

APPLICATION NO: 16/00166/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 5th February 2016	DATE OF EXPIRY: 1st April 2016
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	DavMay 30 Ltd
AGENT:	Evans Jones Ltd
LOCATION:	Ryeworth Inn, 60 Ryeworth Road, Charlton Kings
PROPOSAL:	Alterations and conversion of existing public house (part) to form a single dwelling and erection of two new dwellings

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a public house, known as the Ryeworth Inn, which has ceased to trade and is currently unoccupied. The main two storey pub building fronts both Ryeworth Road and Hambrook Street with a customer car park and a number of off-road parking spaces accessed from Ryeworth Road. A large Oak Tree (subject to a Tree Preservation Order) occupies the western part of the site and there are pub gardens to the rear and side. The Ryeworth Inn was listed as an Asset of Community Value (ACV) in April 2015.
- 1.2 The property has a long history as a public house and has been extended over the years in the form of mainly single storey flat roofed additions to the side and rear. The ground floor accommodates the bar and seating areas with staff accommodation on the first floor. The main building is vernacular in style and painted render under a tiled, hipped, slate roof and, despite the unsympathetic later additions, is considered to enhance the overall character and appearance of the street scene.
- 1.3 The property is located within an established residential area of Charlton Kings; Ryeworth Road characterised by a mixture of housing types which range considerably in age and architectural style with more traditional terraced and semi-detached housing in the central part of the road. Land levels also differ noticeably along Ryeworth Road, falling steeply in the middle section and then rising steeply towards the junction with Ham Road. The height and configuration of properties (and pavement height) in the road respond largely to the change in land levels resulting in a very varied street scene in terms of building height and set back from the road.
- 1.4 The applicant proposes alterations and conversion of the existing public house (part) to form a single dwelling and the erection of two new dwellings on land currently used as the pub car park. The later extensions to the main pub building would be demolished with a single storey wrap around extension to the side and rear of the original building also proposed.
- 1.5 The plans have been amended since the original submission. The amendments comprise the removal of the dormer windows and second floor accommodation, the raising of the two new proposed dwellings from ground level and resultant reduction in their overall height, the reduction in depth of the two storey rear wings to the new dwellings, alterations to fenestration and minor alterations to the width of the single storey extension to the retained building. In response to the views of the Architects Panel clarity was also sought on the height of the proposed new dwellings in relation to existing properties both adjacent and opposite the site.
- 1.6 The application is before committee at the request of Cllr Matthew Babbage.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

15/00716/PREAPP 6th May 2015 CLO

Demolition of existing public house and associated structures. Erection of 5 no. semi detached 3 bed townhouses with parking

99/50067/FUL 14th September 1999 PER

Block up doorway adjacent to door D01 and construct new bottle store and bin enclosure

14/01215/TPO 4th August 2014 PER

Oak tree adjacent to car park - reduce primary scaffold branch by no more than 3m back into crown, crown lift to include the removal of all secondary branches to a height of 4m, and branches overhanging Hambrook Street to 5m, remove all deadwood and 10% epicormic growth as way of a crown thin

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development
HS 1 Housing development
RC 1 Existing community facilities
RC 6 Play space in residential development
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Play space in residential development (2003)
Sustainable developments (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Highways

17th May 2016

I refer to the above planning application received on the 17th April 2016 with submitted plans no. SK_01, P004 D, Transport Statement, Design and Access Statement.

Location:

Ryeworth Road is located towards the South east of Cheltenham within the Charlton King's area of the town, approximately 2.3km from the town centre. Ryeworth Road is a class 4 residential highway with a carriageway width of approximately 4.2m in the location of the proposed site. There is street lighting and footways present although the footways are less than the standard 2.0m in width. The local context is characterised by a mix of frontage accesses and on-street parking.

Personal Injury Collisions:

There have been no recorded personal injury collisions within the proximity of the development site within the last 5 years.

Access and Visibility:

The development has proposed 3 accesses to serve the development. The existing public house which is to be converted to a residential dwelling will make use of an existing off-street parking area parallel to Ryeworth Road to the west of the site. The central dwelling will make use of a new vehicle dropped kerb frontage access which according to drawing SK_01 can achieve the required emerging visibility of 2.4m x 54m in either direction. It can

achieve the visibility with a 500mm off set from the kerb-line; this is acceptable in accordance with MfS2 guidance.

The eastern dwelling will also make use of a vehicle dropped kerb frontage access. Emerging visibility is achievable to the left; however visibility is restricted to the right due to the proximity of the adjacent property and associated land. Although the access is restricted, and would be regarded as unacceptable had this site been a Greenfield development, I have considered the previous site usage as a public house. The previous use would have generated significantly more vehicle movements per day through a restricted access than what would occur from a residential dwelling. The previous public house according to a TRICS survey based on the land use could have generated up to 100 daily vehicle movements, in comparison a single residential dwelling would generate 5 daily vehicle movements with 2 occurring per peak hour. A significant reduction in vehicle movements, with the risk of conflict as a result of the restricted access reduced. Therefore the proposed vehicle access is less intensive than the previous access to the pub car park and in this instance would be deemed acceptable.

Statement of Due Regard:

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development. It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

I recommend that no highway objection be raised.

Architects Panel

2nd March 2016

Design Concept

The panel had no objections to the development in principle.

Design Detail

The overall design is inoffensive and appropriate in its context. However, the panel questioned the desirability of cutting the two new dwellings into the site resulting in inappropriate street railings and steps down to the front doors. Street level access is preferred but it is appreciated that raising the buildings may result in having to omit the attic accommodation to keep the overall height of the development to a sensible scale.

The impact of the development on houses opposite needs to be assessed, information that was not provided with the submission.

Recommendation: Submit revised drawings.

11th May 2016

The panel had already commented on plans submitted with this application. Revised plans were reviewed for plots 2 and 3 which raised the buildings, avoiding the sunken entrance path, and omitted the second floor accommodation.

The panel felt the revised scheme was a much more successful design and were convinced the buildings would sit comfortably adjacent to existing properties.

Recommendation: Support.

Cheltenham Civic Society

18th February 2016

These fit in well with their surroundings

Gloucestershire Centre for Environmental Records

22nd February 2016

Report available to view online.

Building Control

12th February 2016

No comment

Parish Council

23rd February 2016

No objection.

Tree Officer

1st March 2016

In principle the Tree Section has no objection with this application. It is disappointing to see that there is no tree information submitted with this application even though there is a mature Oak tree on the site that is protected by a Tree Preservation Order.

The Tree Section would like to have a Tree Protection Plan submitted and agreed prior to the determination of this application.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	13
Total comments received	12
Number of objections	8
Number of supporting	2
General comment	2

- 5.1** A total of 13 local residents in neighbouring streets have been notified of the proposals, including the revised details received in March 2016. As a result of the public notification exercises and at the time of writing, a total of 12 comments have been received (8 in objection and 4 in support/general comment) which relate primarily to the following matters:-

In Objection

- Existing and anticipated problems with on street parking/congestion/road and access safety at junction with Hambrook Street/visibility
- Increase in traffic generation during construction phase
- Loss of public house and community facility
- Number, height and appearance of new dwellings in street scene
- Neighbour amenity – overlooking and loss of privacy
- Impact on TPO Oak tree
- Site should be viable as a public house and should remain as a local asset/community facility

In Support

- Proposed residential development would result in a reduction in noise and disturbance to local residents associated with a pub in a residential area.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues in determining this application are considered to be the loss of the public house and principle of residential development on this site, design, layout and appearance, impact on the amenities of occupiers of neighbouring properties, parking and highway safety issues.

6.3 Loss of Public House and Principle of Development

6.4 The proposed development includes the change of use and conversion of the existing public house to a single dwelling with the later single storey additions removed. An additional two, detached dwellings with off road parking are proposed on the land adjoining the public house which was used as the customer car park.

6.5 Concern has been raised locally about the closure and potential loss of the public house facility. Many locals consider that the pub has been a valued community asset and in this respect Officers do not doubt that the Ryeworth Inn has, in the past, been a popular and valued local facility.

6.6 In terms of policy considerations, there is no specific Local Plan policy which refers to the retention or otherwise of public houses. Policy RC1 of the Local Plan reads as follows:-

Development that leads to a loss of land or premises which meet the needs of the community will not be permitted unless:

(i) The use is replaced within the new development; or

(ii) Alternative provision is made in an appropriate location; or

(iii) There is no longer a need for this site to remain in community use.

- 6.7** This policy is only relevant to the considerations of the proposed development if a public house falls within the definition of a community facility. This matter has been tested recently at appeal; an appeal made against the Council's decision to refuse planning permission for the conversion of The Greyhound Inn at 198 Hewlett Road (ref APP/B1605/A/08/2088458) and to a lesser extent in relation to the loss of the Sherborne Arms in Sherborne Street in 2011 (APP/B1605/A/12/2171001) given that the shortfall in parking provision was the main reason for refusal here. The Inspector for the Sherborne Arms appeal, having assessed the proposed development and its uses as a whole, did not however, make any comment with regards the loss of the public house.
- 6.8** The reason for refusal in relation to the loss of the Greyhound Inn as a community facility read:
- "The conversion of this public house is considered to be unacceptable due to the lack of alternative facilities elsewhere within the locality which adequately meet the needs of the community. Alternative facilities that would meet the needs of the community which would arise from the loss of this public house are not located within an acceptable walking distance of the application site and therefore the proposal fails to comply with the aims and objectives of policy RC1 of the Cheltenham Borough Local Plan (Adopted 2006)."*
- 6.9** The appeal was allowed on 2nd February 2009 and, for reference, the decision notice is attached as an appendix. Importantly, the Inspector comments, *"Having read the policy and its supporting text carefully it seems to me that the relevance of the policy to a public house is open to doubt. I say that as there are no references to the retention of public houses (or other commercial establishments) in either the policy or its supporting text. The Local Plan rather highlights the importance of retaining community venues for evening classes and club meetings. While these activities can and do take place in public houses, I am doubtful if this brings such places within the terms of the policy."*
- 6.10** The Inspector went on to accept that the loss of the public house was a material consideration, however, it did not compare to a situation where the loss of the pub would leave a community bereft of facilities as there were other pubs within walking distance. The Inspector considered that there were plenty of other places nearby where people can socialise and spend their leisure time and concluded that *"I consider that even if Policy RC1 properly applies to public houses, contrary to my understanding, it does not follow that the appeal proposal is contrary to the policy given the availability of "adequate" alternative facilities"*.
- 6.11** This appeal decision is a material consideration to which great weight must be attached.
- 6.12** There have been other pubs lost recently in the Borough and their sites redeveloped for residential purposes; Best Mate Inn in Swindon Road and the Cat and Fiddle in Whaddon Road. The more recent supported/affordable housing scheme for the Cat and Fiddle in 2010 considered tentatively the relevance of Policy RC1 in relation to the loss of the pub. In this case, the applicant argued that there was no longer a need for the site to remain in community use in accordance with criterion (c) of Policy RC1 and demonstrated that there were adequate facilities available which were easily accessible and met the needs of the community. The applicant did point out that the facilities which need to be considered in the context of this policy are those suitable for accommodating evening classes and club meetings since these are the only community facilities identified in the preamble to Policy RC1.
- 6.13** In light of the above, Officers do not consider Policy RC1 relevant in this case and at best questionable. Further, in similarity with the Greyhound Inn and Sherborne Arms, it has been demonstrated that there are other options available locally with a number of alternative licensed premises available within a 1km radius of the site. The application site is located within walking distance of the public houses and other facilities in London

Road and Lyefield Road. Whilst these may not all be identical to the Ryeworth Inn in terms of size and provision, they do provide adequate and alternative venues.

- 6.14** Since the 2009 appeal decision the NPPF has been in force and its objectives must be considered in light of both the appeal decision and proposed development. At paragraph 70 it states that planning policies and decisions should:

“plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments”

“guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community’s ability to meet its day-to-day needs”.

- 6.15** Whilst this policy seeks to both provide for and retain community facilities, as discussed in paragraph 6.12 above, there are opportunities for similar activities within walking distance of the site and therefore, in this respect, it is not considered that the proposed development would be contrary to the aims and objectives of the NPPF or Local Plan.

- 6.16** The Ryeworth Inn ceased trading in the summer of 2013, reopened in September that year following refurbishment works. However, this tenant plus two further vacated the premises due to the pub’s poor trade and viability issues. The property has nonetheless been advertised for sale since the last tenant vacated.

- 6.17** Whilst Officers consider the loss of the pub regrettable, it is not considered that there are sufficient grounds to resist the proposed change of use. Members should also be aware that under permitted development rights there is a permitted change from public house (A4) to retail (A1), restaurant (A3) or financial or professional services (A2) without the need for planning permission. There is also scope within the regulations for a temporary flexible use falling within use classes A1, A2, A3 or B1. Whilst these permitted changes of use do not apply in the case of a building which is listed as a community asset, Officers are mindful that in other situations (i.e. where a building is not identified as a community asset) any of these uses could be implemented and without any requirement to include community facilities. Whilst not wholly a material consideration in the determination of this planning application, Members should be aware of the extent and range of alternative uses for public houses as ‘permitted development’.

- 6.18** Members will be aware of the recent planning application for the change of use and extension to the Maple Leaf public house in Hewlett Road (ref 15/02269/FUL). This application was refused by the Planning Committee in February 2016; the second reason for refusal relating to the loss of a community facility, as follows:-

The proposal results in the loss of a public house and associated function room which is a valued local community facility. Its loss would therefore be detrimental to the quality of life of local residents and to the sustainability of the Fairview Community. As such the proposal is contrary to Policy RC1 of the Cheltenham Borough Local Plan adopted 2006 and paragraph 70 of the National Planning Policy Framework

- 6.19** Although there are similarities between the two proposals in terms of the loss of a public house, the Ryeworth Inn does not provide a function room or any other ancillary recreational facilities; it is simply a pub with a bar and indoor and outdoor seating. Whilst it is acknowledged that this in itself could be considered a valued community asset, as a venue it does not offer the range of facilities of the Maple Leaf and is located in a more suburban and residential area. As such, the relevance to this application of paragraph 70 of the NPPF is far more limited.

- 6.20** Housing Development

- 6.21** The site is located within the built up area of Cheltenham and benefits from ease of access (by foot, cycle and public transport) to all local amenities and services and those provided in Cheltenham town centre. The application site must therefore be considered as a sustainable location for new residential development.
- 6.22** When determining applications for housing, paragraph 49 of the NPPF advises that they should be considered in the context of a presumption in favour of sustainable development.
- 6.23** The NPPF requires local planning authorities to demonstrate a five year supply of housing; the Council is currently unable to demonstrate such a requirement. The NPPF advises that relevant local plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.24** Where policies are not considered to be up-to-date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework, taken as a whole.
- 6.25** Although the application site is not garden land it does form part of the residential frontage of Ryeworth Road, and therefore the principles of the Council's SPD 'Development of Garden Land and Infill Sites in Cheltenham' can equally be applied to this proposed residential infill development on brownfield land. It is against this document, relevant Local Plan Policy and the provisions of the NPPF that this application should be determined.
- 6.26** Asset of Community Value
- 6.27** The Ryeworth Inn was listed as an Asset of Community Value (ACV) on 23rd April 2015. On 18th November 2015, the owner notified Cheltenham Borough Council of its intention to dispose of the property.
- 6.28** In accordance with procedures CBC gave notice of the owner's intention to dispose of the Asset and invited CAMRA or any eligible community interest group to express an interest as a potential bidder for the Asset. That initial 6 week period of formal notification/consultation ended on 8th January 2016 during which there was no interest in the Asset lodged by any party and no party registered for classification as a 'Registered Bidder'. As such, the six month moratorium on the sale of the property was not required. In summary, the owner/applicant (and CBC) has followed the correct procedure with regards the ACV listing.
- 6.29** **Design and Layout**
- 6.30** Policy CP7 of the Local Plan requires new development to be of a high standard of architectural design. Similarly, the Garden Land SPD emphasises the fact that proposals for development on garden land and other infill sites should be based on a thorough understanding of the character of the neighbourhood and in particular the street and block within which the site is located. Character is made up of a number of elements, the principal ones being the age of the buildings, their height, the way in which they are laid out and the function of the area.
- 6.31** The proposed development (as revised) is considered acceptable in layout, scale, design and appearance and the site is considered of suitable size and configuration to accommodate two new dwellings plus the conversion of the public house into a single dwelling. Off road parking for two cars is provided for each dwelling and there is adequate private amenity space for each property to the side and rear; not dissimilar to garden sizes and plot widths of neighbouring properties. Distances to the boundaries of properties in Ryeworth Road and Hambrook Street are acceptable (8.5-10 metres approx. to rear and 4

metres to side) and distances between first floor rear facing windows of the proposed dwellings and those in Hambrook Street (Nos 4 and 5) fall within the guidelines noted under Policy CP4 of the Local Plan.

- 6.32** The revised drawings have addressed earlier concerns in relation to the height and depth of the proposed two new dwellings and the width and impact of the single storey wrap around extension upon the architectural integrity of the existing building. The two storey wings have been reduced in depth and the amount of first floor fenestration on the side elevations also reduced to minimise the potential for overlooking into neighbouring properties. Additional information was also requested in respect of proposed parking arrangements and driver visibility. The applicant subsequently submitted a Transport Statement and accompanying drawings which provide clarity on visibility splays and turning within Ryeworth Road. These matters are discussed in more detail in paragraphs 6.44-49.
- 6.33** The proposed new dwellings are traditional in their design and appearance with two storey gable end wings, sash windows, chimneys, parapet roof detail and porch canopies. Their cottage style would sit comfortably in the street scene responding to the height, scale, proportions, widths and architectural style of the majority of surrounding development. The new dwellings would be constructed of painted render facing walls under a pitched slate roof reflecting the predominance of rendered properties nearby.
- 6.34** The retention of the existing building (with later flat roof additions demolished) is welcomed. The building is domestic in scale and appearance and its vernacular design is considered to enhance the character and appearance of Ryeworth Road. The proposed refurbishment works, new hipped roof over existing rear wing and single storey wrap around extension to the side and rear (as revised) are considered acceptable additions with the form of the original building retained.
- 6.35** The Architects Panel had concerns with the scheme as first submitted; the cutting into the land with inappropriate railings and steps down to the front doors. The Panel are supportive of the revised scheme which it considers more successful in its design and *“were convinced that the buildings would sit comfortably adjacent to existing properties”*.

6.36 Impact on neighbouring property

- 6.37** A number of local residents have raised concerns about the potential for overlooking from the proposed two new dwellings into neighbouring gardens and rear windows. There are properties facing the site at the rear in Hambrook Street and to the side, Nos 62 and 64 Ryeworth Road.
- 6.38** In response and to minimise the potential, for overlooking and loss of privacy, the depth of the proposed two storey rear wings has been reduced, windows removed from the side elevations and a blank window introduced to the rear elevation of Plot 2. The property closest to the proposed dwelling is No 62 Ryeworth Road which has an unusual relationship to the application site; its two storey principal elevation facing onto the rear of site. To protect neighbour amenity, there are no first floor side windows proposed in Plot 3.
- 6.39** The distances between first floor rear facing windows of the proposed dwellings and properties in Hambrook Street fall within the guidelines noted under Policy CP4 of the Local Plan. Further, the proposed dwellings' positions on the site take advantage, to some extent, of the gap between Nos 5 and 6 Hambrook Street.
- 6.40** It is acknowledged that the distances from the proposed rear elevations to the boundaries with properties in Hambrook Street fall a little short of the 10-10.5 metres which should

normally be provided in order to minimise the potential for overlooking. However, Officers have looked at the garden lengths and character of surrounding development, particularly those in Hambrook Street and Ryeworth Close and consider that the proposed dwellings would not have a dissimilar relationship to neighbouring properties and that an adequate degree of separation is achieved.

6.41 Members may also be aware of a recent appeal decision relating to the erection of 3 new dwellings at 28 St Luke's Close (ref 15/01305/FUL). In this case, the site was surrounded on three sides by residential properties. The Inspector commented that *"At 8.8m and 9m respectively, the degree of separation between the proposed dwellings and Nos 18-24 St Luke's Place and 11 & 15 College Road would not be materially different to the general pattern of surrounding development, where many properties look into the rear gardens of those nearby. This is to be expected in a high density, urban area in close proximity to the town centre"*. Whilst the current application site is not a town centre location, Ryeworth Road, Hambrook Street and the cul-de-sacs off these streets share many of the characteristics and urban grain of higher density residential development.

6.42 In light of the above, the proposed development is considered to adhere to the objectives of Policy CP4 of the Local Plan.

6.43 Access and highway issues

6.44 Local residents have also raised a number of issues in relation to highway safety and parking congestion. There are concerns about the loss of on-street parking, the increased parking demand resulting from the proposed development and visibility at the junction with Hambrook Street.

6.45 There are two off-road parking spaces provided for each of the two new dwellings and three for the converted building. The potential increase in demand for on-street parking should therefore be negligible. Officers also question whether any on-street parking opportunities would be lost as a result of the proposed development, given the width of the existing car park access and the existing parking bays adjacent to Hambrook Street.

6.46 Given the position of adjacent buildings in relation to the proposed access points, Officers requested further information on visibility and turning. The applicant duly submitted drawings demonstrating visibility splays and swept path analysis for egress and exit of vehicles.

6.47 Given the potential for restricted visibility, Gloucestershire Highways was consulted. The Highways Officer comments that plot 2 can achieve the required emerging visibility of 2.4m x 54m in either direction and can achieve the visibility with a 500mm off set from the kerb-line; this is acceptable in accordance with MfS2 guidance. Plot 1 would use an existing drop kerb and vehicular access. Emerging visibility from Plot 3 is achievable to the left; however visibility is restricted to the right due to the proximity of the adjacent property and associated land. Although the access is restricted, and would be regarded as unacceptable had this site been a greenfield development, the Highways Officer has considered the previous use of the site as a public house which would have generated significantly more vehicle movements per day through a restricted access than that generated from a residential dwelling. The previous public house could have generated up to 100 daily vehicle movements; in comparison a single residential dwelling would generate 5 daily vehicle movements.

6.48 The proposed development would therefore result in a significant reduction in vehicle movements and with the risk of conflict also reduced. As such, the proposed vehicle access to Plot 3 is less intensive than the previous and in this instance deemed acceptable.

6.49 In light of all the above comments, there are no significant highway safety issues that would warrant refusal of this application.

7. CONCLUSION AND RECOMMENDATION

- 7.1** Whilst the loss of the Ryeworth Inn is regrettable there are limited grounds on which to resist the proposed redevelopment of the site for residential purposes. There is no Local Plan policy which relates specifically to the loss of a public house and whilst the NPPF includes public houses within the context of community facilities, there are adequate alternative facilities available within reasonable walking distance of the application site to meet the everyday needs of the community in accordance with paragraph 70 of the NPPF.
- 7.2** Given that the Ryeworth Inn is listed as an Asset of Community Value, the required period of notice was given to enable any interested eligible party to come forward as a potential bidder for the site. Subsequently, there was no interest in the Asset lodged and therefore no party registered for classification as a 'Registered Bidder'. As such, the six month moratorium on the sale of the property was not required.
- 7.3** There are no concerns in relation to highway safety and parking congestion; the proposed development should not worsen the current difficulties in parking experienced by local residents. There would also be no significant harm to the amenities of occupiers of neighbouring properties in terms of overlooking and loss of privacy.
- 7.4** The design, scale and appearance of the proposed development are in keeping with the character of surrounding development and the retention of the original pub building (in its proposed altered form) is welcomed.
- 7.5** Furthermore, there are advantages to a residential use in this location, not least that it would contribute to the 5 year supply of housing land. The Officer view is therefore that the advantages of the proposal outweigh any of the concerns raised and the recommendation is to permit subject to the following conditions.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No gates shall be erected at any time for use across the proposed access unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that use of the drive does not result in an obstruction to the carriageway in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 4 Prior to the first occupation of the approved development, the access driveway shall be surfaced for at least the first 4.5m from the carriageway with permeable hard surfacing

(unless provision is made to direct run-off from the hard surface to a permeable area) and shall be retained as such thereafter.

Reason: To prevent loose material being carried onto the highway in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 5 Prior to the first occupation of the development, the car parking area shall be completed and marked out in accordance with the approved plan(s). The car parking area shall thereafter be retained in accordance with the approved plans and kept available for use as car parking.

Reason: To ensure adequate car parking within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 6 The cycle parking provision shown on the approved plans shall be completed prior to the first occupation of the development and thereafter kept free of obstruction and available for the parking of cycles only.

Reason: To ensure adequate provision and availability of cycle parking in accordance with Local Plan Policy TP6 relating to parking provision in development.

- 7 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design.

- 8 Unless otherwise agreed in writing by the Local Planning Authority, the exterior of the approved development shall be rendered and painted in either a white or cream colour and maintained as such thereafter.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

- 9 No bargeboards or eaves fascias shall be used in the approved development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, walls, fences or other structures of any kind (other than those forming part of the development hereby permitted) shall be erected without planning permission.

Reason: Any further extension or alteration requires detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.

Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

- 12 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be

submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.

Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.

- 13 Prior to the commencement of any works on site (including demolition and site clearance) a Tree Protection Plan (TPP) to BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the positioning and specifications for the erection of tree protective fencing. The development shall be implemented strictly in accordance with the details so approved.

Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to the scale and appearance of the proposed development in order to minimise impact on the amenities of the locality.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.