pitch than that proposed here, and they tend not to run horizontally for as long as the parapet over the stair block. The stairway gable, the squat proportions of the gables, and the boxed eaves would appear clumsy details given the finer, more crafted detailing of the buildings in whose setting these would stand. So too the superficial gestures of the roundels in the gables and the brick ornamentation. These would appear at odds with the simple detailing of the surrounding buildings, distinctive for their weather-tested arrangement, their traditional building methods, and the high quality, enduring texture and warmth of their materials.
 12. Regarding non-designated heritage assets, like eLP policy ENV7, the National Planning Policy Framework (the Framework) requires a balanced judgement to be made, having regard to the scale of any harm or loss and the significance of the heritage asset. In terms of use, I find no harm to the character of the CA from a shop replacing a long disused public house close to two retained public houses. I acknowledge the sensitivity of its footprint and height, however, the arrangement of the proposed building, its form, materials and detailing would not hold its own against its distinctive architectural context.
 13. It would be in conflict with CS policy BN5, LP policies GN1, GN2, EN2, EN42, NP policies 8 and 9 which require development to sustain and enhance the heritage features which contribute to the character of the area, to reinforce local distinctiveness, and eLP policies ENV7 and ENV10 which seek high quality development, including exemplary and innovative design that integrates with the surrounding area and creates a strong sense of place.
 14. In these circumstances, the loss of the non-designated heritage asset would conflict with the adopted plan policies, and with the eLP, including where it requires the impact of the scale of loss of significance of the non-designated heritage asset to be taken into consideration. For the specific reasons concerning architectural design above, the proposed development would not mitigate the harm from the loss of the existing building as a non-designated

heritage asset, which holds an important place in the significance of the CA. More decisively, the design aspects described above would undermine the architectural significance of the CA, harming its appearance, and the setting of the surrounding listed buildings.

15. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Although the degree of harm here would be less than substantial, this does not equate to a less than substantial planning objection, especially where the statutory test is not met.
16. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The provision of a shop of large footprint would provide public social, environmental and economic benefits including employment, the reduction in trips to larger shops, and spending in the local economy. However, these public benefits would not outweigh the harm identified above.
17. I conclude that the proposed development would fail to preserve the character and appearance of the CA and the setting of the surrounding listed buildings. It would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and it would conflict with the development plan policies described above.

Off-street parking, access and servicing

18. Saved LP policy GN2 says that planning permission will be granted for development provided it has satisfactory access and sufficient parking facilities and that it does not have an adverse impact on the road network. The Council does not have its own parking standards, but it refers to those of the County Council². These suggest that non-food shops should provide 1 car space per 25m², and food shops 1 space per 20m², of gross floor area, which the appellant gives as 700m². The use sought is A1 retail, against which the standards indicate 28 and 35 spaces should be provided, whereas the proposal provides only 14 spaces, a shortfall of at least 14.
19. Against the same set of standards, a public house built on the site today should provide 24 spaces, whereas the actual parking provision is only 8 spaces, a shortfall of 16 spaces. There is no evidence of harm from this number of spaces when the public house was in active use. Notwithstanding this, the appellant has compared this proposal, with a retail area of 465m² with a convenience store in Trethomas sited next to a charity shop and a barber, sharing the same car-park of 19 spaces, with a combined retail area of 557m². Measurements of customer dwell times there have been used to estimate the length of stay in this shop as between 10 and 15 minutes, and on that basis, a need for no more than 13 spaces for most of the day.
20. I appreciate that the proposed shop would have a greater retail area than the Trethomas shop, however the Trethomas measurements included smaller units which tended to increase dwell times. Given the areas of retail of the two sites,

² Northamptonshire Parking Standards September 2016, Northamptonshire County Council

the comparison does not appear unreasonable and the dwell times do not appear unrealistic.

21. Notwithstanding this, the parking demand estimate indicates a shortfall of up to 4 spaces at lunch-time and evening peak times. However, the parking beat survey found 124 unrestricted spaces within 200m of the site, with 84 and 87 spaces free on Friday and Saturday. This indicates that parking stress within 200m of the site was low, at an average of 31%, where 90% is considered as a maximum. The identified shortfall of up to 4 spaces would be amply accommodated within the vicinity of the site, where I saw customers parking for the shops alongside the appeal site.
22. I have taken into account the representations about queuing for spaces in the car-park at the Co-op convenience shop on Spratton Road. While its retail area is around half the area of this proposal, and the car-park has around 17 spaces, there are 5 other shops alongside it. With the Co-op, the combined retail area there appears greater than this proposal. Moreover, there appear to be commercial, and community uses on the opposite side of Spratton Road to which visitors may also travel by car, and park here. Even allowing for one of these shops being a fish bar, I am not persuaded that the comparison with the Co-op on Spratton Road indicates that the proposed car-parking would be insufficient. Whilst the application sought an A1 retail unit, and there is no tie to an operator, it appears to me that a shop of the scale proposed on Harborough Road would relieve some of the parking pressure on Spratton Road.
23. I acknowledge that the number of proposed car spaces would fall short of the guideline figure in the County's standards. However, these state that a lower provision may be acceptable where justified on an individual basis, which the appellant's parking accumulation calculations have demonstrated in this case. Moreover, for most of the time there would be sufficient parking within the site, and any shortfall would be limited in extent and duration and would not adversely affect the convenience of surrounding occupiers or the safety or operation of the highway. In respect of parking, I find no conflict from the proposed development with LP policy GN2.
24. Deliveries to the shop are proposed to be made by parking on the street to the south of the site, in a loading bay to be secured under a traffic order, with up to 4 deliveries per day. The intervisibility of cars emerging from the car-park to the right, with cars parked in the car-park, would be 43m, and to the left, the visibility would be 37m. When the rigid delivery lorry would be parked in the loading bay, while cars could pass in both directions alongside it, buses or lorries in opposite directions would have to give way. However, the loading vehicle would be visible from around 40m away and at 20m distance from the loading vehicle, the oncoming driver would have around 46m of visibility without crossing the centreline of the road.
25. I appreciate that a loading bay may displace some street parking presently in front of the shops adjacent to the site. However, the parking survey indicates no shortage of space in the vicinity, and the loading bay could be time-limited. There is no servicing and delivery management plan, however, a condition to require one to the satisfaction of the LPA in terms of timing of deliveries, vehicle types, and noise control would make the development acceptable in planning terms.

26. In respect of access and servicing facilities, I find no harm from the proposed development to highway safety and no adverse impact on the road network, including the entrances to the houses on the opposite side of the street, and no conflict with LP policy GN2.

Other Matters

The loss of the public house use

27. Notwithstanding the Council's reason for refusal concerning the loss of the public house use and the potential loss of neighbouring retail uses, it was common ground between the main parties that the redevelopment of the appeal site for a retail use would not be inappropriate, in principle.
28. There was long discussion at the Hearing over the relevance of CS policy RC2, in particular its definition of community facilities which the policy protects. Notwithstanding this, the Council confirmed that there had been only one objection to eLP policy CW3. This specifically refers to public houses. It resists their loss, unless there have been efforts to market it for 12 months or where there are sufficient alternative, equivalent services accessible in the village or the immediate locality. Given the location of two alternative public houses within around 200m of the appeal site, I find no conflict from the proposal with this policy, or with the Framework which says that decisions should guard against the unnecessary loss of valued facilities, particularly where this would reduce the community's ability to meet its day-to-day needs.
29. I acknowledge the activity of the shops and facilities on Spratton Road which feels like a village centre. However, given the other shops close to the appeal site, and the other public houses within its view, as well as the relatively short distance of the site from Spratton Road, I am not convinced that the proposed shop would undermine the Neighbourhood Plan which seeks in policy 7 to strengthen the village centre as a focal point for local services and community facilities. LP policy RT9 supports shops provided they are within the confines of the settlement, and there is no substantive evidence that a retail use here would lead to loss of retail use in Spratton Road.

The living conditions of surrounding occupiers

30. During the Hearing, I visited Hill House Cottage and Hill House which back onto the eastern boundary of the site in response to their objections to the effect of the proposed building on their privacy, light, and outlook. In terms of privacy, whereas the public house has upper floor windows facing these houses, the proposed shop would not.
31. Without scaled cross-sections and plans showing these houses in relation to the proposed building I am unable to conclude on the effect of the proposal on their light and outlook. If I were otherwise minded to allow the appeal I would have sought more, detailed drawings showing these neighbours in relation to the proposal. However, as I am dismissing the appeal for another reason, I have not pursued this matter further.
32. Given that the public house already provides parking spaces beside the road, the additional parking in this proposal and the additional movements and activity outside the building would not result in a level of noise likely to disturb surrounding occupiers. Planning conditions could limit sound levels from plant

as well as the hours of operation, external lighting, and deliveries so as to protect the living conditions of surrounding occupiers.

Conclusion

33. I have found that the proposed development would provide sufficient parking, access, and servicing facilities. It would bring economic benefits from future jobs connected to the retail use, from the construction works and from direct and indirect spending in the local economy as well as the social benefit of restoring animation and activity in this part of the village. However, these benefits would not outweigh the harm it would cause to the character and appearance of the CA and the setting of surrounding listed buildings, and its conflict with the development plan as a whole, and with the advice in the Framework. I have not found any other material considerations of sufficient weight to overcome these conflicts. I therefore conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR

Appearances

FOR THE APPELLANT:

Mr Steve Edgeller MRTPI

Director, Edgeplan Ltd

Mr Rob Armour-Chelu MCIfA

Armour Heritage

Mr Nathan Hanks MCIHT

Director, Transport Planning Associates

FOR THE LOCAL PLANNING AUTHORITY:

Mr Robert Ham RTPi

Major Projects Officer

Daventry District Council

Mrs Jane Parry RTPi

Planning Policy Officer

Daventry District Council

Miss Rachel Booth

Senior Conservation Officer

Daventry District Council

Mrs Verity Chilver

Senior Development Management Engineer

Northampton Highways

INTERESTED PERSONS:

Mrs Nuala Gomez

Local resident

Ms Ketrina Dean-Foster

Local resident

Documents submitted at the Hearing

By the Council: Main modifications versions of eLP policies RA1 ,ENV7 and ENV10