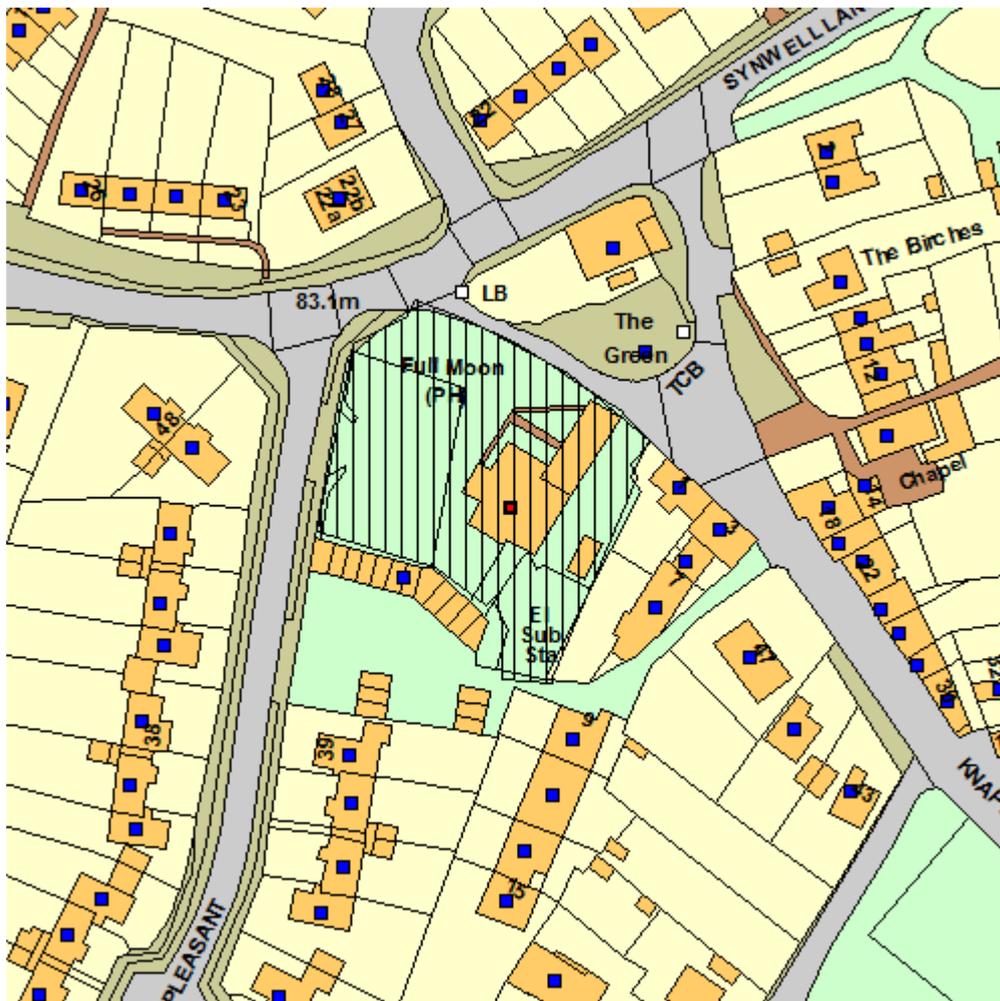




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Item No:	03
Application No.	S.14/2430/FUL
Site No.	PP-03748937
Site Address	The Full Moon , Mount Pleasant, Wotton-Under-Edge, Gloucestershire
Town/Parish	Wotton Under Edge Town Council
Grid Reference	376285,193211
Application Type	Full Planning Permission
Proposal	Proposed demolition of existing public house and erection of 10 new dwellings with access and parking.



Applicant's Details	Woodbourne Homes Limited 16 Vernon Road, Birmingham, B16 9SH, ,
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Agent's Details	Bailey Design Limited 43A Mitchells Court, Lower Gungate, Tamworth, Staffordshire, B79 7AS
Case Officer	John Longmuir
Application Validated	23.10.2014
	RECOMMENDATION
Recommended Decision	Accept the loss of the pub and principle of residential development unless robust new information is received from the community. Object on grounds on impact on trees and detailed design.
	CONSULTEES
Comments Received	Parish / Town Development Coordination (E)
Not Yet Received	Cotswolds Conservation Board (E)
	CONTRIBUTORS
	OFFICER'S REPORT

Update for DCC 29th November

This application was deferred from the 16th August DCC meeting to await further details on the community take over bid. It was resolved that the application would be brought back to the meeting on the 29th November.

Following August DCC, Officers requested the following further details:

Confirmation that individuals will commit to paying for the shares, in the form of a list of names.

Confirmation of the committee/board members behind the bid including names, responsibilities and background.

Expansion of the business plan, including the opportunity to develop a micro brewery.

At the time of writing this report there is no update from the community. The applicant has updated his viability report in the light of the economic challenges facing pubs and the condition of the building.



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A non determination appeal has been lodged. At the current time the appeal has not been validated by the Planning Inspectorate, so timescales have not been confirmed. However the deadline for the submission of appeal statements will be after the 29th November meeting. DCC cannot determine the application but should make a resolution: “minded to support/object/...”

The application has been deferred twice to seek further details on the potential takeover bid. The further details will be essential to substantiate a bid. If no further or robust information is received, it would be very hard to insist on the retention of the pub.

Officers also expressed concern at the August DCC meeting about the impact on two of the protected (TPO) trees on/adjacent the site. The proximity of houses, hardstandings and parking would jeopardise the trees. In addition the layout appears cramped. The design is unchanged since the last meeting.

The report to the 16th August meeting follows:

The site and surroundings

The site is a prominent corner formed by the junction of several roads. It largely consists of the vacant Full Moon pub, which has 281sqm floorspace and a 35 space car park. There are three mature trees on the edge of the site. To the north is a small public open space, to the south is a row of garages. There are three dwellings close to the eastern boundary.

The proposal

This chiefly involves demolition of the pub. Originally 12 houses were proposed. Revised plans are being sought to reduce the extent of development and provide open space around the trees. The existing access is being utilised and the road would continue into the centre of the site.

Consultees

Town Council: Object: Overdevelopment, too dense housing, lack of amenity space, visual impact of parking, question impact on tree roots, houses have no chimneys and are out of keeping, lack of affordable housing.

2 letters of support: Would make use of site, good design, parking levels welcome, welcome small houses

Objections (including Synwell Community Association): Loss of the pub, important community facility and accessible.

County Highways: No objection.

Policy Implementation Manager (affordable housing): No objection

SDC Arboriculture officer: Amended plans required.

Planning History

The pub was nominated as an asset of community value on 10-6-13

Local Plan Policies

Delivery Policy ES7. Within the Cotswolds Area of Outstanding Natural Beauty (AONB), or on land that may affect its setting, priority will be given to the conservation and enhancement of



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the natural and scenic beauty of the landscape whilst taking account of the biodiversity interest and the historic and cultural heritage. Major development will not be permitted unless it is demonstrated to be in the national interest and that there is a lack of alternative sustainable development sites.

In all locations development proposals should conserve or enhance the special features and diversity of the different landscape character types found within the District. Priority will be given to the protection of the quality and diversity of the landscape character. Development will only be permitted if all the following criteria are met:

1. The location, materials, scale and use are sympathetic and complement the landscape character; and
2. Natural features including trees, hedgerows and water features that contribute to the landscape character and setting of the development should be both retained and managed appropriately in the future.
Opportunities for appropriate landscaping will be sought alongside all new development, such that landscape type key characteristics are strengthened.

The Stroud District Landscape Assessment will be used when determining applications for development within rural areas.

Delivery Policy ES3. Permission will not be granted to any development which would be likely to lead to, or result in an unacceptable level of:

1. Noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or an overbearing effect
2. Environmental pollution to water, land or air and an unacceptable risk to the quality and quantity of a water body or water bodies
3. Noise sensitive development in locations where it would be subject to unacceptable noise levels
4. Increased risk of flooding on or off the site, and no inclusion of measures to reduce the causes and impacts of flooding
5. A detrimental impact on highway safety
6. An adverse effect on contaminated land where there is a risk to human health or the environment.

Delivery Policy ES8 guards against the unacceptable loss of trees.

Delivery Policy HC1. Within defined settlement development limits, permission will be granted for residential development or redevelopment, providing all the following criteria are met:



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1. The proposed housing is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located and the density proposed is at as high a level as is acceptable, in terms of townscape, street scene and amenity
2. where appropriate schemes should include a variety of dwelling types and sizes, which meet identified local needs
3. On edge of settlement sites, the proposal would not appear as an intrusion into the countryside and would retain a sense of transition between the open countryside and the existing settlement's core
4. It would not cause the loss of, or damage to, any open space which is important to the character of the settlement
5. it would not result in the loss of locally valued habitat which supports wildlife
6. any natural or built features on the site that are worthy of retention are incorporated into the scheme
7. an appropriate area of private amenity space is provided for the occupiers of each dwelling house. Where other types of residential accommodation are proposed, an appropriate level of amenity space to serve the scheme as a whole is provided.
8. It is not subject to any other over-riding environmental or other material planning constraint
9. have a layout, access and parking appropriate to the site and its surroundings.

Delivery Policy E16: Protecting individual and village shops, public houses and other community facilities:

Where planning permission is required, development which involves the loss of individual shops, public houses, village halls and other community facilities will be supported where all the criteria below are satisfied:

- 1 there is no prospect of a contained community use (which is evidenced)
- 2 There are adequate similar use facilities either within that settlement or adjoining countryside and is accessible by walking or cycling- a distance of 800m.
- 3 The current or previous use is no longer viable, demonstrated by audited financial and marketing evidence over an agreed period.

National Planning Policy Framework

Paragraph 47 Encourages the supply of new housing

Paragraph 70 Highlights the social function of public houses

Requiring Good Design: Paragraph 61: Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the Natural Environment -

Paragraph 109 relates to protecting valued landscapes and minimizing adverse impact on biodiversity Paragraph 115 Great weight should be given to conserving landscape and scenic



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beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

PLANNING CONSIDERATIONS

THE PRINCIPLE OF REDEVELOPMENT

The pub closed down several years ago.

The proposal does involve the loss of the pub, which has been the feature of most of the objections. Some of the responses questioned the viability of the pub and expressed a desire to take it over. Such sentiment is also reflected in the nomination for a community asset.

Its demolition and replacement with housing is one of the most important points for the consideration of this application. Local Plan Policy E16 protects public houses unless there is no prospect of continued community use, there are adequate similar facilities within the settlement, and the use is unviable. The policy wording requires all these criteria to be met.

The application was submitted with a specialist viability report which looked at the trading position, facilities available and future prospects. The Council commissioned Bruton Knowles to provide their own advice. The Bruton Knowles report concluded the pub use was commercially unviable.

The application was originally considered at August 2015 DCC. At the last minute the community expressed a desire to take over the running of the pub. It was accordingly deferred for further consideration. Their intentions were confirmed at the DCC in February and the application was again deferred for 6 months to allow the community time to complete a business plan for the take over and running of the pub.

The community has been made aware of the timescales for the return to DCC. At the time of finalising this report, the case officer had just been advised that the business plan will be received during the w/c 1st August. This will be circulated direct to Members when received. The pub has been an important community facility. Many of the objections talk about their attachment to their "local". If the business plan is sound and reasonable then the loss of the pub would be contrary to Local Plan Policy E16.

The applicants have updated their viability report reflecting the economic situation including the costs of running of a pub and sales. There also has been a reported break in incident (from the neighbourhood wardens to the police). The register of the Community Value does not prevent the determination of the application. Merely it prevents the sale of the site for a 6 month period

DESIGN AND TREE IMPLICATIONS

There are three trees on or by the edge of the site, which are protected. A silver birch 17m high and a 16m high beech tree are on the north and a Norway Maple are on the southern edge. The birch and beech are extremely prominent and form the focus for views at a meeting point for numerous roads. As such the trees contribute greatly to the character of the area and also compliment the adjacent open space.



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The current proposal shows gardens and hard standings underneath and close to the tree canopies which would jeopardise roots. Several houses are also close to the trees, which would put it under pressure for removal due to shadowing implications and the usability of gardens.

Officers have also concerns about the scheme in relation to streetscene as well as the impact on the trees. The site's surroundings are varied particularly its frontages. The western area is a semi formal regimented linear style. The northern and eastern areas are more informal, varied and organic. Officers have requested that the new houses are realigned more formally to the western boundary and that extent of development is reduced by one house to maintain the prominence of the trees and the green. At the northern frontage Officers have suggested a bigger set back to one house and the removal of one house in favour of a FOG (flat over garage) on the southern boundary. Such a FOG would help surveillance of the car park. This segregation of the dwellings into several distinct groups would reduce the dominance of the originally submitted scheme.

These changes will also help the long term survival of the birch and beech trees, especially if their immediate environs could be dedicated as public open space. This would also reinforce the sense of openness offered by the existing open space. It is hoped that amended plans will be submitted soon after finalising this report.

Conditions would still be required to ensure that the tree roots are still undisturbed and that the construction process is appropriately managed.

The Norway Maple (southern most tree) is shown for removal but is not felt to overly significant.

The elevational design of the houses is simple and unfussy. They are relatively narrow gable width and 2 storey. Officers would need to discuss materials, but rustic multi stock bricks with a slate or plain tile would be particularly appropriate. Similarly boundary treatments will be critical.

Whilst the site is within the AONB, its relationship with the countryside is limited due to the intervening substantial housing. Development would be visible from distant viewpoints but would be seen in conjunction with other houses. The layout should allow for outward views which are a feature of the site.

HIGHWAY/PARKING

The access is largely unchanged and has reasonable visibility onto a 30 mph area. Traffic generation would similar to that of the existing pub. Sufficient turning /manoeuvring on site for cars has been allowed. Parking can be provided for 20 cars. These would not be on plot, which is not ideal but the retention of the trees is a major design constraint.

RESIDENTIAL AMENITY

There are 3 houses immediately to the east of the site in broadly a "7" shape. These will be indicated at the Sites Inspection Panel visit. The anticipated amended scheme would give good separation for the most southerly dwelling. The northern most, gable end on, dwelling is



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largely within the same building line although there is an offshoot which could be slightly affected but not enough to cause significant shadowing/overbearing. Privacy in terms of window-window distances is according to Council standards. The removal of the pub building would help their outlook. There may also be a perceived benefit of removing a source of potential noise/disturbance.

The new dwellings would have their own garden space and reasonable privacy as well as avoidance of shadowing/overbearing implications.

ECOLOGY

Much of the site is hard surfaced and one of the trees on site is being retained. The pub has been boarded up and the potential for protected species is therefore felt to be limited. The creation of garden areas should be an ecological improvement.

HYDROLOGY

The site is above any areas at risk from flooding. The site is covered by hard surfacing and the creation of the gardens will help absorb run-off. A SUDS scheme could be conditioned.

AFFORDABLE HOUSING

The Vacant Buildings Credit in NPPG paragraph 22 gives an allowance for an existing footprint to offset affordable housing requirements. This applies on brownfield land, where the building is vacant. The pub has an extensive size, and it is not felt that an affordable contribution is therefore justifiable. Whilst this is regrettable at least the proposal is for small dwellings albeit market orientated.

HERITAGE

The site is significantly distanced from the Conservation Area, and similarly there are no Listed Buildings in the affected vicinity.

CONCLUSION

A business plan is expected w/c 1st August from the community detailing the takeover and running of the pub. If this is reasonable and sound the pub should be given a fresh chance, to be run by the community for the community. This would make the principle of residential development unacceptable, but Members will still need to consider all other matters including the design. Layout changes are required to sympathise with the surroundings and safeguard the existing trees.

It is hoped that Officers will be able to elaborate on both of these aspects in late pages.

ARTICLE 35 (2) STATEMENT

There has been some discussion on this project, which led to changes to the scheme.

HUMAN RIGHTS

In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with



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the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.