



Appeal Decision

Site visit made on 4 December 2018

by **Jonathan Price BA(Hons) DMS DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th January 2019

Appeal Ref: APP/K2610/W/18/3202339

Reepham Motors, 31 School Road, Reepham, Norfolk NR10 4JP

- 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 Alan Bruner (Northhold Group) against the decision of Broadland District Council.
 - The application Ref 20180421, dated 12 March 2018, was refused by notice dated 8 May 2018.
 - The development proposed is demolition of existing building and construction of new convenience store with associated parking and first floor staff and storage areas.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 24 July 2018, since this appeal was made, Government published the revised National Planning Policy Framework (the Framework). Having granted the parties an opportunity to make further comment, my decision reflects this.

Main Issues

3. Whether the proposal would (i) provide adequate on-site parking and servicing facilities to secure the safe operation of the adjacent highway, (ii) preserve or enhance the character or appearance of the Reepham Conservation Area (CA) and (iii) have any material impact on the living conditions of adjoining residential occupiers, with particular regard to privacy, noise and disturbance.

Reasons

(i) On-site parking and servicing facilities and operation of the adjacent highway

4. The proposal is near the centre of Reepham which is a small and historic market town. It involves the demolition of a former garage workshop and construction of a convenience food store. This would provide 208 m² of ground-floor retail space, with storage above, operating between 0700 – 2300 each day of the week. The proposal includes six perpendicular customer parking spaces (including two accessible bays) at the front of the store, achieved by setting the new building back in the site. These would be of standard dimensions and not intrude on the operational part of the public highway.
5. The proposal is on the edge of a town centre which contains existing commercial uses occupying premises without any on-site parking. There is

- publicly available car parking in the town, including in the Market Place, at Station Road and along sections of the surrounding streets. The appeal site is within walking distance of some of the town's residential suburbs and the store would be accessible by public bus service and to cyclists.
6. The proposal provides for an extension to the School Road footway along the site frontage in front of the car parking spaces. This would still not link with those in the town centre and there would remain a need for pedestrians to cross the street to access a continuous footway. This is an existing situation which limits the degree of safe pedestrian access to the appeal site from the town centre. However, the footway network within the historic town is generally limited, with other disconnected sections causing pedestrians to occasionally share road space with vehicular traffic, engendering driver caution and lower speeds.
 7. A parking survey supporting the proposal has shown 41% spare capacity in the surrounding area and I have taken this into consideration. It is accepted that the Council's car parking standards are maximum amounts and might be reduced to reflect the accessibility of a town centre location and the availability of alternative parking in the general area. However, a convenience store would generate significantly more visits than the previous use. I am not persuaded that the store would operate predominantly on the basis of serving a local walk-in population. It would likely also attract a significant turnover of car-borne passing trade and local custom.
 8. The six parking spaces would be an amount significantly below the Council's maximum requirements. Paragraph 105 of the Framework advises that local parking standards should account for factors which include the type of development, its accessibility, public transport availability and car ownership levels. Reepham is a small market town, with a rural hinterland, the historic layout of which places restraints on car parking availability, vehicle and pedestrian separation and safe movement. The small town does not appear to have a particularly large catchment population within walking distance of the site nor is there the high degree of public transport accessibility to suggest relatively low levels of car ownership.
 9. Based on these considerations, the convenience store would at certain times be likely to attract a level of car parking demand significantly in excess of that provided. Although this might encourage access by other means, the levels and high turnover of visitors arriving by car would still likely displace vehicles onto the nearby highway network which is, as described, constrained by the historic nature of this town. This would be contrary to the interests of maintaining a safely operating highway network within Reepham.
 10. In addition to the amount of car parking provided I have concerns also over its operation alongside the delivery arrangements. The appellant refers to the Council's standards recommending delivery being directly from the street in the traditional way, which would be the common method in this town centre. For this proposal deliveries would be by shorter rigid goods vehicles rather than larger articulated ones, reflecting turning and height restrictions on the surrounding road network. These delivery vehicles could be accommodated within the forecourt parking area as shown by a swept path diagram. However, these factors would not overcome a degree of conflict between the store delivery arrangements and the operation of the customer car parking.

11. At certain times the deliveries could displace at least four of the customer spaces provided. Although at a frequency of just 3 – 4 times per day and capable of being scheduled to avoid peak traffic hours and the store’s busiest trading times, the deliveries would nevertheless either temporarily curtail use of the customer car parking or take place from the main road, neither of which would be conducive to the safe operation of the adjacent public highway.
12. There are no records of personal injury collisions within the last five years in the vicinity of the appeal site. Whilst this might point to there currently being no particular highway safety concerns in this location it still remains necessary to assess the proposal from this perspective. I note the appellant’s traffic flow survey of School Road shows little directional variation and also counters the local highway authority’s view that this is a particularly busy road. I have also had regard to the appellant’s pedestrian survey which reflects the peak time use of footways by pupils at the nearby schools.
13. The relatively high turnover use of the customer parking spaces would at busy times necessitate quite frequent vehicular reversing movements on School Road. Although the removal of the low wall to the north of the garage forecourt would improve visibility, such movements would adversely impact upon the safe operation of the highway. I have taken into account the evidence over vehicular and pedestrian traffic flows in this location. However, this would not alter my view that the proposal would create a significant degree of conflict with the safe use of a main thoroughfare into town. This is a route which also serves two schools and at peak times accommodates significant movements of pedestrians and vehicles.
14. The size of site on the edge of a historic town centre clearly constrains the on-site parking and servicing arrangements that can be provided or would be appropriate. However, for the reasons discussed, I nonetheless conclude that on balance the parking and servicing arrangements would be inadequate for the nature of retail development proposed here.
15. The proposal would not provide appropriate parking and manoeuvring space reflective of its use and location in conflict with Policy TS4 of the Council’s Development Management Development Plan Document¹ (DMDPD). It would also be contrary to DMDPD Policy TS3, which resists development resulting in a significant adverse impact on the safe functioning of the highway network, and with part 9 of the Framework that seeks decisions ensure safe and suitable access for all users and prevent an unacceptable impact on highway safety.

(ii) Character or appearance of the CA

16. The existing workshop comprises a single unit with a brick-built, flat-roofed front section behind an art-deco style pediment, with a large shed at the rear. The significance of this part of the CA is the consolidated grain of traditional built form leading out from the historic core of the town. This helps establish a solidity and coherence to the construction leading away from the centre which contributes positively to the overall character and appearance of the CA.
17. The replacement building would be set back from School Road to provide the car parking but, by filling most of the gap and generally reflecting the height of the adjacent buildings, would maintain a complete frontage of development.

¹ Broadland District Council Development Management DPD 2015.

The shop front with central gable and dormer windows above seeks to provide a traditional appearance to the roadside elevation, which would be moderately successful given appropriate facing materials.

18. Accommodating the retail floorspace has necessitated a large plan building of significant bulk and a flat-topped crown roof design. The broad, mainly blank sides and rear would not be prominent from public vantage points and the flat roof would also not be readily visible. However, notwithstanding these considerations, the form and mass of what is proposed would fail to compliment or reflect the traditional character of the mainly historic architecture occupying adjacent parts surrounding the town centre.
19. I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The form, mass and appearance of the proposed convenience store would not achieve this and thereby cause harm to the significance of the heritage asset. Whilst the harm would be less than substantial I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement.
20. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. There would be some public benefit from the redevelopment of vacant, run-down premises which would help re-vitalise this location and enhance the range of convenience outlets available to town residents.
21. However, these benefits would be insufficient to outweigh the harm found to the significance of the CA. As a consequence, the proposal would conflict with the Framework and with policies 1 and 2 of the Joint Core Strategy² and DMDPD policies GC4 and EN2 insofar as these seek that the design of new developments preserve or enhance the character or appearance of the CA.

(iii) Living conditions of adjoining occupiers

22. The external staircase proposed on the north side of the convenience store would be a means of escape, in use and illuminated only in the event of an emergency. I find no material harm to the living conditions of occupiers of the adjacent flats in The Old Maltings through either overlooking or disturbance as a consequence of this feature.
23. Were there to be any potential over-looking of adjacent dwellings from the rear upstairs windows of the storage area this might be overcome by a condition requiring obscure glazing. Any machinery would be housed internally and could be the subject of a condition securing operation at below background sound levels, which would avoid noise pollution harming the living conditions of neighbouring occupiers.
24. Although the previous use was commercial, the site is within a predominantly residential area with housing to either side. The hours of opening would lead to nearby residents experiencing a significant amount of noise and disturbance

² Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk – adopted March 2011, amendments adopted January 2014.

from the comings and goings of cars and customers, including at early and late times of the day. Consequently, the operation of the convenience store would be of material harm to the living conditions of nearby residential occupiers. The proposal would conflict with DMDPD Policy GC4 due to the significant detrimental impact on the amenity of existing properties. This would be further contrary to the aims in paragraph 127 of the Framework for planning decisions to ensure that development creates places with a high standard of amenity for existing users.

Conclusion

25. There would be benefits from the proposal revitalising a run-down site and making use of previously-developed land to improve the convenience retail offer available to Reepham residents in a central location accessible by bus and within walking/cycling distance of surrounding homes. However, these benefits would be outweighed by the adverse impact on the safe operation of the adjacent highway and the harm found to the significance of the CA and to the living conditions of nearby residents. As a consequence I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR