



Appeal Decision

Site visit made on 8 March 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2022

Appeal Ref: APP/C4615/W/21/3284444

The Greyhound, 168 Norton Road, Norton, Stourbridge DY8 2TA

- 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 Frontier Estates (STO) Ltd against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/0165, dated 20 January 2021, was refused by notice dated 16 July 2021.
 - The development proposed is demolition of public house and construction of a care home (within Class C2) associated parking, access, drainage, boundary treatments, landscape, tree works including works to T15 (*Quercus robur*) protected by a tree preservation order (D262A) and other associated works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of public house and construction of a care home (within Class C2) associated parking, access, drainage, boundary treatments, landscape, tree works including works to T15 (*Quercus robur*) protected by a tree preservation order (D262A) and other associated works at The Greyhound, 168 Norton Road, Norton, Stourbridge DY8 2TA in accordance with the application P21/1065, dated 20 January 2021 subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

3. The appeal site comprises the Greyhound public house. The public house is an irregular shaped part two storey part single storey building that sits centrally within the site surrounded by a large area of hard surfacing which forms the car park.
4. The site sits on the mini roundabout junction of Norton Road, Greyhound Lane and Racecourse Lane. Opposite is a single storey car dealership occupying a large footprint. The public house and the dealership are at variance to the surrounding area which largely comprises detached and semi-detached dwellings. The area displays variety in terms of property design, roof forms, heights, plot size and shape. In other words, there is no uniformity in terms of building design or scale.

5. There is a sense of spaciousness along Norton Road resulting from the width of the road, pavement, open frontages and the set back of properties from the road and the gaps between them. Greyhound Lane, whilst narrower, still has a sense of openness created by the set back of dwellings from the road and largely open frontages.
6. Due to its height, form and position on the roundabout junction the proposed development would be more prominent compared to the existing public house. However, this does not make the scheme unacceptable.
7. The main bulk and taller elements of the proposed development are positioned centrally in the site stepping down at either end to reflect the scale of the dwellings either side. The overall height and proportions of the proposed development would be sympathetic to the varied scale of buildings in the area and would relate well to its context. Given its setting within a generous plot and the separation from neighbouring properties I find that its overall form and scale would be proportionate and would not appear as unduly bulky or dominant. The proposed development would successfully integrate into the street scene and would harmonise with the area.
8. The proposed development would be close to the road but, in my view, it would not unacceptably reduce the spaciousness that currently exists on this corner to such an extent that it would undermine the character and appearance of the area. The proposed development would follow the alignment of neighbouring properties within the street scene reflecting the layout of properties in the area and would leave a margin of land around it retaining a sense of spaciousness. There would be new green landscaping and tree planting along the frontage. This would complement the built form and help to integrate the scheme into its surroundings. The landscape proposal would make a positive contribution to the character and appearance of the area.
9. There is no doubt that the rear projection would be visible from the rear of surrounding dwellings. However, there would be sufficient separation between it and nearby properties. Furthermore, it would be read as a subservient element with its bulk reducing further into the site through stepping down the eaves and roof. There are some sizeable trees within the appeal site close to the rear and side boundary, which are to be retained. Whilst they would not fully screen the proposed development the retained trees, together with proposed new planting, would filter and soften the inter-visibility between the proposed development and existing dwellings. As such, the visual impact would not be so great as to result in an unduly dominant development.
10. The proposed development would have an unmistakable modern appearance but its form, detailing and materiality including the use of differing brick types and patterns, vertical cladding, fenestration and use of balconies would provide contrast, variation and articulation serving to successfully break up the overall form of the proposal and adding architectural interest to the streetscene.
11. I conclude that the proposed development would not unduly affect the character and appearance of the area. Accordingly, it would comply with Policies ENV2, ENV3, CSP4 and HOU2 of the Black Country Core Strategy (2011), Policies S6 and L1 of the Dudley Borough Development Strategy (2017) and the Housing Supplementary Planning Document (SPD) which, amongst other things, require developments to preserve and where appropriate enhance local character; high quality design that stimulates economic, social

and environmental benefits and a bespoke approach to place making; appropriately designed, sustainable development which responds to the character and visual amenities of the area and design that is of an appropriate form, siting, scale and mass with the use of appropriate materials.

12. It would also accord with the National Planning Policy Framework (the Framework) and the National Design Guide, which amongst other things, seek the creation of high quality, beautiful and sustainable buildings and places and developments that add to the overall quality of the area.
13. I note the council have referred to Policy HOU1 in the reason for refusal, however, I find that with specific regard to this appeal I have given it negligible weight in coming to my decision.

Other Matters

14. The proposed development would back onto existing residential development. The SPD requires a minimum distance of 22m between windowed elevations and 14m between gable and windowed elevations. The proposed development would largely accord with the guidance. On this basis there is adequate separation between the proposed development and existing houses and would not result in overlooking, loss of privacy, outlook or light. Consequently, I am satisfied that the proposal would not unacceptably affect the living conditions of occupants neighbouring the site.
15. I have considered the swept path diagrams and Transport Statement and find that cars and larger vehicles including ambulances and delivery vehicles would be able to enter the site and manoeuvre within it.
16. The proposed development would utilise the existing vehicular access on Norton Road and visibility splays would be adequate and satisfactory views could be obtained in both directions.
17. The site is located within convenient reach of day-to-day services and facilities. It is also accessible by different means of transport including by foot and public transport in the form of bus services. It would therefore be perfectly feasible for visitors and staff to travel to the proposed development without the need for a car and who would be able to travel by public transport, bicycle or on foot.
18. It is also not unreasonable to expect that a large proportion of visits would be pre-arranged with the operators of the care home who would have the ability to manage the frequency and timings of visits.
19. Notwithstanding the representations received regarding additional cars and parking, I am satisfied that the proposed development provides sufficient onsite parking for staff and visitors. Even if there was to be a small displacement of staff or visitor vehicles onto surrounding roads it is unlikely to lead to parking stress or result in conditions that would unduly affect highway safety.
20. Paragraph 111 of the Framework advises that development proposals should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative effects on the road network would be severe.

21. The highway authority has raised no objection to the planning application. There is no compelling evidence before me so as to lead me to a different conclusion in respect of this matter. I therefore find that the proposed development would not adversely affect the safe operation of surrounding roads.
22. There is no substantive evidence before me to indicate that nearby occupiers would be adversely affected by noise or disturbance resulting from the proposed development. In addition, there is nothing to suggest that the proposal would result in incidents of crime or that the security measures in place for staff and residents would be inadequate. Fire safety matters are covered by other legislation ie Building Regulations and thus this is not a matter for me in this appeal.
23. The proposed bedrooms would be of sufficient size and would have appropriate outlook and access to light. The proposed care home would also include facilities including lounges, dining areas, cinema room and hairdressers and a communal outdoor area. In the absence of compelling evidence to the contrary, the proposal would provide appropriate living conditions for future occupiers.
24. Local occupants have questioned the need for the proposed development given the number of similar properties in the area. The Framework sets out that local planning authorities should assess the housing needs of different groups including for older people. The Planning Practice Guidance (PPG) sets out that the need to provide housing for older people is critical in view of the rising numbers in the overall population. Furthermore, it considers that older people should be offered a better choice of accommodation to suit their changing needs in order that they can live independently for longer and feel connected to their communities. Residential care homes is one form of housing for older people which is recognised by the Government as providing such benefits.
25. My attention has been drawn to the Council's Older People Market Position Statement which sets out that there is an aging population within the borough and an under supply of bedspaces. Based on the evidence of need, I have no reason to dispute that the proposal would meet the housing needs of older people. The proposed development would make a significant contribution to meeting the overall need for specialist housing within the borough for which there is an identified need and the development plan makes provision for.
26. Representations have been received regarding the loss of the Greyhound as a community facility. The appellant has submitted a viability assessment demonstrating that the public house is not viable. Moreover, it is not listed as an asset of community value. The Council are satisfied that the loss of the public house has been justified and there is no compelling evidence before me to come to a different conclusion.
27. In respect of the potential for disruption during construction works this would be short term. Conditions to control dust and emissions and construction hours have been imposed to ensure that the living conditions of nearby occupiers are maintained during the construction of the development.
28. The presence of other brownfield sites and the effect on property values are matters which fall outside of what I consider in my decision.

Conditions

29. The Council has suggested 33 conditions in the event that the appeal was to be allowed. I have considered these, in light of the Framework and the PPG. In the interests of precision, clarity and brevity I have reworded some conditions suggested by the Council.
30. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty. Conditions relating to the external materials, hard and soft landscaping, boundary treatments, levels and bin stores have been imposed to ensure the satisfactory appearance of the development. It is also necessary to impose a condition for details of the management of the outdoor spaces and communal garden area.
31. In the interests of safeguarding the living conditions of nearby occupiers conditions for the control of dust and emissions, limiting construction work to certain times and days, limiting the level of sound from plant, details of machinery and extraction equipment and a scheme to reduce light glare have been imposed.
32. In order to safeguard the living conditions of future occupants a condition for a scheme of road traffic noise protection has been imposed.
33. Conditions relating to redundant dropped kerbs, vehicle access, parking and turning areas have been imposed in the interests of highway safety and conditions requiring the development to be carried out in accordance with a Travel Plan and details of electric vehicle charging points and cycle storage are necessary in the interests of sustainable travel. However, I have not requested details of shower facilities as it is feasible that the staff accommodation in the care home would already include such facilities.
34. Conditions for ground gas or vapour contamination identification and remediation of any potential contamination within the site is necessary in the interests of the health and safety of future occupants. I have also imposed a condition regarding land remediation in the event that unexpected contamination is found during construction works.
35. Conditions for submission of a foul and surface water drainage scheme and the development to be carried out in accordance with the submitted energy statement and nature conservation report have been imposed in the interests of sustainable development.
36. In order to protect trees on and neighbouring the site conditions for works to be carried out in accordance with the submitted arboricultural impact assessment have been imposed. Conditions for a detailed tree felling/ pruning scheme and the retention of trees has also been imposed. A separate condition for details of any works within the Root Protection Area is not necessary as these details would be provided as part of other conditions.
37. The Council has also suggested a condition for any gas boiler to comply with a specified emission concentration rate. However, no clear justification for the condition has been provided. Furthermore, such matters are subject to other legislation ie Building Regulations. As such, I find the condition is not necessary and has not been imposed.

Conclusion

38. For the reasons set out above the appeal succeeds.

B Thandi

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: Proposed Site Plan Drawing Number 0101 Rev P11; Proposed Roof Plan Drawing Number 0102 Rev P8; GF General Arrangement Drawing Number 0200 Rev P8; FF General Arrangement Drawing Number 0201 Rev P8; SF General Arrangement Drawing Number 0202 Rev P8; Elevations Drawing Number 0301 Rev P9; Elevations Drawing Number 0302 Rev P10; Elevations Drawing Number 0303 Rev P10 and Landscape Proposals Drawing Number 102E.
- 3) No development shall commence until a foul and surface water drainage scheme has been approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 4) No development including demolition shall commence until a method statement for the control of dust and emissions arising from the demolition and construction of the development has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved method statement.
- 5) No development including demolition shall commence until a scheme for tree felling/ pruning has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved scheme prior to commencement of works.
- 6) No site clearance, preparatory work or development shall commence until an assessment of the risks posed by any ground gas or vapour contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced).
- 7) No development shall take place where following the risk assessment land affected by ground gas or vapour contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.

- 8) No development shall take place, other than demolition, site clearance and initial ground works, until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 9) No development shall take place, other than demolition, site clearance and initial ground works, until details of the access, parking and turning areas have been submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details, prior to the first occupation of the development hereby permitted. The approved access, turning and parking areas shall then be retained thereafter for the life of the development.
- 10) No development shall take place, above ground, until details of the types, colours and textures of the materials to be used on the external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) No development shall take place, above ground, until details of the positions, design, materials and type of boundary treatment or means of enclosure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to occupation of the building.
- 12) No development shall take place, above ground, until details of the materials to be used in the hard surfacing of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 13) No development shall take place, other than demolition, site clearance and initial ground works, until details of the soft landscaping scheme have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 14) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; 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.
- 15) No development shall take place, above ground, until a scheme for protecting residents from road traffic noise has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before occupation of the development and thereafter retained for the life of the development.
- 16) No development shall take place, above ground, until details of a scheme to reduce light glare has been submitted to and approved in writing by the local

planning authority. Development shall be carried out in accordance with the approved details prior to occupation of the building.

- 17) Before the development hereby permitted is occupied a scheme containing arrangements for internal air extraction, odour control and discharge to atmosphere from cooking operations, including any external ducting and flues, from the premises shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for the life of the development.
- 18) Prior to occupation of the development, details of the electric vehicle charging points, in accordance with the Council's parking standards, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter for the life of the development.
- 19) Details of secure and covered staff bicycle parking shall be submitted to and approved in writing by the local planning authority prior to occupation of the development. Development shall be carried out in accordance with the approved details prior to occupation and shall be retained thereafter for the life of the development.
- 20) Details of the bin stores shall be submitted to and approved in writing by the local planning authority prior to occupation of the development. Development shall be carried out prior to occupation in accordance with the approved details and retained thereafter for the life of the development.
- 21) Prior to first occupation of the proposed development all redundant dropped kerbs shall be replaced with full height kerbs and the adjacent highway made good.
- 22) Before the development is first occupied a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out in accordance with the approved details.
- 23) The development shall be carried out in accordance with the enhancement and mitigation recommendations set out in the nature conservation report prior to completion of the development. Any planting required shall be carried out within the or before the end of the first planting season following completion of the development.
- 24) The development hereby approved shall be carried out in accordance with the recommendations set out in the Tree Survey Report Arboricultural Impact Assessment and Arboricultural Method Statement dated May 2021 under arboricultural supervision in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction (or an equivalent British Standard if replaced).

- 25)The development shall be carried out in accordance with the submitted Travel Plan (Ref: PC1789-RHD-ZZ-XX-RP-Z-0001) and shall remain operational for the life of the development.
- 26)The development shall be carried out in accordance with the Energy Statement (Ref: 18153-HYD-XX-XX-RP-Y-5003).
- 27)Demolition or construction works shall take place only between 0800- 1800 on Mondays-Fridays and 0800-1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 28)The level of noise emitted from any fixed plant and/or machinery at the development shall not exceed background sound levels by more than 5dB(A) between 0700 and 2300 and shall not exceed background sound level at any other time, as measured from the nearest sound sensitive property. All measurements shall be made in accordance with the methodology of BS4142 and/or its subsequent amendments.
- 29)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 continued.
- 30)No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner other than in accordance with the approved plans, without the prior written approval of the local planning authority. If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted, in accordance with a timetable to be submitted and approved in writing by the local planning authority.