



Appeal Decision

Site visit made on 17 April 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2025

Appeal Ref: APP/P0119/W/25/3360156

Former Railway Inn, Station Road, Yate BS37 5HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Railway Tavern Bristol Ltd against the decision of South Gloucestershire Council.
 - The application Ref is P24/01586/F.
 - The development proposed is change of use of internal bicycle store to form 1 no. new flat (class C3 dwelling) and erection of 2 no. external bicycle stores (part retrospective).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made against Railway Tavern Bristol Ltd by South Gloucestershire Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - Whether the proposal makes appropriate provision for affordable housing;
 - Whether the proposal makes appropriate provision for public open space;
 - Whether the proposal would provide adequate living conditions for future occupiers with particular regard to private amenity space;
 - Whether the proposal provides adequate support for sustainable travel; and
 - The effect of the proposal on the living conditions of the occupiers of nearby residential properties.

Reasons

Affordable housing

4. The appeal proposal follows an application¹ (the 2021 permission) for the erection of 40 flats which has been implemented. That permission showed an internal bicycle store. The appeal proposal seeks to convert the approved cycle store to a 2-bedroom flat and provide cycle storage externally.

¹ Application Ref P20/19213/O

5. The supporting text to South Gloucestershire Local Plan Core Strategy (2013) (CS) policy CS18 states that where it is proposed to phase development, sub-divide sites or where recent sub-division has taken place, or where there is a reasonable prospect of adjoining land being developed for residential purposes in tandem, the Council will take the whole site for the purpose of determining whether the scheme falls above or below the site thresholds for the provision of affordable housing. The Council set out that, as a split site development, the whole site should be considered for the purpose of determining the scale of provision of affordable housing.
6. CS policy CS18 states that, in order to improve affordable housing provision in South Gloucestershire, in urban areas on developments of 10 or more dwellings developers will be required to achieve 35% on-site affordable housing provision, unless the developer demonstrates that the economic viability of a particular site is affected and as a result a lower percentage should be provided without subsidy. The 2021 permission was supported by a viability assessment which set out that the development could not viably accommodate a policy-compliant level of on-site affordable housing provision and a contribution of £133,487 towards off-site affordable housing was set down in a legal agreement.
7. The current appeal proposal does not include any affordable housing contributions. A Financial Viability Assessment (update), Argus Developer Appraisal Summary and a breakdown of development costs for the original permission have been submitted in support of the appeal. The Council has had the opportunity to comment on this information.
8. The viability assessment states that the development cannot viably accommodate a policy-compliant affordable housing contribution. However, the appraisal appears to contain errors including the inclusion of Community Infrastructure Levy (CIL) and Section 106 payments, which the main parties agree have not been paid. Given these errors, this appraisal cannot be relied on for accuracy and I cannot be assured that the accepted viability position is accurate or reliable. Whilst it is stated that the development has been brought forward and delivered as a 100% affordable housing scheme, delivering 65% over the policy compliant level of affordable housing, this is not secured by a legal agreement and thus I cannot be assured that this would be secured in perpetuity. Therefore, this does not overcome the requirement for the provision of a policy compliant level of affordable housing.
9. In light of the above, it has not been adequately demonstrated that the economic viability of the site would be unacceptably impacted by the provision of a policy-compliant affordable housing obligation. Thus, conflict arises with those aims of CS policy CS18 which seek to improve affordable housing provision in the district.

Public open space

10. CS policy CS24 requires that new developments must comply with all the appropriate local standards of public open space provision in terms of quantity, quality and accessibility. No on-site public open space is proposed as it is stated that additional financial contributions sought by the Council would further compound the scheme's viability.
11. The Council has not evidenced a shortfall in public open space within reasonable access of the development or the effect the appeal scheme may have on these

spaces. There is no information before me about the funded project(s) on which the money would be spent including whether they would form part of a pooled fund for the provision of general infrastructure in the wider area. Accordingly, there is no compelling evidence before me that the contributions sought relate to an identified, and evidenced need for supporting infrastructure. Therefore, I cannot be certain that the contribution would be necessary to make the development acceptable in planning terms or that it would be directly related to the development and fairly and reasonably related in scale and kind.

12. In light of the above, it has not been demonstrated that the proposal results in the requirement for contributions towards public open space. I therefore find no conflict with those aims of CS policy CS24 as set out above.

Living conditions- future occupiers

13. Policy PSP43 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017) (LP) states that all new residential units will be expected to have access to private amenity space. Provision should, as a guide, meet or exceed minimum standards. For a 2-bedroom flat this equates to 5m².
14. Whilst not indicated on the submitted plans the appeal submission states that the proposed flat could make use of a patio area which could be enclosed with railings and/or planting. Based on the evidence before me and my observations on site, I am satisfied that details could be provided showing a space which is functional and safe, easily accessible from living areas, orientated to maximise sunlight, of a sufficient size and shape to meet the needs of future occupiers and of a similar form to other private amenity spaces within the wider development. I am therefore satisfied that the provision of private amenity space which accords with the requirements of LP policy PSP43 could be provided, and that this detail could be secured by condition. Given the scale of the development and the amount of communal amenity space there is no suggestion that the occupiers of the proposed flat would place an unacceptable level of additional pressure on existing communal amenity space.
15. I conclude that the proposal would provide adequate living conditions for future occupiers with regard to private amenity space provision. Therefore, the proposal accords with those aims of LP policy PSP43 as set out above.

Support for sustainable travel

16. Future occupiers would be provided with cycle storage within one of 2 external cycle stores. These stores comprise 2-tier cycle racks located to the rear of the flats, within a garden area accessible to residents via locked gates. The quantum of cycle storage spaces would comply with the standards set down in LP Policy PSP16. Consistent with the findings of a previous Inspector in a 2024 appeal² for the change of use of the cycle store to general storage/plant (the 2024 appeal), I find that future occupiers of the proposed flat would be provided with adequate secure cycle storage.
17. The proposal is the subject of a Unilateral Undertaking (UU) dated 03 April 2025 which sets out that future occupiers of the development would be provided with a Smarter Travel Information Pack including the provision of Residential Travel

² Appeal Ref: APP/P0119/W/24/3347526

Vouchers to encourage smarter travel choices. The Council has been given the opportunity to comment on the UU. The measures set down in the UU provide support for sustainable modes of travel for future occupiers.

18. The proposal would provide adequate cycle storage and support for sustainable travel. I therefore find no conflict with LP Policy PSP16 which sets out cycle parking standards for new development.

Living conditions - occupiers of nearby residential properties

19. The cycle storage would be located within a narrow communal garden area close to the existing flats and their balconies. In the 2024 appeal the Inspector found that the use of the cycle stores would only be for short periods of time to park and remove the cycles, and due to the area already being in use as a communal garden for the flats, there would already be a degree of noise and disturbance through its use. The Inspector concluded that the bike store would not result in unacceptable noise and disturbance and would be unlikely to unacceptably harm the privacy of the occupiers of the flats.
20. The same cycle storage arrangements as those considered as part of the 2024 appeal are now proposed. The increase in use of the cycle store by the occupiers of the 2-bedroom dwelling would be nominal and the current proposal would have a similar effect on the living conditions of the occupiers of the flats in terms of potential noise disturbance and overlooking. There is no compelling evidence that the proposed cycle stores, which are accessed via locked gates, would result in a security risk for the occupiers of the ground floor flats, noting that these spaces are secured and would only be accessible to occupiers of the development who already have access to this area of open space.
21. In light of the above, the proposal would not unacceptably harm the living conditions of the occupiers of the flats. I therefore find no conflict with those aims of LP Policy PSP8 which seek to ensure that development does not create unacceptable living conditions for occupiers of nearby properties.

Planning Balance

22. The Council is unable to demonstrate a 5-year housing land supply. Paragraph 11 d) of the National Planning Policy Framework (the Framework) indicates that, in such circumstances where the requisite housing land supply cannot be shown, the policies which are most important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. The proposal would provide one additional dwelling on a site with good access to facilities, services and public transport. However, the benefits of housing delivery, to which I have attached significant weight, are tempered by the fact that the provision of one additional unit would only make a small difference to housing supply.
24. On the other hand, I am not satisfied that it has been demonstrated that the proposal cannot viably make the required contribution towards affordable housing. In failing to do so it has not been demonstrated that the proposal would accord with the principles of sustainable development outlined in Chapter 5 of the

Framework, which requires that development meets identified local need in order to create diverse communities.

25. Consequently, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development.

Conclusion

26. The proposal would conflict with the development plan. Material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

N Robinson

INSPECTOR