



Appeal Decision

Site visit made on 18 October 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal Ref: APP/V2635/W/21/3289468

The House on the Green, Ling Common Road, North Wootton PE30 3RE

- 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 Mr J Wareham, WW Properties (East Anglia) Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 19/01622/F, dated 10 September 2019, was refused by notice dated 21 June 2021.
 - The development proposed is residential development.
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Decision

1. The appeal is allowed and planning permission is granted for proposed residential development at The House on the Green, Ling Common Road, North Wootton, PE30 3RE, in accordance with the terms of the application, Ref 19/01622/F, dated 10 September 2019, and the plans submitted with it, subject to the conditions listed in the attached schedule.

Preliminary Matters

2. The original description of development on the planning application form was "Proposed residential development & conversion of dis-used public house". Following discussions between the appellant and the Council, the original scheme was revised to retain the public house and to construct 7 detached dwellings at the rear. The revised description, shown in the banner heading above, was agreed by the Council and the appellant, and the appeal has been determined on that basis.
3. The Council indicated on its Appeal Questionnaire that the proposed development affected a Site of Special Scientific Interest or an internationally designated site. However, there is no evidence to substantiate this, and it appears to be an error on behalf of the Council filling in the questionnaire. Nor has Natural England mentioned any relevant designations in its correspondence. I note, also that the questionnaire states that the appeal site is within an Area of Outstanding Natural Beauty (AONB). However, the boundary to the AONB is immediately to the north of the appeal site, beyond Ling Common Road, and would not be directly impacted as a result of this development. As a result, therefore, I have not pursued this matter any further in reaching my decision, other than in relation to lighting on the site which is a matter which can be addressed by condition.

Main Issues

4. The main issues are:

- The effect of the proposal on the character and appearance of the surrounding area; and
- The effect of the proposal on highway safety, with particular regard to parking.

Reasons

Character and appearance

5. The site is surrounded on three sides by residential development. To the west and south of the appeal site is estate housing of predominantly detached, one and a half storeys. The eastern side is characterised by more traditional housing, accessed via Little Carr Road, with more variety to the building height and appearance, and generally set within spacious grounds. However, beyond this is a small cul-de-sac of more modern bungalows. Overall, the built form within the general area is quite varied in character.
6. The existing public house has a close visual relationship with the more traditional buildings to the east and is a distinctive historic building which contributes to the character and appearance of the street scene. It is of local interest and both parties consider it to be a non-designated heritage asset.
7. The appeal proposal would see the use of the public house retained but its parking area would be reduced to its eastern side with disabled parking to the road frontage and utilising the existing eastern access off Ling Common Road. A pub garden space would be provided to the western frontage. The public house would be refurbished to allow it to re-open as a public house and although there are no details of the refurbishment, the Council has suggested a condition to achieve this.
8. The dwellings would be accessed via the existing western entry with a new access road running along the western boundary, terminating in a shared turning area. The seven, two storey, detached, dwellings, of almost identical house types would be served via this access road with three dwellings at the far end of the site, two on the opposing side of the turning area and two facing the access road set just behind the public house. The buildings would be constructed in red brick with clay pantiles and painted timber boarding. Two parking spaces would be provided for each dwelling, and each would have dedicated bin storage areas and amenity spaces to their rear.
9. The new dwellings would be substantially contained by the existing residential development on three sides and there would be limited visibility of them from public areas. Some long-range views would be obtained from the site access on Ling Common Road and between gaps in buildings along Little Carr Road, but the buildings of modest form would not dominate the public house or surrounding dwellings and would be viewed in conjunction with surrounding built development which is of varied character. I have had particular regard to the impact of the dwellings on the more traditional grouping of buildings to the east and the historic public house. I am, however, satisfied that the development would not detrimentally impact on this grouping as the appeal site would not extend between any of these buildings and would be viewed as

an extension of the more modern estate development alongside. Any additional prominence resulting from the two storey height of the dwellings would be mitigated by the use of appropriate roofing and other materials to ensure that they would assimilate with the surrounding context. I therefore consider that the proposed development would not be out of character with the local setting or pattern of adjacent streets and spaces.

10. Whilst the proposed dwellings may well be of a higher density than that seen more generally in the immediate area, parts of the nearby estate developments to the west and south share more similar characteristics. Furthermore, the proposed dwellings would be well laid out to maximise the use of the site and would be detached, make adequate provision for parking, have facilities to store bins and have gardens of acceptable size. The provision of landscaping at the site entrance would soften views of the development and overall, it would not appear as a noticeably cramped layout or an over-developed site or be seen as such from the limited external views. They may not have garages or external storage spaces and parked cars would be noticeable within the development, but these are not essential criteria by which to judge the scheme.
11. I conclude that the appeal proposal would not cause harm to the character and appearance of the surrounding area. Accordingly, it would not conflict with Policy CS08 of the King's Lynn and West Norfolk Borough Council Local Development Framework, Core Strategy (2011) (CS) and Policy DM15 of Site Allocations and Development Management Policies Plan (2016) (DMP). These policies seek to ensure that development responds sensitively and sympathetically to the local setting and pattern of adjacent streets. I have excluded Policy CS06, cited in the Council's Decision Notice, as this relates to development in a rural area and is not relevant to this appeal. The appeal proposal would also meet the high-quality design expectations of Section 12 of the National Planning Policy Framework (2021) (the Framework).

Parking

12. The County Highways Authority (CHA) advised that 22 car parking spaces should be provided for the public house to meet its adopted car parking standards. This is based on one parking space for every 5 square metres of public area (based on the existing floorplans). There is no evidence before me that the Council disagrees with the parking standards. The appeal scheme provides 19 car parking spaces with an additional 2 for people with disabilities. Although this is 1 space short of the standards, the CHA considers this provision to be acceptable (subject to standard conditions).
13. There are local concerns that the level of parking for the public house may be inadequate as it is a large pub and with staff parking there might not be sufficient space for customers. There are concerns that this might cause roadside parking of cars and trade vehicles. Ling Common Road is narrow, and representors say it is used by farm vehicles and some vehicles travel at speed, and that that in the past when the pub has been busy, cars have overflowed onto the road and pavement. However, there is no convincing evidence that roadside parking is a common problem or which demonstrates why the proposed number of parking spaces for the public house would be unacceptable, causing a risk to highway safety, and why I should take a different view from the CHA. The Framework, at Paragraph 111, states that

'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. This is a stringent test for proposals to be reasonably refused on highway grounds, and not one that is met here.

14. I therefore conclude that the appeal proposal would not have a harmful effect on highway safety, with particular reference to parking. Accordingly, it would not conflict with CS Policy CS11 and DMP Policy DM15 which require that proposals demonstrate that adequate parking facilities would be available. It would also meet the provisions of the Framework.

Other Matters

15. The Parish Council is concerned that the public house is a valuable community asset which may not re-open despite planning approval and may ultimately be converted into more dwellings. However, the Council has suggested a condition requiring a scheme for the restoration of the public house and provision of the new site layout, including details of phasing, timescales, and a plan for marketing. The condition would also require the scheme's implementation. This would be secured prior to the occupation of any new dwelling. This would ensure that the public house would remain an integral part of the development and provide as much certainty as could reasonably be expected that it would remain a community facility and maintain the general appearance of the area. The appellant has not objected to this condition.
16. The site area and number of dwellings proposed triggers the threshold of the Council's affordable housing policy (CS CS9). A Section 106 Agreement has now been signed by both parties and this will adequately secure the affordable housing contribution.
17. I have had regard to the other concerns raised by interested parties. These include noise and disturbance and manoeuvring of large vehicles associated with the construction, fumes from vehicles at the new properties, impact on the neighbouring occupants' living conditions and how the site could best be used. However, none of these matters raised outweigh or alter my conclusions on the main issues. The impact on house prices is not a planning matter.

Conditions

18. A condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of certainty.
19. Several pre-commencement conditions are required to address issues that need to be planned for and agreed at the start of development: a condition to protect trees given the potential for damage during the construction phase, a condition to ensure that levels are compatible with the surroundings, a condition regarding the potential for dust emissions to arise during the construction phase, and a water drainage condition.
20. Conditions regarding materials, landscaping, boundary treatments, storage of waste and recycling for the public house are necessary in the interests of protecting the character and appearance of the area and the living conditions of occupiers of adjacent dwellings.

21. Several conditions are required in the interests of highway safety to ensure satisfactory access, parking and manoeuvring space, and to avoid the carriage of materials or surface water from or onto the highway in the interests of highway safety and traffic movement.
22. The condition relating to the restoration and marketing of the public house is required in the interests of the general appearance of the area and to retain the community facility.
23. A condition in relation to contamination is required to ensure that risks to future users of the land and neighbouring land are minimised, and that the land is fit for purpose. A lighting condition is necessary in the interests of minimising light pollution and to safeguard the amenities of the locality which may impact on the AONB. A condition is attached to control ventilation at the public house to protect the living conditions of nearby occupants.
24. I have made some changes to the Council's suggested conditions in the interests of clarity and consistency, and to ensure compliance with the Framework and Planning Practice Guidance.

Conclusion

25. For the reasons given above, having considered the development plan as a whole and taking into account all other matters raised, I conclude that the appeal is allowed.

G Bayliss

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - a. Drawing No. 1812-01 Existing and Proposed Floor Plan, Elevations & Location Plan
 - b. Drawing No. 1812-02 Existing Site Plan
 - c. Drawing No. 1812-03, House Type 1 - Proposed Plans & Elevations
 - d. Drawing No. 1812-04, House Type 2 - Proposed Plans & Elevations
 - e. Drawing No. 1812-05A - Proposed Site Plan
- 3) Notwithstanding the details provided within the Arboricultural Impact Assessment by A T Coombes Associated Ltd, a revised method statement incorporating the parking layout under the retained trees as shown on Drawing No. 1812-05A shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall be implemented in accordance with the approved details.
- 4) Prior to the commencement of any development, details of existing and proposed levels, including finished floor levels of all buildings or structures and any changes in levels proposed to the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 5) No development shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority that provides for the suppression of dust during the period of construction. The scheme shall be implemented as approved during the period of construction.
- 6) No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 7) Notwithstanding the details that accompanied the application hereby permitted, no development shall take place on any external surface of the development until the type, colour and texture of all materials to be used for the external surfaces of the buildings 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.
- 8) Notwithstanding the details shown on Drawing No. 1812-05A, prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant

- and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 9) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that 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 as those originally planted.
 - 10) A landscape management plan including long-term design objectives, management responsibilities, management and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any part of the buildings or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
 - 11) Prior to first occupation of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of all boundary treatment to be erected, including acoustic fencing. The boundary treatment shall be completed before the occupation hereby permitted is commenced or before the buildings are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 12) Prior to the occupation of the dwellings hereby permitted, details of the storage of and disposal of recycling, refuse and waste materials for the public house shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
 - 13) Prior to the commencement of the use hereby permitted, the vehicular accesses shall be upgraded/widened in accordance with the Norfolk County Council residential access construction specification (TRAD 2) for the first 5 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
 - 14) Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for those specific uses.
 - 15) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order), no gates/bollard/chain/other means of obstruction shall be erected across the approved access.
 - 16) Prior to the occupation of any dwelling, a scheme shall be submitted to and approved in writing by the Local Planning Authority, covering the following:

- i. A plan for the restoration of the public house and the provision of the associated new site layout, including phasing/timescales; and
- ii. A plan for the proposed marketing of the restored public house, including timescales.

Such a scheme shall be implemented as approved by the Local Planning Authority prior to the occupation of any dwelling hereby permitted.

- 17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 18) All external lighting erected in association with this proposed development shall be:
- i) fully shielded (enclosed in full cut-off flat glass fittings)
 - ii) directed downwards (mounted horizontally to the ground and not tilted upwards)
 - iii) switched on only when needed (no dusk to dawn lamps)
 - iv) fitted with white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium source,
- and thereafter maintained and retained as such.
- 19) No additional equipment for the ventilation and extraction of fumes/cooking smells at the public house shall be installed until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including: the stack height; the design and position of all ductwork; the noise/power levels of the fan(s); the number, type and attenuation characteristics of any silencers; details of anti-vibration mounts and jointing arrangements in the ductwork; the number of air changes per hour, and the efflux velocity. The scheme shall be implemented as approved prior to the installation of the equipment and thereafter maintained as such.