



Appeal Decision

Site visit made on 22 February 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2022

Appeal Ref: APP/W3520/W/21/3275506

The Bramford Cock, The Street, Bramford, Ipswich IP8 4ED

- 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 Punch Partnerships (PML) Limited against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/05586, dated 7 December 2020, was refused by notice dated 14 April 2021.
 - The development proposed is Erection of a single storey dwelling (C3) to the rear of the existing public house (Sui Generis), with associated access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey dwelling to the rear of the existing public house, with associated access, parking, and landscaping at The Bramford Cock, The Street, Bramford, Ipswich IP8 4ED in accordance with the terms of the application, Ref DC/20/05586, dated 7 December 2020, subject to the attached schedule of conditions.

Procedural Matters

2. I have omitted superfluous information, relating to use classes, as it not necessary to describe the proposal, and taken the site address from the Appeal Form, as it more accurately reflects its location.
3. The Council's Decision Notice refers to Policy E6 of the Mid Suffolk Local Plan (1998) (LP). Paragraph 2.5.17 of the supporting text for the relevant chapter of the LP outlines that the terms 'industrial and commercial development' only relate to Classes B1, B2 and B8 in Part B of the Town and Country Planning (Use Classes) Order 1987 (as amended), as they would have been at the time. As a public house, the use of The Bramford Cock would have fallen within Class A4, but it is now Sui Generis, Policy E6 is therefore not relevant to this appeal.
4. Whilst the National Planning Policy Framework was revised on 20 July 2021 (the Framework), the revisions do not alter the policies upon which this appeal turns. In any event, the main parties have had the opportunity to comment upon the relevance of any revised content of the Framework and I have had regard to any responses received in my decision.

Main Issues

5. The main issues are whether the reduction in the extent of the public house garden, the proximity of the proposed dwelling, and the requirement to provide acceptable living conditions in respect of noise for its future occupiers would

prejudice the financial viability and function of the public house; and whether safe and suitable access can be provided to serve the proposed development.

Reasons

Financial viability and function of the public house

6. The appeal relates to part of the garden and carpark of The Bramford Cock, the last remaining public house in Bramford. Although the proposal would notably reduce the current garden area of the public house, a meaningful area would remain to its side and rear, including an outdoor seating capable of accommodating a sizeable number of patrons at any one time, and a children's play area.
7. The Council's decision was made by its Development Control Committee contrary to the recommendation of its officers, which is an accepted part of the democratic process of decision-making, but where planning decisions identify harms, they should be supported by clear and robust evidence.
8. There are genuine concerns in the community that the reduction in the extent of outdoor dining and drinking space within the garden could potentially threaten the viability of the public house in the longer term, particularly as Bramford is earmarked for further housing growth, which could potentially increase patronage. However, there is also no substantive evidence before me to demonstrate that there would be a material impact on the business or the designation of the public house as an Asset of Community Value, and the appeal scheme is based around its retention and continued.
9. The appellants provided an Acoustic Testing Report (ATR), the content of which was appraised and accepted by the Council's Environmental Protection Officer, subject to a number of planning conditions. While the ATR is a desk-based report, so not site-specific, it is reasonable and proportionate to the circumstances of the site, particularly as it is based on data from two other public houses. The inbuilt mitigation provided by the design and layout of the proposed dwelling and additional mitigation required to windows would ensure that future occupiers would not be unacceptably inconvenienced by noise emanating from the public house.
10. Several interested parties, including the Parish Council, have suggested that live music and events are arranged outdoors in the grounds of the public house, but their full nature and extent is not known, including whether these are licensed activities approved by the Council. Given the absence of clear and convincing evidence in this regard, I am only able to give very limited weight to these arguments.
11. The Council has also not referred to any complaints received from any of the occupiers of the houses neighbouring the public house regarding noise or disturbance from it or produced any corroboratory evidence to support the assertions made that the proposal would lead to intensification and concentration of noise within the remaining area of garden. There is therefore no basis for the claims that complaints would arise as a result of the proposal from residential occupiers, or that this could inhibit the public house business.
12. In light of the above, I conclude that the reduction in the extent of the public house garden, the proximity of the proposed dwelling, and the requirement to provide acceptable living conditions in respect of noise for its future occupiers

would be unlikely to prejudice the financial viability and function of the public house. Hence, the proposal would not conflict with aims in respect of such matters as expressed in Policy H17 of the LP and paragraphs 8, 81 and 93 of the Framework.

Safe and suitable access

13. Vehicular and pedestrian movements associated with the occupation of the proposed dwelling would be introduced out into The Street, through the public house carpark, which consists of a hard-surfaced area marked out with parking spaces to either side.
14. The parties agree that visibility west from the carpark access is below what would be required for vehicle speeds in The Street, even having regard to the lower speeds recorded in the appellants' Transport Statement and Technical Note. However, the proposal would decrease the number of spaces available in the public house carpark and the appellants' evidence demonstrates that vehicle flows from the proposal would be likely to be low. There is also no substantive evidence before me of accidents recorded in close vicinity of the carpark access. While manoeuvring from the access into The Street would not be without risk, having regard to the above factors, it is unlikely that there would be a significant intensification of use of the access.
15. I am also mindful that a new dwelling was approved by the Council, adjacent to the northern boundary of the public house carpark, which takes its access between 3-5 and 7 The Street. Its parking was approved at the front, adjacent to No 7, with restricted visibility.
16. The layout of the carpark and its relationship with the public house means that pedestrians accessing the building or its garden are likely to use the carpark while vehicles are manoeuvring, and this would also be likely to occur with vehicles or pedestrians accessing the proposal. However, as vehicular and pedestrian movements generated by the proposal would be likely to be limited, there would be little difference between the existing and proposed arrangements. As above, I am also not aware of any reported instances of pedestrian safety being compromised within the site. There also does not appear to be anything about the existing or proposed layout of the carpark to demonstrate that it would not be possible for vehicles to be manoeuvred in a safe manner.
17. In light of the above, I conclude that safe and suitable access can be provided to serve the proposed development. Hence, the proposal would accord with the aims in respect of such matters referred to in Policy T10 of the LP and paragraphs 110 and 111 of the Framework.

Other Matters

18. The site of the proposed dwelling is to the rear of the public house, which is a Grade II listed building, and therefore within its setting. The Grade II listed '6, 8 & 10 The Street', is also situated to the opposite side of that road and faces the site access. I have therefore had regard to the statutory duty referred to in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). While the proposed dwelling would reduce the space around the public house, the appellants' Heritage Statement provides a reasonable and proportionate assessment of the significance and setting of the

listed building and the effect of the proposal, having regard to the historic development of the public house and the site. With this in mind, I am satisfied that the design and location of the proposed dwelling would not have a harmful effect on the setting of the listed building or the character and appearance of the area. Subject to agreement over its materials of construction, I note that the Council arrived at a similar conclusion. Similarly, due to the proximity and physical relationship of the proposal with 6, 8 & 10 The Street, its setting will be preserved and the proposal will not detract from it.

19. Concerns have been raised by third parties that the proposal would be harmful to other neighbouring uses, including the living conditions of dwellings through, amongst other things, the scale of the dwelling, loss of outlook and privacy and fear of crime. However, the proposed dwelling is arranged across one floor only and some way from other neighbouring uses and its accommodation and external space would have a similar relationship to neighbouring uses to the public house garden. The proposal would also be likely to improve surveillance of the carpark, thereby reducing the potential for crime.
20. The proposal would result in the loss of around three parking spaces, which would reduce the extent of parking available for patrons of the public house and could displace parking elsewhere. However, neither the Council nor Local Highway Authority raised such concerns and I am mindful that the site is situated within walking distance of many residential properties, and on-street parking is largely unrestricted. The proposal would also be unlikely to have a direct effect on the way in which deliveries and collections would need to be made for the public house.
21. Several low-quality plum trees would need to be removed, but the existing trees and hedgerows to the west of the site would be protected in accordance with the mitigation measures outlined in the appellants' Arboricultural Implications Assessment and Method Statement (AIAMS). This would therefore protect their contribution to the character and appearance of the area.

Conditions

22. In addition to the standard time limit for the appeal, in the interests of clarity I have specified the approved plans. In the interests of preserving the setting of the public house, conditions for the specifications and samples of materials are necessary, including for the proposed fenestration and boundary details.
23. A construction method statement is required prior to development commencing in order to protect the living conditions of neighbouring occupiers and highway safety. Similarly, in the interest of the living conditions of occupiers of the proposed dwelling, the glazing and trickle vents of its windows shall be constructed as specified in the NIA and internal noise values tested for compliance with World Health Organisation (WHO) and British Standards prior to occupation.
24. The details of the proposed soft landscaping are required prior to occupation to protect the setting of the listed building and the character and appearance of the area; and protection measures for trees shall be controlled in accordance with the measures outlined in the AIAMS.
25. The parking arrangements are required to serve the dwelling, prior to it being occupied, in the interests of users of the adjacent public house and highway.

26. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. I acknowledge that the planning condition suggested by the Council would enable it to retain a measure of control over the future development of the site to protect against harm to the character and appearance of the area and the setting of the listed building. However, there is no substantive evidence before me to suggest that future development of the appeal site enabled by full permitted development rights, would result in greater harm than similar development associated with other houses within the locality. I have therefore not included the full extent of the condition in relation to the erection of outbuildings and enclosures. However, the introduction of further windows in the east elevation of the building should be considered by future application through the Council. This would be relevant to planning and to the development permitted, given that such changes could affect the occupants of the dwelling or the continued operation of the public house.

Conclusion

27. For the reasons given above, I conclude that the appeal should be allowed.

Paul Thompson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0.00, 0.03 B, 10.00 G, 10.01 D, 10.02 E, 10.04 G and 10.05 G.
- 3) 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. Details of the storage of construction materials on site, including details of their siting and maximum storage height;
 - ii. Details of how construction and worker traffic and parking, including for visitors, shall be managed;
 - iii. Details of any protection measures for footpaths surrounding the site;
 - iv. Details of any means of access to the site during construction;
 - v. Measures to control the emission of dust and dirt during construction;
 - vi. Details of the scheduled timing of development for the overall construction period;
 - vii. Details of any wheel washing to be undertaken, management and location it is intended to take place;

- viii. Details of the siting of any on site compounds and portaloos; and
- ix. a scheme for recycling/disposing of waste resulting from demolition and construction works, as no waste shall be burnt on site.

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

- 4) The construction work associated with the development hereby permitted shall only be carried out in accordance with the measures for the protection of retained trees and hedgerows outlined in the Arboricultural Implications Assessment and Method Statement (Report Ref: 201243 - AIA 2).
- 5) Construction work and deliveries and collections in connection with the development hereby permitted, with the exception of internal fit-out, shall be limited to the following hours: 08:00-18:00 each day Monday to Friday, 09:00-13:00 on Saturdays and at no time on Sundays, Public or Bank Holidays.
- 6) No above ground construction shall take place on site until details of the external materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - i. Manufacturer's literature and specification of facing and roofing materials, including 1:20 scaled drawings of the eaves and verge details, treatments and finishes;
 - ii. Manufacturer's literature and/or 1:20 scaled drawings of the proposed external windows and doors, including treatments and finishes; and
 - iii. Manufacturer's literature and specification of rooflights, and external hard surfacing materials.

The development shall only be carried out in accordance with the approved details.

- 7) Further to the details outlined on the approved plans and the requirements of Condition No 6, no above ground construction of the proposed boundary wall, between the proposed dwelling and public house, shall take place until the following have been inspected (where relevant) and approved in writing by the local planning authority:
 - i. 1:20 scaled drawings of the proposed brick coursing and detailing of the wall; and
 - ii. a sample panel of the brickwork for the boundary wall, no less than 1 metre square constructed on site.

The boundary wall shall be constructed in accordance with the approved details and the agreed panel retained on site for the duration of the construction period.

- 8) Prior to the first occupation of any part of the dwelling hereby permitted, the bedrooms and living rooms identified in the Acoustic Testing Report (Job No 18342) shall be constructed in accordance with the scheme of glazing specified in section 17.7 of the report; all other rooms shall be

- fitted with double glazing with a sound insulation rating of Rw30 or better; and acoustic trickle vents shall be fitted to achieve the specification recommended in section 17.2 of the report.
- 9) Notwithstanding the requirements of Condition No 8, prior to the first occupation of any part of the dwelling hereby permitted, the dwelling shall be independently tested to ensure that WHO and BS8233 internal values can be met. A report of the findings of the testing undertaken shall be submitted to and any further mitigation required approved in writing by the local planning authority. The approved mitigation shall be implemented prior to the first occupation of the dwelling.
 - 10) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. 10.00 G for two cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
 - 11) Prior to the first occupation of any part of the dwelling hereby permitted, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include planting plans and schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the dwelling; and 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.
 - 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the east elevation.

End of Schedule